ABSTRACT: In the digital era, all activities related to learning, playing, entertaining, and connecting with friends... can take place in cyberspace. It is impossible to deny the positive values that cyberspace brings to people in the context of today's technological revolution. However, due to insufficient awareness, children accessing cyberspace may face negative influences and factors from this environment. According to UNDP, one of the aspects of human security is that people are protected from abnormal and harmful changes in life, regardless of their environment (Tran Viet Ha, 2020, 23-34). Children are identified as a vulnerable group which needs to be specially protected from cyberspace by specific policies and regulations in order to avoid infringing on their rights and promote their stable development. Based on determining the responsibilities of subjects protecting children in cyberspace according to Vietnamese law, this article will propose some solutions to improve regulations and contribute to protecting children in cyberspace in accordance with Vietnam's practical situation and international legal standards.

KEYWORDS: Children, cyberspace, child protection subjects, Vietnam

I. INTRODUCTION

According to statistics from Vnetworld, until the beginning of 2023, there were about 77.93 million internet users in Vietnam, equivalent to 79.1% of the population. In addition, the number of social network users also reached 70 million people, equal to 71% of the population in Vietnam. According to an analysis from Kepios, the number of internet users in Vietnam in 2023 has increased by 5.3 million people (+7.3%) compared to 2022 (Eleonore, P. 2022). Additionally, children in Vietnam are very large users of social networks. According to a report from UNICEF, until August 2022, up to 82% of Vietnamese children aged 12-13 used the Internet, which increased to 93% for children aged 14-15 (D. Tho, 2023). Also, a survey conducted among 1,416 children in Vietnam by UNICEF shows that 89% of children aged 12-17 have internet access and often use social networks such as Facebook, TikTok, and Zalo (UNICEF, 2023). Accordingly, the advent of AI technology leads to cyber conflicts that can potentially impact and pose many risks to children. Children face greater vulnerability in conflict-prone or conflict-affected societies that are digitizing rapidly, where norms for citizen data exploitation are non-existent or poorly enforced (Feldstein S., 2020).

Children sharing information on social networks poses many risks of having their privacy infringed by bad guys. Results of a study conducted with 873 students in Hanoi, the capital of Vietnam, showed that 34.3% of students were victims of at least one form of online bullying. 24.8% of students were perpetrators of at least one form of cyberbullying, and 15.3% were both victims and perpetrators. Students who have more friends in cyberspace and negative behaviors face a higher level of bullying and being bullied. Students most likely to become victims of online bullying in cyberspace are those who have private rooms and use social networks with high frequency. According to surveys, victims of cyberbullying are more male children than female children (Tran Van Cong, 2015, 14-24). International regulations and Vietnamese law have affirmed that participating in cyberspace is people's legal right and interest, including children's. Therefore, the Law needs mechanisms to protect children in cyberspace development (Nguyen Thi Thanh Thuy & Do Van Trong 2023, 71).

Accordingly, on June 7, 2019, in Vietnam, the Prime Minister issued Directive No. 14/CT-TTG, assigning the Ministry of Information and Communications to plan and submit to the Prime Minister for his approval a project to protect personal information and support children's safe and creative interaction in cyberspace. The Government approved the Project on protecting personal information and supporting children in safe and creative interactions in cyberspace. On June 1, 2021, the Government issued Decision No. 830/QD-TTG approving the Program "Protecting and supporting children to interact safely and creatively in the online environment in 2021-2025". In an attempt to make the idea of protecting children in cyberspace a reality, in 2021, the Ministry of Information and Communications of Vietnam announced that they would collect comments on the Draft Code of Conduct on protecting children in cyberspace. These activities carried out by the government agencies reflect a determined response of the...
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Vietnamese Government and Ministries after the National Assembly of Vietnam issued the Law on Children in 2016 and the Law on Cybersecurity in 2018. However, from the perspective of the responsibilities of governmental agencies and departments to protect children in cyberspace in Vietnam, there are still many issues that have not been clarified, and that need to be specifically and clearly explained and solved with sanctions in order to avoid breach of the responsibility to protect children in cyberspace. In Vietnam, the Code of Conduct is still in the stage of seeking public comments, so it is necessary to conduct research and propose solutions to improve the effectiveness of child protection in cyberspace in the current period (Phan Trung Hien & Lam Vy Khang, 2023).

II. RESEARCH METHODS

Vietnam has participated in most international treaties on human rights, especially children. Vietnam was the first country in Asia and the second in the world to ratify the United Nations Convention on the Rights of the Child (UNCRC) on February 20, 1990, along with two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, child prostitution and child pornography. Within the scope of this research, the authors conducted research on issues related to the responsibilities of authorities in protecting children in cyberspace based on the following specific research methods:

Objective research method: When conducting research, the authors reviewed the governing legal regulations related to agencies that protect children in cyberspace, then interpreted these regulations objectively to ensure that the nature of the problem was truly reflected.

Inductive and deductive methods: with this method, the research team analyzed legal regulations in Vietnam related to authorities responsible for protecting children in cyberspace. From learning each issue, the authors have identified general principles that Vietnam needs to comply with based on the experience of applying laws in several countries that have signed treaties to ensure children's rights.

Analysis and synthesis method: in this method, the research team, who compiled objective data reflecting the number of children accessing cyberspace in Vietnam, revealed some data showing the percentage of children who were cyberbullied. It can be seen that Vietnam needs to make legal adjustments in correspondence to the social context. The study, which was conducted by using a qualitative method and the induction process, points out reasons to explain a specific issue, including the difficulties and legal inadequacies in determining the function and duties of authorities in protecting children in cyberspace. Besides, the study proposes some useful solutions to ensure children's rights are in compliance with conventions that Vietnam has signed.

III. REGULATIONS ON RESPONSIBILITIES OF AGENCIES WITH FUNCTIONS TO PROTECT CHILDREN IN CYBERSPACE IN VIETNAM

At the level of international commitment, member states of the United Nations are responsible for protecting children in general and in cyberspace in particular. In Vietnam, all the executive, legislative and judicial organs, as well as organs exercising prosecutorial power and supervising judicial activities, have direct or indirect responsibilities to protect children in cyberspace. In terms of legal aspects, Vietnamese laws recognise the importance of protecting children in cyberspace by specifically defining the responsibilities of authorities. Based on current regulations, the responsibility to protect children in cyberspace is prescribed for each group of subjects as follows:

Responsibilities of state agencies

According to the provisions of Clause 3, Article 73 of Vietnamese Law on Information Technology Law 2006, competent state agencies must take the following measures to prevent children from accessing harmful information on the Internet: (1) Organizing the development and dissemination of Internet filtering software, (2) Organizing the development and dissemination of tools to prevent children from accessing information that is not beneficial to children, (3) Instructing installation and management of webpages for children in order to promote the establishment of web pages suitable for children and not harmful to children besides strengthening the ability to manage information in the online environment that is suitable for children and does not harm children.

In addition, Clause 1, Article 54 of the Vietnamese Law on Children 2016, Clause 1, Article 34 of Decree No. 56/2017/NĐ-CP regulate that state management agencies, who are responsible for information and communications, education and training, vocational education and children, must communicate to raise awareness, improve capacity, and disseminate skills to parents, caregivers, teachers, children and relevant agencies and organisations about the benefits, the negative impact of the online environment on children as well as preventing and stopping child abuse acts in the online environment according to the provisions of Law on information technology, information security and related fields. Specifically:

State management agencies governing information, communication and state management of children; organizations and businesses operating and providing services in the online environment are responsible for receiving information, evaluate and classify the level of safety for children sent by agencies, organizations, individuals and children; to publish a list of online information networks, services and products according to the level of safety for children; to ensure the detection and removal of images, documents, and information inappropriate for children.
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Police agencies are responsible for organizing and implementing measures to support and intervene to protect children in the online environment. In addition, according to the Program on Child Protection and Support for Children to interact healthily and creatively in the online environment in Vietnam for the period 2021 - 2025, agencies with main functions in protecting children in cyberspace include the Ministry of Public Security, Ministry of Labor - Invalids and Social Affairs, Ministry of Information and Communications, Ministry of Education and Training, Ministry of Planning and Investment.

It can be seen that the Law in Vietnam clearly states that the authorities are responsible for protecting children in cyberspace. However, the implementation process has not been unified among localities in Vietnam because the Law on Children 2016, Law on Cyber Security, and Decree No. 56/2017/ND-CP only stop at listing the authorities with the function of protecting children in cyberspace instead of clearly pointing out the order, procedures, and specific functions of each agency in communication to raise awareness and disseminate children's behavioral skills in cyberspace. Even though it has been stipulated in Clause 1 of Article 34 Decree No. 56/2017/ND-CP, these regulations are still recommended, not mandatory, and there are no sanctions when the authority does not perform the regulations. Therefore, it can lead to neglect, non-implementation or minimal implementation without supervision from the relevant authorities. On the other hand, the situation where staff lack professional skills and knowledge leads to unsatisfactory support and intervention work for abused children and the staff working on child protection at the commune level. Concurrent roles and frequent changes at the commune level have resulted in low efficiency and unprofessional staff (Bui Thi Long, 2020).

Responsibilities of fathers, mothers, teachers, Child caregivers and schools

According to Clause 1, Article 54 of the Vietnamese Law on Children promulgated in 2016, it is recognised that parents, teachers and child caregivers are responsible for educating and guiding skills so that children know how to protect themselves when joining the network environment. To guide the implementation of this regulation, the Government of Vietnam has issued Decree No. 56/2017/ND-CP to specifically guide the tasks of each subject in guiding safety skills for children when participating in a network environment. In addition, Clause 2, Article 73 of the Vietnamese Law on Information Technology promulgated in 2006 also stipulates that families are responsible for preventing children from accessing information that is not beneficial to them. When the Law on Cyber Security 2018 was promulgated, Clause 4, Article 29 stipulated that agencies, organizations, parents, teachers, child caregivers and other related individuals are responsible for ensuring children's rights protecting children when participating in cyberspace according to the provisions of the Law on children. In general, the regulations on this group of subjects are only recommendations for protecting children in cyberspace. They are not mandatory for implementation. From the legal regulations in Vietnam, there are problems that need to be resolved as follows:

First, the consent of parents, guardians, and caregivers to the posting of confidential information and images of children in cyberspace must be for beneficial purposes and not harmful to children. Currently, according to Clause 1, Article 36 of Decree 56/2017/ND-CP, it is stipulated that "Agencies, organizations, and enterprises providing services in the network environment and individuals when disclosing confidential information about their private lives" Children who go online must have the consent of their parents, caregivers, and children aged seven years or older. They must be responsible for ensuring children's information security. According to this regulation, when parents and caregivers of children under seven years old agree, agencies, organizations and businesses providing services in the online environment can share confidential information about the child's private lives online. However, in some cases, the awareness of parents, caregivers and children themselves is limited by negative impacts from cyberspace. Therefore, there may be cases of providing confidential information about children's private lives in cyberspace for commercial purposes. As a result, it is necessary to amend the regulations in this clause towards the consent of parents, caregivers, guardians, businesses, agencies, and organizations to disclose confidential information about children's private lives for benefits and harmlessness to children as well as minimize potential negative impacts.

In comparison with regulations in France, based on Law No. 2020-1266 dated October 19, 2020, issued to regulate the commercial exploitation of images of children under 16 years old on online platforms, it is regulated that the activities of infant influencers on online platforms such as Youtube, TikTok, Instagram. This is considered an activity that benefits from the provisions of the French Labor Code, similar to jobs such as child modeling, entertainment and advertising. However, this Law stipulates that parents must obtain permission or personal approval from the management board before filming children or broadcasting their videos. They are informed about children's rights and are aware of the consequences of posting images of children on the Internet. Parents also have new financial obligations: part of the income their children receive ("home allowance") must be deposited into the "Caisse des dépôts" until they reach adulthood, as well as the rules for children in the entertainment industry (Vie Publique, 2020). A portion of the income, determined by the competent authority, may be left to the child's legal representative according to Article 3 (III). In addition, according to Article 6 of this Law, children do not need parental consent to exercise the right to delete personal data on these platforms (Phan Trung Hien & Lam Vy Khang, 2023).

Second, in Vietnam, parents often have the habit of posting images related to children's achievements at school on social networking platforms, through Facebook, Zalo, Instagram... However, children's information on social networks will be associated with the risk of harm by those with bad intentions. However, penalties for parents who post their children's personal information on
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social networks have not been strictly enforced in Vietnam, even though this behavior belongs to the group of prohibited acts according to Point a, Clause 1, Article 36 of Decree No. 130/2021/ND-CP.

Third, Clause 1, Article 73 of the Vietnamese Law on Information Technology promulgated in 2006 stipulates that schools are responsible for protecting children from the negative impacts of information on the online environment. One of the ways to do this is to educate children with necessary and safe skills right from the moment they start using social networks. However, Children in Vietnam have access to cyberspace from a very early age through devices such as smartphones and tablets. Vietnamese schools need to equip children with the necessary skills effectively. According to a survey conducted by the Vietnamese Department of Children, in the third quarter of 2022, 89% of children used the Internet, of which 87% used it daily and from 5 to 7 hours/day. However, only 36% of children are educated about cyber safety (Nguyen Quyen & Thuy Tam, 2023). Meanwhile, 76.7% of children learned about the safe use of the Internet, but they mainly learned through self-study and from friends. Only 53% of children learned from school, and they were mainly taught skills in using computers and technology instead of digital skills to use the Internet safely (Aquarius, 2023). Thus, education on cybersafe is extremely necessary at school to teach students how to use cyberspace effectively and avoid dangers from cyberspace.

According to the 2018 General Education Program (Issued together with Circular No. 32/2018/TT-BGDDT dated December 26, 2018), the course of Informatics and Technology is starting to be taught in grades 3,4 and 5 and is a compulsory subject at secondary schools. However, according to the Program, the content of information technology education includes three main subjects: General digital education, information and communication technology, and Computer science. The course is divided into 02 stages: Basic education and career-oriented education. During basic education, elementary students use simple software to support learning. The use of information technology equipment during this stage will follow the principles of health preservation and, at the same time, initially form analytical thinking to solve problems with the help of computers. At the secondary school level, students learn to use and exploit popular software to create products for learning and life; use digital technology to discover and creatively solve problems; and organize, manage, look up and search for digitized data, as well as evaluate and select information.

Thus, it is recognised that the general education program in Vietnam does not require schools to guide and train skills for cybersafe before teaching children to access tools and computer software. Therefore, it is necessary to add content related to cyber safety in the course of Informatics and Technology in elementary schools and in Informatics in secondary schools to equip children with the "fence to protect" them before participating in cyberspace.

Responsibilities of agencies, organizations and businesses providing services in cyberspace

Clause 4, Article 6 of the Vietnamese Law on Information Technology promulgated in 2006 stipulates that service providers must have measures to prevent children from accessing harmful information in network environments. Accordingly, information technology products and services containing harmful content to children must have warning signs. Accordingly, agencies, organizations, and individuals that manage and provide information, communication products and services, and organize activities in the network environment must take measures to ensure the safety and confidentiality of children (Clause 2, Article 54 of the Law on Children 2016).

In comparison with the Law on Cyber Security 2018, this regulation of the Law on Information Technology is more specific than the regulation in the Law on Cyber Security 2018. In particular, according to Article 41: Information system owners and organizations providing services on telecommunications networks, the Internet, and value-added services in cyberspace have a responsibility to control content on the information system or on services provided in order to ensure that the contents do not cause harm to children, infringe on children, or violate children's rights; prevent sharing and delete content that is harmful to children, infringing on children and children's rights; promptly notify and coordinate with the authorities of the Ministry of Public Security for cybersecurity protection to handle the matter.

In fact, when content creators post information and content on social networks and websites, service providers are required to censor and implement necessary measures to protect children. In particular, the social network Tiktok has also introduced four standards for content moderation (Tiktok, 2023): Removing content that violates standards from the platform, Limiting the age of auditions for content only for adult users (from 18 years old or above); Maintaining (For You Feed - FYF) eligibility standards to ensure that any content promoted on the recommendation system is appropriate for all audience; Empowering audience the right to choose by providing information, tools and resources. However, social networking platforms that use algorithms like TikTok are "circumventing the law" so that the toolkit cannot automatically scan and detect violations. This makes it more difficult to handle violations on TikTok (Thanh Ha, 2023).

In Vietnam, the State has issued Decree No. 53/2022/ND-CP regulating requirements for ensuring cybersecurity, technical surveillance measures, and physical security. In particular, the current Vietnamese Law still does not mention the age of each person accessing cyberspace or protecting personal data in cyberspace.

In comparison with the UK, on August 12, 2020, the Information Commissioner's Office (ICO) issued the age-appropriate design Code for Parliament. One of the important contents of this Code is that technology companies are required to provide designs and technology standards suitable for different ages (To Hong Nam, 2021). The Code of Practice sets out 15 standards for age-
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appropriate design that reflect a risk-based approach. The main point of this code is to provide default settings to ensure that children have the best possible access to online services while minimizing data collection and use by default (Information Commissioner's Office, 2020, p.05). As mentioned in this Code, age can be used as one of the requirements for the assessment of a child's abilities, skills and behaviors demonstrated at each stage of their development. In consideration of different ages and stages of children's development, service providers in cyberspace must apply this rule to design their services to suit each target audience. This means the establishment of personal data protection measures by applying the standards in the Code to each individual user across certain age ranges. For children, the Code sets out the following stages of child development: 0-5 years old (pre-literacy and early literacy); 6-9 years old (elementary school); 10-12 years old (transitional years); 13-15 years old (teenager); 16-17 years old (adolescent) (Information Commissioner's Office, 2020, p.32). Thus, from the experience of the UK, in Vietnam, it is necessary to amend Decree 53/2022/NĐ-CP on requirements for service providers in cyberspace to provide design technology standards for different ages, including special standards for children. In addition, the Code of Practice under British Law can be referred to develop and complete the Code of Conduct in cyberspace for Vietnamese children (Phan Trung Hien & Lam Vy Khang, 2023).

IV. CONCLUSIONS AND RECOMMENDATIONS TO IMPROVE VIETNAM'S LAWS, TOWARDS PROTECTING CHILDREN IN CYBERSPACE

Vietnam's legal framework on child protection in cyberspace is carefully built and continuously updated and adjusted to suit the constant changes in cyberspace. However, these contents could be more consistent, overlapped, and lacked unity between legal documents. Besides, the Ministry of Information and Communications needs to issue a Code of Conduct on protecting children in cyberspace as soon as possible. In addition, cyberspace protection of children needs to be jointly implemented by the entire society and continue to improve technical issues. Firstly, Vietnam needs to continue to ensure terminology and regulations on the responsibility to protect children in cyberspace in legal documents consistent with key regulations of the Law on Cyber Security 2018. In Decree No. 53/2022/NĐ-CP, it is necessary to add more conditions for service providers in cyberspace, specifically the need to provide designs and technology standards for each age group, including special standards for children. In addition, it needs to have a mechanism to regularly inspect and monitor if organizations and service providers comply with regulations on standards and technological design in cyberspace. In addition, it can be referred to as the Code of Practice under British Law to develop and complete the Code of Conduct in cyberspace for children in Vietnam.

Second, it is necessary to amend Clause 1, Article 36 of Decree No. 56/2017/NĐ-CP towards the consent of parents, caregivers, and guardians so that businesses, agencies, and organizations can provide confidential information and privacy in cyberspace beneficial and harmless to children as well as minimize potential negative impacts. This solution aims to bind fathers, mothers, guardians, and caregivers of children to the responsibility of removing and agreeing to share content that can affect children posted in cyberspace. In addition, as referred from French Law, Decree No. 56/2017/NĐ-CP needs to add regulations requiring parents to seek approval from the management board before filming or sharing images related to children and to be informed about children’s rights and the consequences of posting images of children online. Besides, it is necessary to stipulate that the parents of those children must have financial obligations, and they must deposit a part of the income their children receive into the Vietnam Children's Protection Fund until they become adults. Part of the income determined by the competent authority can be left to the child’s legal representative. In addition, children do not need parental consent to exercise their right to delete personal data on cyber platforms and can do so themselves. Third, it is necessary to specify the responsibilities of state management agencies to communicate, educate and improve capacity for child protection in cyberspace in Clause 1, Article 34 of Decree No. 56/2017/NĐ-CP. Accordingly, it is necessary to stipulate that this is a mandatory task, not a recommendation. In addition, it is necessary to create mandatory regulations on guiding skills to use cyberspace safely during Informatics and Technology in elementary schools and during Informatics in secondary school to equip children with "safety barriers" before participating in cyberspace. Fourth, parents and guardians must continuously update new software packages on the means used to operate in cyberspace. Families should request and regularly remind children not to provide passwords or share confidential information online. In addition, schools need to develop codes of conduct for students and introduce necessary and important skills so that children can avoid dangers in cyberspace. It is necessary to educate children to search for and exploit useful and effective specific information without going astray and to develop skills to recognise and stay away from potentially harmful content. In addition, it is necessary to educate and guide children in the spirit of connecting with friends to share useful information and things to avoid in cyberspace. Fifth, localities in Vietnam need to effectively and continuously deploy advice from experts to carry out projects and programs on preventing, avoiding and adapting to dangers from cyberspace for children and their families. It needs to continue to improve capacity and qualifications so that local officials can have closer, pioneering and proficient access to information technology and the necessary skills to supervise, monitor and handle important issues to protect children in cyberspace. Besides, there needs to be effective educational measures and equip children with what to do when encountering problems from cyberspace. According to case studies, when experiencing problems on the Internet, children need to (Ali, Muhammad, 2009, p. 10): (1) Do not argue or criticize each other online; (2) Close the website or click back if you notice something uncomfortable; (3) Notify parents; (4) Avoid accessing strange links sent via email or in chat
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and notify parents immediately; (5) Avoid meeting and calling someone without parents' consent; (6) Avoid sending anything to someone without parents' consent; (7) Notify parents immediately if anything bad happens online.

REFERENCES

6) Information Commissioner's Office. (2020). Age-appropriate design: a code of practice for online services. United of Kingdoms
7) Katarzyna, B.M. (2019). W trosce o człowieka. Paradygmaty stare i nowe, Kraków , 239
12) Nguyen Thi Thanh Thuy & Do Van Trong (2023), An toàn cho phụ nữ và trẻ em trên không gian mạng (Safety for women and children in cyberspace), State Management Journal (329).
18) Tran Van Cong (2015), Chiến lược ứng phó của học sinh với bắt nạt trực tuyến (Students’ response strategies to online bullying), Journal of Educational Research, Hanoi National University, volume 31 (3).

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