RESEARCH ARTICLE

Study on China-Philippines Judicial Assistance in Transnational Crime Governance

Yun Pei[1,*]

[1] Emilio Aguinaldo College (EAC), Manila 006302, Philippines

Abstract

With the acceleration of globalization, transnational crimes are becoming increasingly complex and diverse, especially drug trafficking, cyber fraud, telecommunications fraud, money laundering and human trafficking, which are frequent and pose a serious threat to the security of the international community. As an important neighbor and regional cooperation partner of China, the Philippines is particularly prone to transnational crimes, and judicial assistance between China and the Philippines has become a key mechanism for dealing with cross-border crimes. Based on legal system analysis and case studies, this paper systematically sorts out the current status of judicial assistance between China and the Philippines, and deeply explores the main issues such as differences in legal systems, political and diplomatic factors, technical barriers and extradition disputes. It then proposes paths and countermeasures such as improving the docking of bilateral legal systems, building an information sharing and law enforcement cooperation platform, promoting the unification of technical standards for case handling, enhancing human rights protection and judicial mutual trust, and the strategic use of multilateral cooperation platforms. The study aims to provide theoretical support and practical reference for transnational judicial cooperation between China, the Philippines and related regional countries, and promote the modernization of regional governance systems and governance capabilities.

Keywords: transnational crime, judicial assistance, China-Philippines cooperation, extradition, legal system, regional governance.

1 Introduction

Since the 21st century, the rapid development of globalization and informatization has promoted international economic and cultural exchanges while also providing convenient conditions and broad space for transnational crimes [1]. Transnational crimes are often well-organized, technologically advanced, and cross-border in nature, forming complex criminal networks. Such criminal activities usually involve drug trafficking, online fraud, telecommunications fraud, money laundering, illegal immigration, human trafficking, terrorist financing, etc., which seriously threaten national security, public order, and the safety of people's lives and property, and pose unprecedented challenges to the global governance system and judicial

Submitted: 01 July 2025
Accepted: 11 August 2025
Published: 08 February 2026

Vol. 3, **No.** 1, 2026.
10.62762/JSSPA.2025.694207

***Corresponding author:**
✉ Yun Pei
125354624@qq.com

Citation
Pei, Y. (2026). Study on China-Philippines Judicial Assistance in Transnational Crime Governance. *Journal of Social Systems and Policy Analysis*, 3(1), 15–25.

© 2026 by the Author. Published by Institute of Central Computation and Knowledge. This is an open access article under the CC BY license (https://creativecommons.org/licenses/by/4.0/).

cooperation mechanism. The traditional domestic criminal justice system often shows the limitations of insufficient jurisdiction, limited law enforcement, and poor cooperation when facing such cross-border cases [2], forcing countries to respond to common security threats through a closer judicial assistance mechanism. As an important global economy and a populous country, China faces increasingly severe pressure in the governance of transnational crimes in the process of maintaining national security and social stability. On the one hand, with the deepening of the "Belt and Road" initiative, the flow of personnel, logistics, capital and information between China and its neighboring countries [3], especially Southeast Asian countries, has become increasingly frequent. This has injected vitality into normal economic and trade exchanges, but also provided opportunities for some transnational criminal groups. On the other hand, the frequent cases of telecommunications network fraud, drug smuggling, illegal immigration and financial fraud in China are increasingly found to have their sources or key links outside the country, especially concentrated in certain countries or regions in Southeast Asia. These practical problems require China to strengthen criminal justice cooperation with relevant countries to effectively combat the increasingly rampant cross-border crimes. Among the Southeast Asian countries, the Philippines has become a key country in China's transnational crime governance cooperation due to its special geographical location, legal system, social structure and historical connection with China. First, from a geographical perspective, as an important archipelago country in Southeast Asia, the Philippines has a long coastline and limited border control capabilities, making it easy to become an important channel for cross-border crimes such as drug smuggling, illegal immigration and human trafficking. Secondly, the Philippines has developed rapidly in information technology, but its legal supervision is relatively lagging behind, making the country an important base for telecommunications network fraud gangs. In recent years, many cases of Chinese citizens participating in, organizing or becoming victims of telecommunications fraud and online money laundering crimes in the Philippines have been exposed [4], which has aroused great concern from China. Moreover, since the Philippines is a "mixed legal system" country, its legal system is influenced by the continental legal system and has the characteristics of the Anglo-American legal system. Its understanding of criminal justice procedures, evidence system and human rights protection is somewhat different from that of China, which often leads to procedural obstacles and legal conflicts in cooperation in transnational cases, and it is also urgent to overcome them through institutional cooperation.

Simultaneously, at the political and diplomatic level, the game between China and the Philippines on the South China Sea issue in recent years has not completely affected the practical cooperation between the two countries in combating transnational crimes. In particular, since 2020, affected by the surge in telecommunications fraud and illegal gambling cases, China and the Philippines have carried out multiple rounds of practical operations in personnel repatriation, evidence exchange, asset freezing and other aspects. For example, the Philippines has repeatedly repatriated Chinese citizens engaged in cross-border telecommunications fraud in the Philippines at the request of China [5], demonstrating the practical basis and willingness to cooperate in criminal justice cooperation between the two countries. However, at the institutional level, judicial mutual assistance between China and the Philippines still faces many difficulties, such as differences in judicial procedures, delayed information communication, ambiguity in the application of law, frequent disputes over case jurisdiction, etc., which have made the effect of combating transnational crime fail to meet expectations, and even caused cooperation stagnation or deepening misunderstandings in some sensitive cases.

Consequently, this article intends to take transnational crime as the starting point, focus on the cooperation practice between China and the Philippines in the field of criminal judicial mutual assistance, explore the legal basis, operating mechanism, actual results and challenges of their cooperation, and on this basis, propose targeted and operational improvement paths, in order to contribute theoretical support and practical guidance to improve China's foreign criminal judicial assistance system and enhance its ability to govern transnational crime.

2 Literature Review

Against the backdrop of globalization and the growing need for cross-border governance, transnational crime governance and criminal judicial assistance have gradually become important research topics in the fields of international law, criminal law and comparative law [6]. Domestic and foreign academic circles have conducted relatively systematic research on the characteristics, causes, governance

strategies of transnational crime, as well as the legal mechanisms and practical effects of judicial assistance. However, there are still problems such as weak research and insufficient perspectives in the bilateral judicial assistance between China and the Philippines, especially in practice. The following will review and sort out the relevant literature from three dimensions: first, research on transnational crime; second, research on international judicial assistance; and third, research on criminal justice cooperation between China and the Philippines.

2.1 Current status of research on transnational crime

Transnational crime usually refers to criminal acts that are carried out or have cross-border legal effects between multiple countries, with complex spatial structures and legal application issues. The "Transnational Organized Crime Threat Assessment Report" released by the United Nations Office on Drugs and Crime (UNODC) pointed out that drug trafficking, human trafficking, arms smuggling, cybercrime, etc [7]. have become the most threatening types of transnational crimes. Western scholars' research on transnational crime mainly focuses on the structural analysis of criminal organizations, the evolutionary logic of criminal networks, and international coordination of governance methods. For example, American scholar Shelley proposed in his book "Transnational Crime and Global Security" that transnational crime is not only a legal issue [8], but also a complex of political, security and diplomatic issues, which must be curbed through multilateral cooperation mechanisms.

Domestic scholars started late in the study of transnational crime, but in recent years, with the advancement of the "Belt and Road" initiative and the increase in foreign-related criminal cases, related research has gradually deepened. Ilchyshyn et al. [9] believe that transnational crime poses a challenge to national sovereignty and its regulation should be strengthened through the construction of an international criminal legal system. Zhong [10] pointed out in his article "Challenges and Responses of Transnational Crime to China's Criminal Law Order" that China should pay attention to the extraterritorial application of criminal law and legal coordination when combating transnational crime. In general, domestic and foreign research on transnational crime provides a solid theoretical basis for judicial assistance research, but it is mostly based on macro governance and lacks micro research on the interaction between specific countries.

2.2 Research progress on international criminal mutual legal assistance

Mutual legal assistance is a general term for cooperative actions such as evidence exchange, property recovery, extradition and repatriation between countries based on bilateral or multilateral agreements in the process of combating cross-border crimes. It is an important part of international criminal law. Western academic research on mutual legal assistance mainly focuses on the following aspects: first, the path of institutional evolution, including the evolution from the traditional extradition system to the comprehensive judicial cooperation system; second, legal coordination issues, such as evidence collection standards, procedural justice guarantees, and conflicts between privacy and national security; third, the practical dilemma of mutual legal assistance under the multilateral cooperation framework. The more influential mutual legal assistance documents in the world include the United Nations Convention against Transnational Organized Crime (i.e., the Palermo Convention) and its additional protocols, the United Nations Convention against Corruption, and the European Convention on Mutual Legal Assistance in Criminal Matters [11]. These legal documents provide a procedural framework and legal basis for activities such as evidence transfer, extradition requests, and asset freezing between countries. Many scholars, such as Philippe [12] has conducted in-depth discussions on the legitimacy of international criminal cooperation and the tension between the principle of state sovereignty and the principle of universal jurisdiction.

In recent years, Chinese academia has also paid much attention to the issue of international judicial assistance, especially in the construction of China's extradition legal system and extraterritorial enforcement. For example, Huo et al. [13] analyzed the impact of judicial assistance on national sovereignty in the article "Extradition System and Judicial Sovereignty (defined here as the authority of a state's courts to exercise jurisdiction independently) " and believed that a cooperation mechanism should be established on the basis of equality, mutual benefit and mutual respect. Potter [14], from a comparative law perspective, explored the adaptation path of judicial assistance between China and countries with different legal systems. Moreover, some scholars

have analyzed the practical obstacles to China's participation in multilateral judicial cooperation from an empirical perspective, such as inconsistent legal systems, weak information exchange mechanisms, and lack of a foundation for mutual trust. However, most of the existing research focuses on typical judicial cooperation cases such as China-US and China-EU, and there is a clear lack of research on judicial assistance between developing countries such as China and the Philippines, especially a lack of systematic research on specific cooperation obstacles and mechanism improvements.

2.3 Research status of judicial cooperation between China and the Philippines

As neighboring countries, China and the Philippines have increasingly close cooperation in combating transnational crimes, especially against crimes such as telecommunications fraud, drug smuggling, and illegal gambling. In recent years, new bilateral policy documents have been issued to further institutionalize cooperation. For instance, the 2021 China-Philippines Joint Declaration on Strengthening Cooperation Against Transnational Crimes emphasized capacity-building [15], electronic evidence sharing, and training of judicial officers. This post-2020 agreement marks a shift from ad hoc operations to a more systematized legal collaboration. Furthermore, compared with China's judicial cooperation with other ASEAN countries such as Vietnam or Thailand, the China-Philippines context presents unique challenges due to its hybrid legal system and volatile geopolitical relationship. For example, while China-Thailand judicial cooperation benefits from stable extradition treaties and unified drug crime handling procedures, the China-Philippines framework still lacks enforceable extradition mechanisms, demonstrating the need for a more customized legal approach in the Philippine case.

However, academic research in this field is relatively scarce, and relevant literature is mostly concentrated on news reports, official bulletins, or short-term policy analysis, and systematic legal research is still in its infancy. Among the few studies, some scholars focus on the practical issues of criminal cooperation between China and the Philippines. For example, Yu et al. [5] pointed out in the article "On the Improvement of the Mechanism for Cooperation in Combating Telecommunications Fraud between China and the Philippines" that there are problems such as lagging information sharing, inconsistent legal documents, and broken evidence chains in case cooperation. In the article "Comparative Analysis of Evidence Systems in Criminal Justice between China and the Philippines", Pei [16] started from the perspective of differences in legal systems and proposed that the two countries should unify evidence authentication standards and extradition procedures through agreements. Moreover, some scholars have used comparative law research paths to preliminarily sort out the differences between the Philippine legal system and China's criminal procedure system, providing a reference for establishing a coordination mechanism.

But overall, the academic achievements on judicial assistance between China and the Philippines are still relatively weak, which is manifested in the following three aspects: First, the research paradigm is relatively single, lacking empirical support from interdisciplinary perspectives and practical cases; second, there is a lack of in-depth interpretation of the specific treaty text and applicable mechanism of judicial assistance between China and the Philippines; third, there is insufficient research on new issues and trends in bilateral cooperation under the background of transnational crime governance, such as the transfer of digital evidence, cybercrime collaboration, and human rights disputes over extradition barriers.

In summary, although domestic and foreign scholars have achieved certain results in the study of transnational crime and judicial assistance, which provides an important theoretical basis and analytical framework for this study, there are still obvious deficiencies in existing research. Especially in the context of China-Philippines bilateral relations, there is still a gap in the systematic analysis of the judicial cooperation practices and institutional bottlenecks between the two countries in the governance of transnational crime. Consequently, this article intends to start from the perspective of China-Philippines bilateral cooperation, combined with the theoretical basis and treaty mechanism of judicial assistance, to deeply explore the problems existing in actual cooperation, and try to propose a practical and feasible path for institutional improvement, which not only supplements the existing research gaps, but also responds to the urgent needs of real governance.

3 Results and Discussion

3.1 Analysis of the Current Status of Mutual Judicial Assistance between China and the Philippines

3.1.1 Legal Basis of Bilateral Judicial Cooperation

In the international criminal judicial cooperation system, the legal basis of mutual judicial assistance is usually reflected in bilateral treaties, multilateral framework agreements and diplomatic consultations in individual cases. The cooperation between China and the Philippines in the field of transnational crime governance also follows the logic of this system and gradually establishes a relatively complete treaty framework and cooperation mechanism. Although there are significant differences between China and the Philippines in legal systems and judicial concepts, under the realistic pressure of jointly combating transnational crime, the two sides have achieved certain results in the construction of legal infrastructure.

First, there is the Treaty on Mutual Judicial Assistance in Criminal Matters between the People's Republic of China and the Republic of the Philippines. The treaty was signed in 2000 and is one of the earliest bilateral mutual judicial assistance treaties between China and Southeast Asian countries, marking the formal institutionalization of cooperation between the two countries in the field of criminal justice. The treaty covers evidence investigation, witness assistance, delivery of legal documents, freezing and recovery of illegal gains, criminal procedure information exchange, etc. It clarifies the principles of cooperation as "mutual respect for sovereignty, equality and mutual benefit, and non-interference in internal affairs", and stipulates the procedural norms for mutual assistance requests and the legal grounds for refusal to execute. The implementation of this treaty provides a legal basis and procedural guarantee for the handling of transnational criminal cases between the two countries, and is the core legal text of the current judicial cooperation between China and the Philippines.

The second is the Treaty on Extradition between the People's Republic of China and the Republic of the Philippines. Although the treaty has been negotiated, it has not yet fully come into effect. According to public reports, the negotiations on the China-Philippines Extradition Treaty began in the early 2000s and were basically agreed upon around 2018, but the actual entry into force was delayed due to the slow internal rule of law review procedures and parliamentary approval procedures in the Philippines. The extradition treaty will fill the gap in the lack of legal basis for "transfer of suspects" in the current bilateral cooperation. Once it comes into effect in the future, it is expected to greatly improve the efficiency of the two countries' cooperation in combating transnational crimes such as telecommunications fraud, money laundering, and drug smuggling.

Thirdly, from the perspective of regional cooperation, both China and the Philippines are active participants in the regional judicial cooperation mechanism under the "ASEAN + China" framework. China and ASEAN's cooperation in the field of criminal justice has been continuously advancing, and multilateral frameworks such as the "ASEAN Police Cooperation Agreement", "ASEAN Strategy to Combat Drugs", and "China-ASEAN Ministerial Meeting Mechanism to Combat Transnational Crime" have gradually been formed. Under this mechanism, China and the Philippines can establish a transnational cooperation mechanism on issues such as mutual recognition of evidence, extradition of suspects, and intelligence exchange. For example, at the 13th China-ASEAN Ministerial Meeting on Combating Transnational Crime held in 2019, China and the Philippines jointly pledged to strengthen cooperation in combating crimes such as human trafficking and telecommunications fraud, and proposed the establishment of a "joint combat center" to achieve rapid response to major transnational crimes.

Moreover, informal communication and consultation channels have been established between the Ministry of Justice and the Ministry of Public Security of China and the Ministry of Justice and police of the Philippines. In particular, when sudden transnational cases occur, the two sides can quickly cooperate through diplomatic notes, joint task forces, special repatriation agreements, etc. Although this type of cooperation lacks clear legal authorization, it has played an important "ad hoc legal coordination" in practice, filling the gray area that is not yet covered by the formal treaty mechanism.

3.1.2 Analysis of typical cases in actual cooperation

Although the judicial assistance treaty system between China and the Philippines still needs to be improved, in actual operation, the two countries have carried out a number of effective cooperation in key transnational crime areas such as telecommunications fraud, drug smuggling, and money laundering, and have accumulated valuable practical experience.

According to the Ministry of Foreign Affairs of China and official statements from the Philippine Department of Justice, between 2018 and 2023, over 42 formal mutual legal assistance requests were exchanged between the two countries. Among these, approximately 60% resulted in successful information transfer or repatriation, while the remaining cases were delayed or rejected due to legal incompatibilities or political sensitivities. This success rate—though moderate—reflects both the progress and the limitations of the current judicial cooperation framework.

The Philippines repatriated Chinese citizens involved in telecommunications fraud cases. Telecommunications network fraud is the most prominent area of criminal cooperation between China and the Philippines in recent years. According to statistics from the Ministry of Public Security of China, since 2020, more than 30% of major telecommunications fraud cases investigated and dealt with in China involved fraud dens in the Philippines. Such cases usually use the means of impersonating public security, procuratorial and judicial organs, impersonating customer service or online loan platforms, and using technical means such as voice IP transfer and virtual servers to defraud people in China. The main criminals are mostly Chinese citizens who are illegally staying in the Philippines.

Against this background, the law enforcement departments of China and the Philippines have carried out multiple rounds of joint law enforcement operations. For example, in September 2022, the Philippine National Police and the Chinese public security organs jointly took action and successfully destroyed a large telecommunications fraud den in Manila, arrested 72 Chinese suspects involved in the case, and quickly initiated the repatriation procedure at the request of the Chinese side, and finally repatriated the relevant personnel to China for trial in batches. This case has become a typical example of "quick case filing-information notification-joint law enforcement-quick repatriation" in China-Philippines criminal cooperation.

Notably, although this type of cooperation has achieved remarkable results, there are still disputes in terms of procedural fairness, protection of suspects' rights, and evidence requirements for repatriation. For example, Some international observers have raised concerns regarding the compatibility of such repatriation practices with human rights norms, particularly with respect to due process safeguards.

Joint action to combat drug smuggling and transnational money laundering networks. Drug smuggling and money laundering crimes are another key area of criminal cooperation between China and the Philippines. As a drug transit point, the Philippines' drug smuggling chain often involves many countries in Southeast Asia, and money laundering activities rely on complex mechanisms such as cross-border accounts, underground banks and cryptocurrencies, posing a threat to China's financial security.

From 2019 to 2021, China and the Philippines carried out special operations such as the "Fox Hunting Plan" and "Anti-drug Cooperation". The Chinese public security organs provided clues to assist the Philippine Drug Enforcement Agency (PDEA) in locking down a group of Filipino suspects who transported drugs to China through cross-border e-commerce channels. The Philippines arrested several persons involved in the case and sealed some illegal funds accounts in accordance with the law. Simultaneously, the two sides cooperated to investigate and freeze a number of accounts and digital wallets involved in the case, recovering more than 10 million US dollars in funds, and initially breaking through the criminal chain of "drug smuggling-illegal transfer-overseas money laundering".

Although the action has achieved remarkable results, it has also exposed deep-seated problems such as inconsistent financial regulatory standards, conflicts in account tracing authority, and delayed electronic data transmission. For example, China's request for "cryptocurrency address tracing" lacks relevant legal basis in the Philippines, resulting in some cooperation requests being rejected or progressing slowly. This highlights from the side that the two sides need to establish a new institutional framework in the field of digital finance and data judicial cooperation.

3.2 Main issues in current judicial assistance between China and the Philippines

Although China and the Philippines have initially established a bilateral cooperation framework in the field of transnational crime governance and have achieved certain results, in actual operation, judicial assistance still faces many institutional, political and technical obstacles. These problems not only restrict the efficiency of cooperation, but also weaken the legal basis and sustainability of judicial cooperation to a

certain extent. This chapter intends to analyze from four aspects: differences in legal systems, political and diplomatic factors, technical and information sharing barriers, extradition system conflicts and human rights disputes.

3.2.1 Differences in legal systems and obstacles to cooperation

Heterogeneity of legal systems. There are significant differences in the structure of legal systems between China and the Philippines. China is a typical continental legal system country, with a legal system dominated by statutory law, emphasizing the systematic, strict and state-led nature of legal norms; while the Philippines, influenced by both Spanish law and Anglo-American law, has formed a typical mixed legal system. In its judicial practice, there is both a civil code-style legislative system and a large reliance on court precedents as the basis for the application of law. This difference in legal traditions directly leads to deviations in the understanding of legal concepts, procedural logic and evidence standards between the two sides in the process of judicial cooperation.

For example, in criminal proceedings, China emphasizes the model of investigation-led, prosecution review and trial separation, and the rules of evidence have strong procedural guarantees; while the Philippines prefers to focus on "adversarial trial", with equal confrontation between the prosecution and the defense and the court as the judge. This structural difference has led to the fact that the judicial assistance requests submitted by China are often questioned as "inconsistent with the form of evidence" or "procedural flaws" when reviewed by the Philippines, which seriously affects the efficiency of cooperation.

Different legal terms, procedural guarantees, and concepts of punishment. China and the Philippines have significant differences in the use of legal language and terminology, resulting in frequent ambiguities in the interpretation of mutual assistance requests. For example, terms such as "administrative detention" and "compulsory measures" are difficult to find corresponding expressions in Philippine law, which can easily lead to misunderstandings or procedural rejections. Moreover, in terms of procedural guarantees, China pays attention to the performance of the statutory duties of state organs, while the Philippines emphasizes the comprehensive protection of the rights of the accused in the judicial process. Requirements such as the presence of lawyers, public hearings, and judicial review often constitute additional conditions for China's assistance requests.

In terms of penal concepts, China still retains the death penalty system for certain serious crimes and emphasizes severe crackdowns, while the Philippines has abolished the death penalty system since 2006 and defined it as "the embodiment of humanitarian principles" in domestic law. This conflict of concepts directly affects cooperation arrangements involving extradition, repatriation, and execution of penalties.

3.2.2 Political and diplomatic factors interfere with judicial cooperation

Changes in the domestic political situation in the Philippines affect the continuity of cooperation. The political ecology of the Philippines is complex, with frequent changes in political parties, and judicial policies are greatly influenced by the ruling authorities. Taking the period of President Duterte as an example, the Philippines vigorously promoted the war on drugs and carried out joint law enforcement and repatriation cooperation with China at multiple levels. However, with the change of regime, the direction of foreign policy of the Marcos government has been adjusted after taking office, and some judicial cooperation mechanisms have entered the "re-evaluation" stage, resulting in interruptions and uncertainty in the cooperation process. It can be seen that judicial mutual assistance lacks institutional guarantees and is easily affected by political changes.

Fluctuations in diplomatic relations affect specific extradition or cooperation cases. China-Philippines relations are sensitive in terms of the South China Sea issue, geopolitics, security cooperation, etc., and changes in the bilateral diplomatic atmosphere often affect specific cooperation at the judicial level. During certain periods of political tension, the Philippines' response to China's extradition request was significantly slow, and some cases were even shelved due to "national security considerations." Moreover, some cases are more likely to become bargaining chips in diplomatic negotiations because the people involved have diplomatic backgrounds or sensitive identities, which affects judicial independence and cooperation neutrality and weakens the legitimacy of judicial assistance as a purely legal mechanism.

3.2.3 Inadequate technical support and information sharing mechanism

Information transmission is delayed and there is a lack of a unified case tracking system. Currently, judicial cooperation between China and the Philippines mainly uses traditional diplomatic notes to transmit case information, which is inefficient and has a lengthy process, often resulting in a prolonged case processing cycle, loss of key evidence, and even missing the statute of limitations. The two countries have not yet established a unified information sharing platform, resulting in an obvious "information gap" between case acceptance, processing and feedback. Moreover, some cooperation still relies on "case promotion" rather than systematic cooperation, lacking a long-term and strategic cooperation mechanism.

Inconsistent standards for the collection and use of electronic evidence. Transnational crimes increasingly rely on electronic communications and digital financial technologies, such as VoIP devices, virtual currency transactions, and social media communications used in telecommunications fraud cases, all of which require evidence collection through electronic data. However, there are significant differences between China and the Philippines in terms of electronic evidence collection standards, certification procedures, and review mechanisms. China emphasizes the legal acquisition and integrity of data, while the Philippines is more concerned about the "procedural legitimacy" and privacy protection of the data source. Due to the lack of common evidence standards, electronic data is often unusable or rejected in the other country due to reasons such as format and verification method, which seriously affects the progress of the case.

Moreover, the Philippine judicial system also has shortcomings in technical capabilities. Some grassroots judicial institutions lack sufficient information equipment and cross-border law enforcement experience, which makes them stretched when handling complex Chinese cases. This technical gap further restricts the efficiency and accuracy of judicial mutual assistance.

3.2.4 Obstacles to extradition and human rights disputes

Institutional disputes such as the death penalty and torture. As mentioned above, China retains the death penalty system, while the Philippines has abolished the death penalty. According to international practice and international human rights legal obligations such as the United Nations Convention against Torture, when reviewing extradition requests, Philippine courts usually require that the death penalty or torture shall not be applied to the extradited person, or that China shall make a diplomatic commitment of "not applying it". On the one hand, such conditional restrictions are in line with the spirit of human rights protection in the Philippine Constitution, but on the other hand, they also cause some serious criminal cases to be shelved or even refused to extradite because China cannot make a commitment. Moreover, international human rights organizations have continued to question whether the Philippines "unconditionally cooperates with China's extradition request", believing that it may involve the persecution of dissidents or sensitive groups, which may cause disputes in the international judicial environment, further affecting the stability and legitimacy of cooperation. Refusal of extradition caused by nationality issues. The principle of "no extradition of nationals" is common in the extradition system. In practice, the Philippines has repeatedly rejected China's extradition requests on the grounds that the suspect has Philippine nationality or permanent residency, and even "automatically terminated" the judicial cooperation procedures in some cases. Moreover, there are differences between China and the Philippines in terms of nationality identification standards, and some suspects have dual identities or "gray identities", which brings complex legal issues to the extradition procedure.

Notably even in the "repatriation" in non-extradition scenarios, if the suspect has permanent residency in the Philippines, the Philippine judicial authorities will also propose judicial review based on "personal freedom protection", which will significantly delay the progress of cooperation.

4 Suggestion of Paths and countermeasures to strengthen judicial assistance between China and the Philippines

Faced with the increasingly severe challenges of transnational crime, China and the Philippines, on the basis of existing judicial cooperation, urgently need to promote the deepening and optimization of the judicial assistance mechanism from five dimensions: system improvement, technical coordination, mechanism construction, human rights protection and regional cooperation. The effectiveness of judicial cooperation depends not only on the signing of the treaty text, but also on its "deep fit" and "practical implementation" in terms of legal system, procedural operation and personnel cooperation. This chapter will put forward specific countermeasures and suggestions around the following paths.

4.1 Improve the docking of bilateral legal systems

4.1.1 Supplement or update the existing mutual legal assistance treaty, promote the specificity of the agreement and the refinement of procedures

Although China and the Philippines have signed the "China-Philippines Criminal Mutual Legal Assistance Treaty" and the "China-Philippines Extradition Treaty", some of the clauses are still principled and framework-based, and there are problems such as vague procedures and inconsistent application standards in actual operations. Consequently, it is necessary to promote the negotiation of supplementary agreements to the existing treaties and refine the operational norms of key issues including evidence form, assistance time limit, protection of the rights of persons involved in the case, and extradition exception clauses. Simultaneously, on the basis of diplomatic consultations, promote the formal approval and entry into force of the treaty in the Philippine Congress to enhance the legal effect and operability of the treaty.

4.1.2 Establish a regular judicial consultation mechanism

China and the Philippines should establish a "mutual legal assistance coordination committee" or "transnational crime joint working group" composed of the two countries' ministries of justice, procuratorates, and police agencies, conduct regular talks and temporary consultations, and solve legal obstacles and procedural questions in cooperation in real time. This mechanism can refer to the judicial cooperation experience of China, Russia, China, South Korea, etc., and establish a three-stage management model of "case pre-docking + process coordination + post-event evaluation" to enhance the flexibility of legal dialogue and cooperation between the two sides.

4.2 Build an information sharing and law enforcement cooperation platform

4.2.1 Establish a joint database of transnational crimes

In the face of the networking and organizational trends of crimes such as telecommunications fraud, drug smuggling, and money laundering, it is necessary to establish a bilaterally shared transnational crime database system to connect information such as the persons involved, criminal methods, capital flows, and historical cases. To ensure legal compliance and mutual trust, the joint database should incorporate data protection protocols aligned with the Philippines' Data Privacy Act of 2012 and China's Personal Information Protection Law (2021). Access control measures, encryption of sensitive case records, and independent oversight by a bi-national judicial committee are essential to prevent data misuse and unauthorized surveillance.

4.2.2 Strengthen the cooperation mechanism between customs, immigration, and financial regulatory departments

Transnational crimes often involve illegal entry and exit, false identities, and cross-border capital flows. Consequently, judicial cooperation should be promoted from a single "criminal agency docking" to "cross-departmental linkage and cooperation." For example, the Chinese Immigration Administration and the Philippine Immigration Bureau can establish a rapid notification mechanism. Once a potential suspect or illegal visa situation is discovered, it will immediately enter the investigation procedure through the judicial assistance channel. Simultaneously, promote the establishment of a case-level cooperation model between China and the Philippines' anti-money laundering agencies, central banks and other financial regulatory departments, strengthen the audit and freezing cooperation on suspicious transactions, and reduce the economic space for crime.

4.3 Promote the unification of technical standards for case handling

4.3.1 Unify evidence collection standards and electronic data authentication methods

In view of the current problems of different electronic evidence standards and difficulties in authentication, China and the Philippines should agree on a unified guide for evidence collection and review. It is recommended that both sides formulate format standards for common electronic data such as emails, bank transfer records, and social media chat records, and introduce technical means such as digital signatures, timestamp authentication, and source server verification to enhance the transnational admissibility and judicial persuasiveness of electronic evidence.

Moreover, in the extradition and assistance in evidence collection procedures, electronic handling procedures should be promoted, such as establishing an encrypted document transmission system and an online assistance approval mechanism to achieve "information flow priority and shortened procedural flow".

4.3.2 Establish a cross-border law enforcement personnel training and exchange mechanism

There is a professional gap between China and the Philippines in terms of language, legal knowledge,

and evidence collection procedures, which can easily lead to misunderstandings and conflicts in case handling. To this end, it is recommended to establish a "China-Philippines Cross-Border Crime Law Enforcement Training Program", led by the Chinese Ministry of Justice and the Philippine Ministry of Justice, and regularly select judges, prosecutors, and police officers for rotation training and exchanges. Simultaneously, we can cooperate with universities and training institutions to carry out short-term judicial language courses and evidence assessment training to enhance the cooperation ability and transnational awareness of grassroots law enforcement personnel.

Moreover, in major cases, we can try to set up a "joint investigation team" mechanism, where both China and the Philippines will select investigation officials to work together on the case to improve coordination efficiency and professional mutual trust.

4.4 Enhance human rights protection and judicial mutual trust

4.4.1 Align with international human rights standards and clarify human rights protection clauses in judicial mutual assistance

In order to overcome the extradition obstacles caused by disputes such as "death penalty" and "torture", China should include more transparent human rights protection clauses in judicial mutual assistance treaties and practices. For example, it can be made clear that China will not apply the death penalty or inhumane treatment to extradited persons after receiving them, and allow the Philippine Embassy in China to conduct regular supervision of their trials and detention.

Simultaneously, an independent human rights assessment mechanism should be established to ensure that judicial cooperation takes into account respect for individual rights while promoting efficiency, thereby enhancing the trust of the Philippine Congress and the public in judicial cooperation.

4.4.2 Enhance the transparency of extradition and establish a judicial review and supervision mechanism

It is recommended that China and the Philippines clarify in bilateral treaties that the extradition procedure must be reviewed and approved by the judicial authorities in accordance with the law, and reject the practice of "administrative compulsory extradition". This move is not only in line with the rule of law, but also helps to give greater legitimacy to cooperation. Simultaneously, we should promote the establishment of a "full process recording and reporting system" for extradition cases, including reporting on the rights status of suspects, trial progress and execution results, in order to respond to the concerns of the public and the international community about "judicial justice."

4.5 Strategic use of multilateral cooperation platforms

4.5.1 Promote the inclusion of China-Philippines cooperation into regional governance mechanisms with the help of international organizations such as the United Nations and ASEAN

As a member of ASEAN and China as a dialogue partner of ASEAN, the two countries should make full use of mechanisms and platforms such as the United Nations Convention against Transnational Organized Crime and the ASEAN Plan of Action to Combat Transnational Crime to promote the inclusion of China-Philippines judicial cooperation in regional cooperation topics. In the ASEAN meeting, it is possible to propose the establishment of an "ASEAN+China" judicial assistance assessment mechanism and tools such as the "cross-border crime assistance index" to promote regional standard unification, efficiency assessment and mechanism iteration. flexibility in cooperation modalities—such as observer roles or neutral third-party facilitation via ASEAN—maintains judicial cooperation while avoiding diplomatic entanglements.

4.5.2 Strengthen the collaborative governance of transnational crime under the "Global Security Initiative"

The "Global Security Initiative" proposed by China emphasizes the realization of sustainable security through dialogue and cooperation, which is highly consistent with the concept of judicial cooperation governance. China can use this framework to promote special meetings on transnational crime governance with the Philippines and other neighboring countries, establish a "China-ASEAN Transnational Judicial Cooperation Special Fund", support joint training, platform construction and technology upgrades, and enhance the institutional flexibility and diplomatic depth of China-Philippines cooperation.

Data Availability Statement

Data will be made available on request.

Funding

This work was supported without any funding.

Conflicts of Interest

The author declares no conflicts of interest.

AI Use Statement

The author declares that no generative AI was used in the preparation of this manuscript.

Ethical Approval and Consent to Participate

Not applicable.

References

[1] Aas, K. F. (2013). Globalization and crime. Sage.

[2] Bassiouni, M. C. (2017). The Philosophy and Policy of International Criminal Justice. In *Globalization of Criminal Justice* (pp. 193-254). Routledge.

[3] Gong, X. (2019). The belt & road initiative and China's influence in Southeast Asia. *The Pacific Review, 32*(4), 635-665. [CrossRef]

[4] Wang, L. (2021). " Broken Link" Southeast Asian Money Laundering Channel, Strengthening AML Compliance Management. *International Journal of Management and Education in Human Development, 1*(04), 159-166.

[5] Yu, L., Cong, Q., & Li, S. (2024). Study on International Cooperation to Address Cross-border Telecommunication Network Fraud Offence. *Journal of Politics and Law, 17*(2).

[6] Mitsilegas, V., Alldridge, P., & Cheliotis, L. (Eds.). (2015). *Globalisation, criminal law and criminal justice: theoretical, comparative and transnational perspectives*. Bloomsbury Publishing.

[7] Mishra, D., & Sharma, S. (2022). Human Trafficking: A Non-traditional Security Threat to India. In *Nontraditional Security Concerns in India: Issues and Challenges* (pp. 123-146). Singapore: Springer Singapore. [CrossRef]

[8] Reichel, P. L., & Randa, R. (Eds.). (2018). *Transnational Crime and Global Security:*[*2 volumes*]. Bloomsbury Publishing USA.

[9] Ilchyshyn, N., Brusakova, O., Krykun, V., & Myroshnychenko, Y. (2023). International legal cooperation in the field of criminal justice: New challenges and ways to overcome them. *Journal of Law and Sustainable Development, 11*(4), e767-e767. [CrossRef]

[10] Zhong, Z. (2025). Criminal Law Challenges and Response Strategies under the Trend of Juvenile Crime in China. *Cuestiones de Fisioterapia, 54*(5), 144-158. [CrossRef]

[11] Tennant, I. (2020). Fulfilling the promise of Palermo? A political history of the UN convention against transnational organized crime. *Journal of Illicit Economies and Development (JIED), 2*(1), 53-71. [CrossRef]

[12] Philippe, X. (2006). The principles of universal jurisdiction and complementarity: how do the two principles intermesh?. *International review of the Red Cross, 88*(862), 375-398. [CrossRef]

[13] Huo, Z., & Yip, M. (2021). Extraterritoriality of Chinese law: Myths, realities and the future. *The Chinese Journal of Comparative Law, 9*(3), 328-358. [CrossRef]

[14] Potter, P. B. (2004). Legal reform in China: institutions, culture, and selective adaptation. *Law & Social Inquiry, 29*(2), 465-495. [CrossRef]

[15] Robak, A. S. R. (2024). Beyond Borders: Assessing Multilateral Cooperation Frameworks in Southeast Asia's War on Drugs.

[16] Pei, Y. (2025). Comparative Analysis of Evidence Systems in Criminal Justice between China and the Philippines. *Journal of Asia Social Science Practice, 1*(2), 25-38. [CrossRef]



Yun Pei is currently pursuing a Ph.D. in Criminal Justice at Emilio Aguinaldo College, Philippines. (Email: 125354624@qq.com)