

MINISTRY OF EDUCATION AND TRAINING  
HO CHI MINH CITY UNIVERSITY OF LAW

**INFORMATION OF THE NEW CONTRIBUTIONS  
OF THE THESIS**

**Thesis title:** **Compensate for damage caused by goods' poor quality to consumers under Vietnamese law**

**Mayor:** Civil Law and Civil Procedure

**Major code:** 9380103

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**THE NEW CONTRIBUTIONS OF THE THESIS**

The thesis is an in-depth scientific research on liability for compensation for damage caused by goods' poor quality to consumers under Vietnamese law. The research results of the thesis contribute to the systematic completion of the theoretical basis for the liability to compensate for damage caused by goods' poor quality to consumers. On the basis of scientific theories, scientific viewpoints, domestic and foreign legal regulations, practical application of the law... the analysis, evaluation and recommendations of the thesis contribute to supplementing and perfecting on the scientific basis of the thesis; contributing to the completion of the legal provisions on the thesis, and at the same time, contributing to enhancing the effectiveness of the enforcement of legal provisions on compensation for damage to consumers in practice, better protect the interests of consumers. The important new contributions of the thesis are as follows:

*Firstly*, the thesis contributes to perfecting the theoretical basis of the thesis, clarifying the unclear and unifying issues about the theory and provisions of the law such as concepts, characteristics and principles of liability to compensate for damage caused by goods' poor quality to consumers. Thereby, the thesis proposes to supplement the guiding regulations on the concept of "goods' poor quality" under the Civil Code 2015 in connection with the concept of "defective goods" of the Law on Protection of consumer rights, stating how to understand and properly apply the nature of this responsibility as well as shortcomings in the application of the principle of compensation for damage in the above responsibility, thereby proposing solutions to improve the law.

*Secondly*, the thesis systematically evaluates and analyzes the conditions for which liability arises for compensation for damage caused by goods' poor quality. Since

then, the thesis points out the inconsistencies in the regulations on compensated damage and proposes a direction to improve such as adding the provisions in the Law on Protection of consumer rights on property damage to add the phrase “does not include damage to the defective goods themselves”; For claims for damage to goods’ poor quality themselves, the provisions on compensation for damages in the contract shall apply; claims for compensation for loss of life, health or other property shall apply regulations on compensation for non-contractual damages; amending the title of Article 608 of the Civil Code 2015; clearly stipulate 03 conditions arising from liability to compensate for damage caused by goods’ poor quality; guiding the concept of fault, approaching fault from the perspective of strict liability (responsibility without fault), accordingly, amending legal provisions for consistency.

*Thirdly*, the thesis makes an in-depth analysis on the content of determining compensated damage and some special cases in the liability to compensate for damage caused by goods’ poor quality such as compensation for damage for public interest and “punitive damage” compensation. Since then, the thesis makes a number of new recommendations such as accepting compensation for mental damage due to infringing property if the damage is serious, accepting compensation for health damage that is certain to occur in the future to consumers based on scientific calculations, compensation for mental damage without physical damage (life, health), more specific regulations on some content on compensation for damage for public interest, apply "punitive damage" compensation measures (application conditions, "punitive damage" compensation levels, etc.).

*Fourthly*, the thesis presents and analyzes specifically about the subject of compensation liability, the subject of compensation and the holder of the right to claim compensation in the liability to compensate for damage caused by poor quality goods. Thereby, the thesis proposes the direction of regulations on the types of subjects responsible for compensation, the order of compensation subjects, the issues of joint responsibility for compensation, etc. Especially for the subject to be compensated, it is necessary to clearly define the definition of consumers in the direction of expanding subjects (including organizations), adding other related subjects who are the people around them (bystanders); For the subject entitled to claim compensation being a social organization, it is recommended to change a number of regulations to help enhance the role of this subject.

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Phd Student

Le Thi Hong Van