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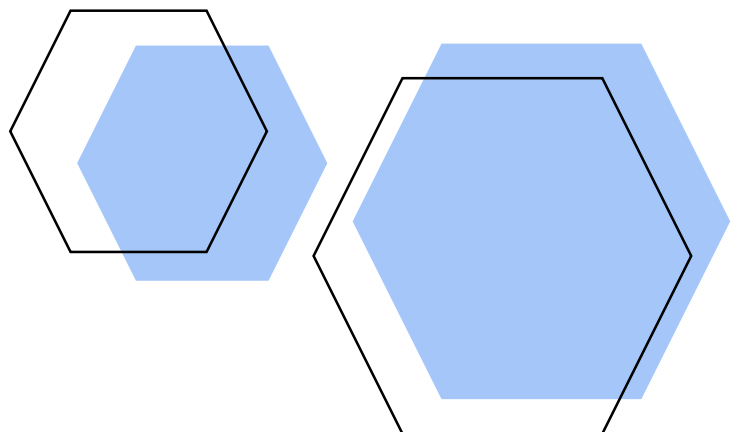
**VIETNAM'S ARTIFICIAL INTELLIGENCE LAW
AND THE CHALLENGE OF DEFINING A NEW
LEGAL REALITY**



OVERVIEW

The adoption of Vietnam's Law on Artificial Intelligence by the National Assembly on 10 December 2025 represents a significant milestone in the country's effort to regulate emerging technologies. Artificial intelligence has rapidly transitioned from a niche research topic into a foundational technology shaping economic activity, public administration, and daily life. Against this backdrop, the introduction of a dedicated legal framework was widely anticipated as a necessary step to provide clarity, accountability, and confidence for businesses, developers, and users operating in Vietnam's digital economy.

However, while the AI Law reflects an ambitious policy objective, its substance reveals the inherent difficulty of translating complex and evolving technological concepts into legal definitions. Much like earlier legislative attempts in adjacent fields, the law demonstrates a tension between adopting international models and adapting them to domestic legal and institutional realities. This tension is particularly evident in the way the law defines core concepts such as artificial intelligence itself, AI systems, and the various actors involved in the AI value chain. The result is a framework that gestures toward global best practices, yet leaves significant interpretive gaps that may complicate enforcement and compliance in practice.



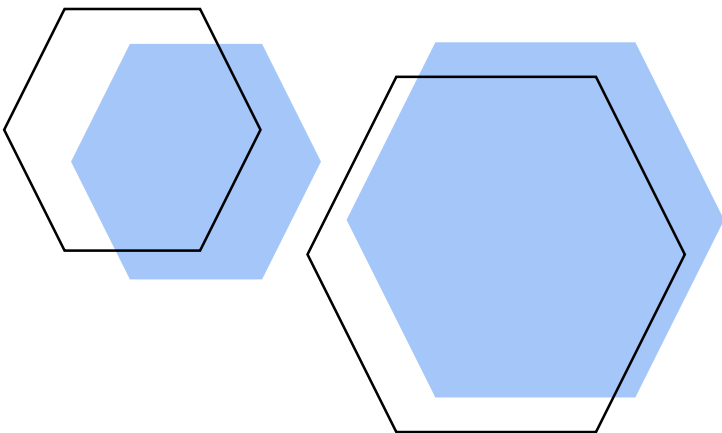


DEFINING ARTIFICIAL INTELLIGENCE IN LEGAL TERMS

At the heart of the AI Law lies its definition of artificial intelligence as the electronic implementation of human intellectual capabilities, including learning, reasoning, perception, judgment, and natural language understanding. This definition closely mirrors language found in foreign legislation, notably South Korea's Basic Act on Artificial Intelligence. From a policy perspective, such borrowing is understandable, as lawmakers often look to jurisdictions with more mature regulatory experience when addressing novel technologies.

Nevertheless, the legal effectiveness of this definition is open to question. By framing artificial intelligence primarily in terms of the imitation or implementation of human intellectual abilities, the law introduces concepts that are inherently abstract and difficult to verify. It remains unclear what threshold must be met for a system to be considered as "learning" or "reasoning" in a legally relevant sense, or how such capabilities should be assessed in concrete cases. The law also does not clarify whether all listed abilities must be present simultaneously, or whether the presence of only one or two would suffice.

More fundamentally, the definition conflates the essence of intelligence with the method of its realization. Rather than describing what artificial intelligence is as an object of regulation, the law describes how it functions. From a regulatory standpoint, this approach may be unnecessary. In practice, AI technologies manifest as software systems operating on hardware infrastructure, producing outputs that can affect legal interests regardless of philosophical debates about intelligence. Focusing regulation on systems, risks, and outcomes may be more practical than attempting to capture the elusive nature of "intelligence" itself.



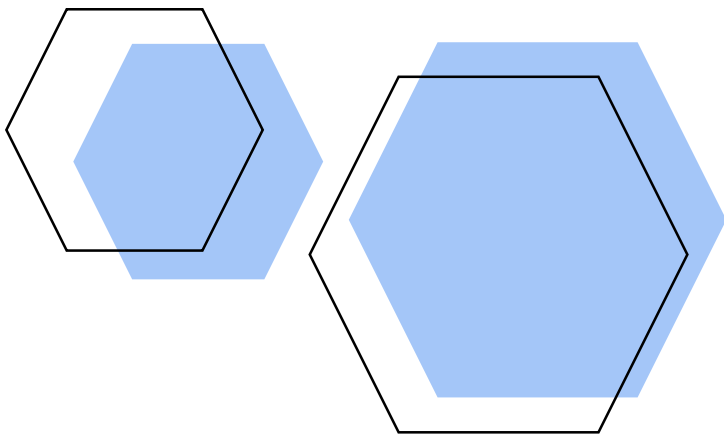


ARTIFICIAL INTELLIGENCE SYSTEMS AND THE BORROWED EUROPEAN MODEL

The AI Law further defines an artificial intelligence system as a machine-based system designed to execute AI capabilities with varying levels of autonomy and adaptability after deployment, generating outputs that influence physical or digital environments. This definition is clearly inspired by the European Union's AI Act, which has become a global reference point for AI regulation.

While alignment with the EU model may facilitate international compatibility, the Vietnamese law stops short of providing the explanatory detail found in its European counterpart. Concepts such as autonomy and adaptability are introduced but not elaborated upon. This omission may create uncertainty for regulated entities attempting to determine whether their products or services fall within the scope of the law. For example, it is unclear how much autonomy a system must possess to qualify, or whether rule-based systems with limited learning capability are included.

This lack of precision has practical consequences. Regulatory obligations, liability allocation, and compliance costs may hinge on whether a system is classified as an AI system under the law. Without clear interpretive guidance, businesses may adopt overly cautious compliance strategies, or conversely underestimate their regulatory exposure. In either case, the absence of detailed criteria risks undermining the law's stated objective of fostering trustworthy and responsible AI development.





DEVELOPERS, PROVIDERS, AND THE ALLOCATION OF RESPONSIBILITY

One of the most consequential aspects of the AI Law is its attempt to define the roles of developers and providers within the AI ecosystem. Developers are broadly described as entities or individuals involved in designing, developing, training, testing, or fine-tuning AI models, algorithms, or systems, with control over technical methodologies, data, or parameters. Providers, by contrast, are those who place AI systems on the market or put them into service under their own name or trademark.

While this distinction mirrors international practice, the Vietnamese formulation raises several concerns. The definition of developer is drafted so expansively that it may encompass actors whose contribution to a deployed AI system is indirect or minimal. Open-source contributors, for instance, may find themselves classified as developers simply because their code forms part of a larger system, even if they exercised no control over its final deployment or use.

This issue is compounded by provisions that appear to impose joint responsibility on developers and providers for the operation and malfunction of AI systems. If interpreted broadly, such provisions could discourage participation in open-source development or collaborative research, particularly where Vietnamese deployment is involved. In an industry where innovation frequently depends on shared resources and global collaboration, excessive legal exposure for upstream contributors may have a chilling effect.

The provider definition also leaves open questions about what it means to place an AI system on the market or put it into service. Without further clarification, activities such as internal deployment, beta testing, or limited pilot projects may fall into a regulatory grey area. Clear guidance will be essential to ensure that responsibility is allocated in a manner proportionate to actual control and benefit.



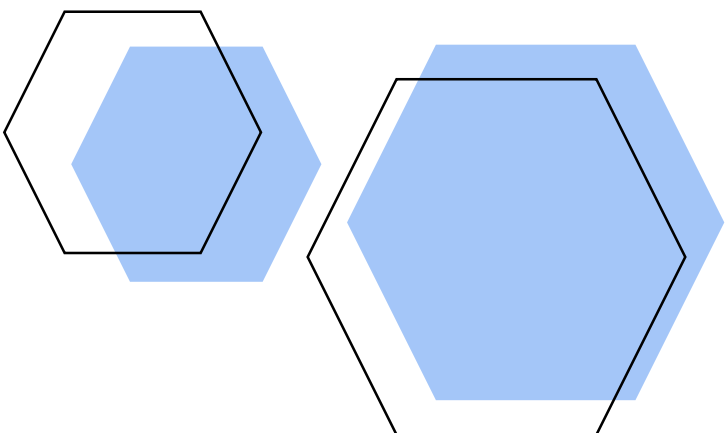
DEPLOYERS, USERS, AND THE BLURRED LINE OF ACCOUNTABILITY

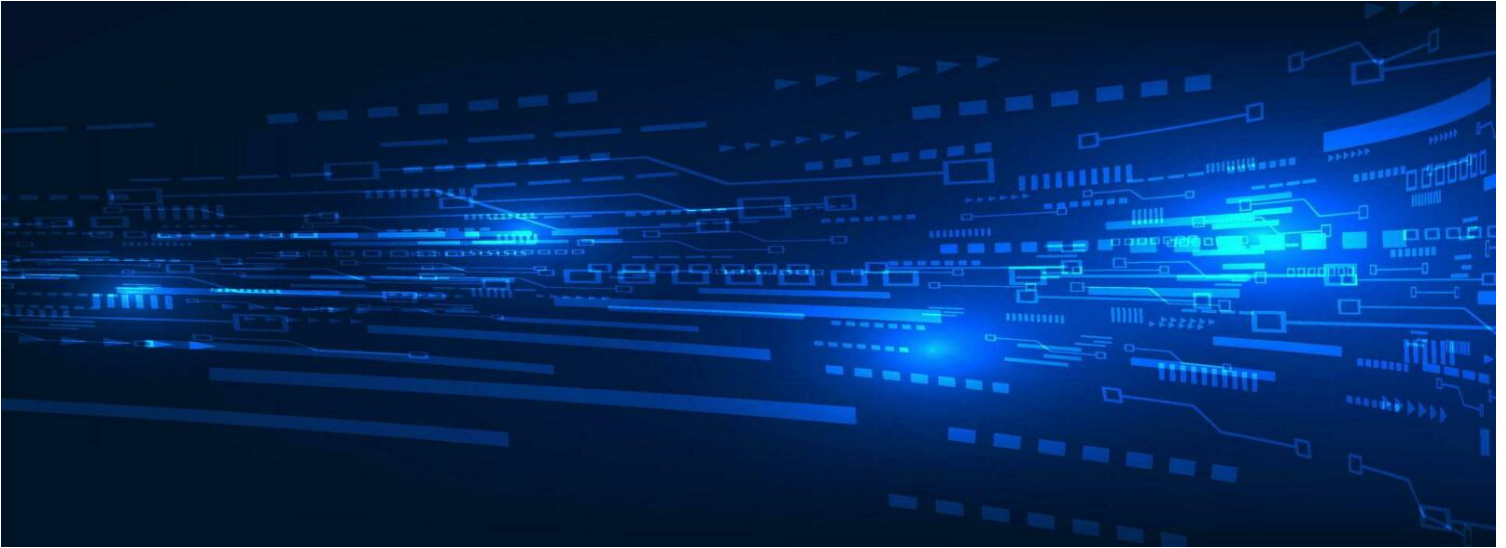
Beyond developers and providers, the AI Law introduces the concepts of deployers and users. Deployers are defined as entities or individuals using AI systems under their control in professional, commercial, or service-provision activities, excluding purely personal use. Users are those who directly interact with AI systems or utilize their outputs.

These definitions raise significant interpretive challenges. The boundary between deployer and user is not clearly delineated, and in many real-world scenarios, a single actor may plausibly fall into both categories. For example, a company deploying an AI-driven decision-support tool may also have employees who interact with the system and act on its outputs. The law does not specify how responsibilities should be divided in such cases.

The treatment of public authorities further complicates the picture. State agencies increasingly rely on AI systems for administrative decision-making, data analysis, and public service delivery. It remains unclear whether such use constitutes professional or service-provision activity within the meaning of the law. Excluding the public sector from the deployer category would risk creating an uneven regulatory landscape, while including it raises questions about accountability mechanisms within government structures.

The definition of user is similarly broad and ambiguous. It does not clearly address indirect use, such as reliance on AI-generated content shared by third parties, or automated consumption of AI outputs by software systems without human intervention. Determining who qualifies as a user for compliance or liability purposes may therefore prove challenging in practice.





CONCLUSION

Vietnam's AI Law represents an important first step toward regulating a transformative technology, but its effectiveness will ultimately depend on how its ambiguities are resolved. Secondary regulations, official guidance, and enforcement practice will play a critical role in clarifying definitions and aligning legal responsibility with technical and economic reality.

In the longer term, lawmakers may need to revisit certain foundational concepts to ensure that the law supports, rather than hinders, innovation. A regulatory approach that focuses on risk, impact, and control, rather than abstract notions of intelligence, may provide a more stable basis for governance. Similarly, clearer differentiation among actors in the AI value chain would help allocate responsibility in a manner that is fair, predictable, and conducive to technological progress.

As Vietnam positions itself as a regional hub for digital innovation, the challenge lies not only in keeping pace with global regulatory trends, but also in crafting rules that reflect domestic needs and institutional capacity. The AI Law signals a strong policy commitment, but its evolution will determine whether it becomes a catalyst for responsible AI development or a source of legal uncertainty in an already complex technological landscape.

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