

LEGAL UPDATE

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The Civil Judgment Enforcement Office and the Enforcement Officer Model under the Law on Civil Judgment Enforcement No. 106/2025/QH15: Key Issues to Note

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1. Introduction

On 01 July 2026, the Law on Civil Judgment Enforcement No. 106/2025/QH15 (the “**2025 LCJE**”) came into force. The 2025 LCJE provides the legal foundation for reforms in the field of civil judgment enforcement, reflecting the country's development needs in the new era. One of the notable features is the recognition of the civil judgment enforcement office and the Enforcement Officer model within the law on civil judgment enforcement.

2. Are the civil judgment enforcement office and the Enforcement Officer entirely new legal institutions?

To support proceedings and civil judgment enforcement, and to promote the socialisation of civil judgment enforcement, the Government issued Decree No. 61/2009/ND-CP on 24 July 2009 on the organisation and operation of Bailiffs, piloted in Ho Chi Minh City. Under this Decree, Bailiffs were authorized to: (i) serve documents at the request of a Court or a Civil Judgment Enforcement Authority; (ii) prepare bailiff's records at the request of individuals, agencies or organisations; (iii) verify judgment enforcement conditions at the request of the parties; and (iv) directly enforce judgments and decisions of a Court at the request of the parties. The Bailiff legal institution was later extended nationwide. At the end of 2015, the National Assembly issued Resolution No. 107/2015/QH13 on the implementation of the Bailiff institution, thereby ending the pilot implementation and implementing the Bailiff institution nationwide from 01 January 2016.

Following Decree No. 61/2009/ND-CP, the Government issued Decree No. 135/2013/ND-CP dated 18 October 2013, amending and supplementing Decree No. 61/2009/ND-CP, followed by Decree No. 08/2020/ND-CP on the organization and operation of Bailiffs.

Renaming and Transitional Provisions

Under the newly effective 2025 LCJE:

Clause 2, Article 114 provides as follows:

“The phrase ‘Bailiff Office’ shall be replaced by ‘Civil Judgment Enforcement Office’, and the phrase ‘Bailiff’ shall be replaced by ‘Enforcement Officer’ in Clause 10, Article 104 and Clause 4, Article 123 of the Law on the Organization of People’s Courts No. 34/2024/QH15, as amended and supplemented by Law No. 81/2025/QH15; Point h, Clause 1, Article 9; Point b, Clause 3, Article 11; and Clauses 6 and 8, Article 14 of the Law on Notarization No. 46/2024/QH15.”

At the same time, Clause 5, Article 116 provides:

“5. Bailiffs appointed before the effective date of this Law are entitled to continue to operate without reappointment, but must replace their Bailiff cards with Enforcement Officer cards before 01 July 2027, as prescribed by the Government.

Bailiff Offices established before the effective date of this Law are entitled to continue to operate but must complete the procedure to rename themselves as “Civil Judgment Enforcement Offices” before 01 July 2027, as prescribed by the Government.

Judgment enforcement results achieved by Bailiff Offices and Bailiffs under the law before the effective date of this Law shall be recognised and is not required to be re-organised under this Law.

Civil Judgment Enforcement Offices and Enforcement Officers shall continue to perform the work of Bailiff Offices and Bailiffs as per law.”

Accordingly, although the Civil Judgment Enforcement Office and the Enforcement Officer are recognised for the first time under the 2025 LCJE, they do not constitute an entirely new legal institution. In fact, they represent the continuation and renaming of the existing legal institution governing Bailiff Offices and Bailiffs.

Previously, Bailiff activities were regulated primarily by sub-law instruments, particularly Government decrees, while authority over organising civil judgment enforcement remained limited. As a result, in practice, Bailiffs mainly served documents and prepared bailiff reports; verifying enforcement conditions and organising enforcement made up only a small share of their work.

Codifying the Bailiff institution and Bailiff Offices in law is necessary to improve Bailiffs's operational effectiveness, promote the socialisation of civil judgment enforcement, reduce the workload of civil judgment enforcement authorities, and provide parties with an additional option for civil judgment enforcement.

3. Key changes to the duties and powers of the Civil Judgment Enforcement Office and Enforcement Officers compared with the former Bailiff Office and Bailiff Model

In general, the duties and powers of Civil Judgment Enforcement Offices and Enforcement Officers are largely inherited from the previous institution. However, a number of provisions have been amended or supplemented, including the following key changes:

a. Expanding the scope of judgments and decisions that Civil Judgment Enforcement Offices may enforce

Compared with Article 51 of Decree No. 08/2020/ND-CP, in addition to first-instance, appellate, cassation, and reopening judgments and decisions in civil cases, the 2025 LCJE expands the scope

of judgments and decisions that Civil Judgment Enforcement Offices may enforce, the scope now includes¹:

- i. Decisions of the Supreme People's Court transferred to a provincial or municipal civil judgment enforcement authority;
- ii. Decisions applying provisional emergency measures, and Decisions recognising successful mediation results, issued by the Court where the civil judgment enforcement authority is based;
- iii. Civil judgments and decisions of the Foreign Courts, and the Foreign Arbitral awards, recognised and permitted for enforcement in Vietnam by the Court where the civil judgment enforcement authority is based;
- iv. Arbitral awards and decisions applying provisional emergency measures issued by the Arbitral Tribunal where the civil judgment enforcement authority is based;
- v. Decisions on handling competition cases issued by the Chairperson of the National Competition Commission or the Council for Handling Anti-Competitive Practices; and decisions resolving complaints against decisions on handling competition cases, issued by the Chairperson of the National Competition Commission or the Council for Resolving Complaints against decisions on handling competition cases, enforced by the civil judgment enforcement authority where these bodies are based;
- vi. Decisions applying diversionary measures involving damage compensation, issued by the Investigation Authority, the People's Procuracy, or the People's Court where the civil judgment enforcement authority is based; and
- vii. Decisions declaring bankruptcy issued by the Regional People's Court where the civil judgment enforcement authority is based.

However, the organisation of judgment enforcement by Civil Judgment Enforcement Offices does not cover cases falling within the authority of the Head of a Civil Judgment Enforcement Authority to issue enforcement decisions on their own initiative under Clause 2, Article 33 of the 2025 LCJE.²

b. Additional and Expanded Authority of the Head of a Civil Judgment Enforcement Office

- i. The Head of a Civil Judgment Enforcement Office has the right to issue enforcement decisions for judgments and decisions within the Office's enforcement authority.³ This is a new development compared with Decree No. 08/2020/ND-CP, under which the Head of a Bailiff Office could only request the Head of the Civil Judgment Enforcement Sub-Department or the Head of the Civil Judgment Enforcement Department to issue enforcement decisions.⁴
- ii. The Head of a Civil Judgment Enforcement Office may request the authority that issued a judgment or decision to correct or supplement such judgment or decision where an obvious clerical or numerical error resulting from a mistake or miscalculation is identified, or to clarify any unclear or factually inconsistent matters in the judgment or decision for enforcement purposes. If the Head finds the court's correction, supplementation, or clarification unclear or

¹ Clause 1, Article 31 and Clause 1, Article 32 of the 2025 LCJE.

² Clause 1, Article 31 and Clause 2, Article 33 of the 2025 LCJE.

³ Point a, Clause 2, Article 28 of the 2025 LCJE.

⁴ Point a, Clause 2, Article 19 of Decree No. 08/2020/ND-CP.

difficult to enforce, the Head may submit a written request to the immediately superior People's Court for consideration and resolution. The immediately superior People's Court shall request the court that issued the judgment or decision to respond in writing.⁵

- iii. The Head of a Civil Judgment Enforcement Office has the right to petition a competent person to lodge a cassation or reopening procedures in respect of a judgment or decision, or to petition a competent authority or person to request a review of a decision of the Judicial Council of the Supreme People's Court, where the Head finds grounds under law.⁶
- iv. The Head of a Civil Judgment Enforcement Office has the authority to resolve first-instance complaints directly. Previously, under Decree No. 08/2020/ND-CP, complaints relating to civil judgment enforcement activities carried out by Bailiffs fell within the jurisdiction of Civil Judgment Enforcement Authorities.⁷ In contrast, the 2025 LCJE authorises the Head of a Civil Judgment Enforcement Office to independently resolve first-instance complaints concerning civil judgment enforcement decisions and acts of the Head themselves and of Enforcement Officers working at the Civil Judgment Enforcement Office.⁸

c. Additional and Expanded Authority of Enforcement Officers

Previously, Bailiffs were neither authorised to apply nor entitled to request a competent authority to apply measures to secure judgment enforcement or coercive judgment enforcement measures.⁹ Where a case requires such measures, the Bailiff must terminate enforcement and notify the competent authority.¹⁰ Under the 2025 LCJE, Enforcement Officers have the right to request a competent authority or organisation to freeze bank accounts or assets held in custody, or to suspend transactions, and suspend the registration of, or transfer of ownership or use rights over, assets, as well as changes to the existing status of assets.¹¹

The addition of the Enforcement Officer's authority to request the application of measures to secure enforcement under the 2025 LCJE is expected to shorten the time required to handle enforcement cases, mitigate the risk of asset dissipation, and better reflect the urgent nature of such security measures.

4. Enforcement procedure at a civil judgment enforcement office under the 2025 LCJE and Decree No. 151/2026/ND-CP on the organisation and operation of civil judgment enforcement offices and Enforcement Officers

In general, the enforcement procedure at a civil judgment enforcement office¹² follows these steps:

a. Step 1: Filing an application for enforcement¹³

- The involved party files an application for enforcement with the competent civil judgment enforcement office;

⁵ Point a, Clause 2, Article 28 and Point d, Clause 2, Article 22 of the 2025 LCJE.

⁶ Point a, Clause 2, Article 28 and Point dd, Clause 2, Article 22 of the 2025 LCJE.

⁷ Article 70 of Decree No. 08/2020/ND-CP.

⁸ Point b, Clause 2, Article 28 and Clause 1, Article 98 of the 2025 LCJE.

⁹ Point a, Clause 2, Article 52 of Decree No. 08/2020/ND-CP.

¹⁰ Clause 3, Article 57 of Decree No. 08/2020/ND-CP.

¹¹ Point dd, Clause 2, Article 30 of the 2025 LCJE.

¹² Section 1, Chapter III of the 2025 LCJE.

¹³ Article 34 of the 2025 LCJE.

- Method of filing: in person, by post, orally, or through a digital platform;
- Upon receipt of the application, the civil judgment enforcement office must check the application and its supporting documents (the judgment or decision, the applicant's identity documents, etc.) and notify the applicant.

Statute of limitations for requesting enforcement: 05 years from the date the judgment or decision takes legal effect or from the date the obligation falls due (except where an emergency situation, an objective obstacle, or an event of force majeure occurs, in which case the period during which such circumstance exists shall not be counted toward the statute of limitations for requesting civil judgment enforcement).

b. Step 2: Signing a service agreement with the civil judgment enforcement office¹⁴

- The agreement between the applicant and the civil judgment enforcement office on organising enforcement takes the form of a service contract.
- The service contract shall primarily include: the obligations to be enforced under the judgment or decision and the date of the application for enforcement; the rights and obligations of both parties in carrying out the enforcement request; the remuneration, enforcement costs, and other costs (if any), and the method and deadline for payment; liability for breach of contract and the method for resolving disputes; and other terms (if any).
- Contract conclusion may take place in person or through a digital platform, and may take the form of either a physical document or an electronic document bearing the parties' digital signatures.

c. Step 3: Issuing an enforcement decision upon request¹⁵

- The Head of the civil judgment enforcement office shall issue the enforcement decision within 05 working days of signing the service contract.
- Where the request for civil judgment enforcement is subject to refusal, the Civil Judgment Enforcement Office shall issue a written notice within 05 working days from the date of receipt of the request, clearly stating the reasons for such refusal.

d. Step 4: Voluntary enforcement and settlement of enforcement

- The period for voluntary enforcement is 10 days from the date the judgment debtor is duly notified of the enforcement decision, except where the decision applies a provisional emergency measure.¹⁶
- The Enforcement Officer has the right to summon the involved parties and any person with related rights or obligations to attend and handle the enforcement, and is responsible for organising a settlement between the involved parties on enforcement. Where the involved parties reach a settlement on full or partial enforcement, the Enforcement Officer records the settlement in writing. Where a settlement complies with law, its enforcement results are recognised. Where the involved parties' settlement requires the transfer of ownership or use

¹⁴ Article 41 of Decree No. 151/2026/ND-CP.

¹⁵ Article 42 of Decree No. 151/2026/ND-CP.

¹⁶ Article 36 of the 2025 LCJE.

rights over an asset, the Enforcement Officer shall record the settlement in writing and organise its implementation, while ensuring the lawful rights and interests of the involved parties in civil judgment enforcement. Where the involved parties agree that the judgment creditor will receive an asset to offset the amount owed, the Enforcement Officer issues a decision to hand over the asset to the judgment creditor.¹⁷ Where an involved party fails to comply with the settlement, the other involved party has the right to request enforcement of the outstanding obligations under the judgment or decision.¹⁸

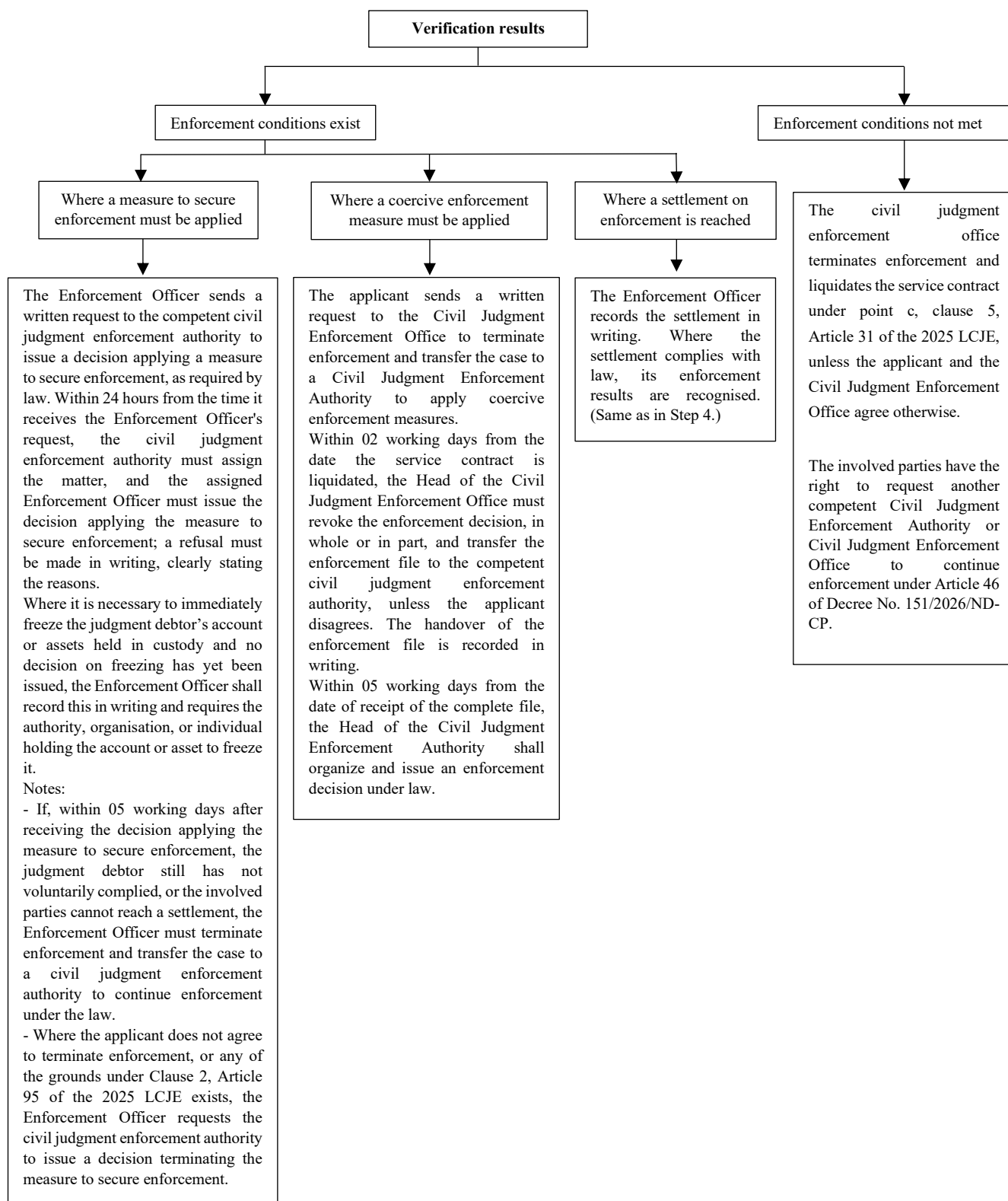
e. Step 5: Verifying enforcement conditions

- Within 09 days after the voluntary enforcement period ends without the judgment debtor voluntarily complying (in cases involving the enforcement of a decision applying provisional emergency measures, verification shall be conducted immediately).¹⁹
- Verification is conducted through a digital platform, in person, or in writing, as prescribed.

¹⁷ Clause 2, Article 42 of Decree No. 151/2026/ND-CP.

¹⁸ Article 36 of the 2025 LCJE.

¹⁹ Article 31 and Article 37 of the 2025 LCJE.



f. Step 6: Concluding enforcement

- The civil judgment enforcement proceedings conducted by the Civil Judgment Enforcement Office shall be terminated, and the parties shall proceed to liquidate the service agreement in the following cases: There are grounds specified in Article 55 of the 2025 LCJE; the Civil Judgment Enforcement Office and the requesting applicant agree to terminate the enforcement; the conditions for enforcement under Clause 1, Article 38 of the 2025 LCJE are not met; the applicant requests termination and transfer of the case to a Civil Judgment Enforcement Authority to apply measures to secure enforcement or coercive enforcement measures; or the judgment debtor fails to fully perform all obligations within 30 days from the date of issuance of the enforcement decision.²⁰

5. Points to consider when choosing a civil judgment enforcement office to organise civil judgment enforcement

Where the law permits, the judgment creditor and the judgment debtor may choose to request either a Civil Judgment Enforcement Authority or a Civil Judgment Enforcement Office to organise enforcement. Such choice should be made taking into account the nature of the case, the time required to process it, the ability to apply measures to secure enforcement or coercive enforcement measures, the judgment debtor's actual capacity to satisfy the judgment, and the associated costs.

a. Regarding a civil judgment enforcement office

A Civil Judgment Enforcement Office is a professional practice organisation of enforcement officers, established to organise enforcement and carry out other duties under law. It operates as a private enterprise or a partnership and bears sole responsibility for its own practice. Disputes over the service contract, its performance, or non-contractual damages arising from the work of the civil judgment enforcement office or its Enforcement Officers are resolved under civil law and the law on civil procedure. The office must also purchase professional liability insurance for its Enforcement Officers, as required by law.

One advantage of a Civil Judgment Enforcement Office is flexibility in dealing with the applicant, since the parties freely and voluntarily negotiate and sign the service contract. Because the office works under a contract with the applicant, the requesting applicant has greater flexibility in establishing communication and working arrangements that suit its objectives or preferences, and can take a more active role in monitoring enforcement.

However, when choosing a Civil Judgment Enforcement Office, it is important to consider the scope of authority of the Civil Judgment Enforcement Office and its Enforcement Officers in applying measures to secure enforcement or coercive enforcement measures. Specifically, an Enforcement Officer may only "request" a competent authority to apply a measure to secure enforcement; the Enforcement Officer has no authority to issue a decision applying such a measure or a coercive enforcement measure. Accordingly, in cases where there is a risk that the judgment debtor may evade or resist enforcement, the ability of a Civil Judgment Enforcement Office to fully address the enforcement requirements may be limited.

²⁰ Clause 5, Article 31 of the 2025 LCJE.

b. Regarding a civil judgment enforcement authority

A Civil Judgment Enforcement Authority is a state agency that organises the enforcement of judgments and decisions under law. As a state agency exercising state power, it has full authority to enforce all judgments and decisions under the law, and may apply measures to secure enforcement or coercive enforcement measures under the conditions, order, and procedures prescribed by law.

Accordingly, a Civil Judgment Enforcement Authority has an advantage in handling complex cases, cases involving asset disputes, or cases requiring measures to secure enforcement or coercive enforcement measures.

However, the volume of judgments and decisions a Civil Judgment Enforcement Authority must handle is very large, which may affect the time needed to resolve cases in practice.

Where liability for compensation arises from an unlawful act by a public official carrying out civil judgment enforcement, compensation is provided under the law on state compensation liability.²¹

c. Points to consider when choosing

When choosing a Civil Judgment Enforcement Office or a Civil Judgment Enforcement Authority, the applicant should consider the following factors:

i. Determining which authority has jurisdiction:

The applicant should determine whether the case falls within the jurisdiction of both a Civil Judgment Enforcement Authority and a Civil Judgment Enforcement Office, or only the Civil Judgment Enforcement Authority. The choice of a Civil Judgment Enforcement Office should be based on the conditions, procedure, and scope of jurisdiction set out by law, not merely on the judgment debtor's residence or the location of their assets.

ii. The nature and complexity of the case:

For cases involving multiple judgment debtors, asset disputes, or a likely need for coercive enforcement measures, the applicant should weigh the scope of jurisdiction and the operating mechanism of each type of authority.

iii. The judgment debtor's situation and the risk of asset dissipation:

Where there are signs that the judgment debtor will not voluntarily comply, or may conceal or transfer assets, or otherwise reduce their capacity to satisfy the judgment, the applicant should consider choosing a Civil Judgment Enforcement Authority, since it can apply measures to secure enforcement or coercive enforcement measures more promptly under law.

iv. Flexibility, cost, and time:

These factors should be weighed together to choose the enforcement method best suited to the case and to protecting the judgment creditor's lawful rights and interests. For routine cases with little

²¹ Law on State Compensation Liability No. 10/2017/QH14 (consolidated in Consolidated Document No. 98/VBHN-VPQH).

likelihood of asset disputes or a need for measures to secure enforcement or coercive enforcement measures, a Civil Judgment Enforcement Office may be the more suitable choice.

Conclusion

Based on the above analysis of the 2025 LCJE regarding Civil Judgment Enforcement Offices and Enforcement Officers, it can be observed that the roles and powers of Civil Judgment Enforcement Offices and Enforcement Officers have grown substantially compared to those provided under previous legislation. However, the 2025 LCJE still keeps coercive enforcement measures and the exercise of state power in civil judgment enforcement within the jurisdiction of civil judgment enforcement authorities.

The 2025 LCJE gives the Civil Judgment Enforcement Office model a fuller legal basis to develop in practice. Expanding the authority of Civil Judgment Enforcement Offices and Enforcement Officers also helps ease the workload of Civil Judgment Enforcement Authorities and increases initiative and flexibility in enforcement, balancing the socialisation of civil judgment enforcement with the need for legal certainty and control over the exercise of state power.

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