

# ***The Research on the International Police Cooperation Mechanism in Cross-border Cybercrime***

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**Abstract:** With the arrogance of criminals abroad increasing, new cases including overseas fraud, drug smuggling, smuggling, and trafficking of women from various countries are emerging one after another. International police cooperation is inevitably the trend. This article mainly studies the problems in the international police cooperation mechanism, which are manifested in the inadequate establishment and coordination of police agencies. The root problem lies in the differences in legal systems, cultural concepts, and social backgrounds among countries. This paper uses the research method of case analysis to study these problems and contradictions. The main measures are to establish a new seminar mechanism, strengthen the construction of the data information sharing mechanism, and carry out regular exchanges. Therefore, countries can learn from each other, take its essence, and discard its dregs. These measures can achieve consensus on cooperation, achieve multilateral win-win, and make international police cooperation becomes more successfully.

**Keywords:** international policing, cooperation mechanism, information sharing, diplomatic relations, law

## **1. Introduction**

At present, China is in the stage of sustained development of social stability and economy while new problems and challenges have emerged in international policing cooperation, which are mainly manifested in the following aspects. Firstly, China lacks specialized and effective policing cooperation institutions. Meanwhile, existing institutions have not made full use of the role of coordinated communication. Secondly, in the current police cooperation, China and other countries cannot accurately and efficiently share criminal information. In addition, in recent years, the international situation is quite tense, and frequent diplomatic conflicts have increased the difficulty of cross-border police cooperation. At present, some scholars have studied such issues. Some scholars believe that in addition to diplomatic channels, intelligence information sharing can also be transmitted to various countries through Interpol's global police communication network. Countries around the world can basically use this system to carry out cooperation [1]. Some scholars believe that the operation of the EU police cooperation mechanism is also worth learning from. The EU has established the Schengen Center Information Sharing System. The shared exchange database includes information on personnel, vehicles, items, and other information from each member state. It also stores information about individuals who are currently committing or may commit crimes in the future including detailed information such as names, occupations, political views, fingerprints, photos,

DNA profiles. The police stations and border officials of each member state can check the information of relevant personnel during routine inspections [2]. In addition, some scholars believe that countries should implement joint investigations. The working groups both domestically and internationally should maintain a seamless 24-hour connection to ensure timely and accurate feedback of information back to China, thereby achieving the exchange of case clues and sharing of intelligence information, which makes the whole case investigation more convenient and efficient [3].

This paper firstly discusses the problem of police cooperation mechanism, and then proves the adverse effects brought by the appearance of these problems with arguments. Moreover, this paper further discusses the essential causes of these problems, and puts forward some solutions.

## **2. Problems in International Police Cooperation Mechanism in Cross-border Cyber Crimes**

### **2.1. A Lack of Specialized and Effective Police Cooperation Institutions**

In the current cross-border cybercrime, China lacks specialized and effective police cooperation institutions. Police cooperation institutions are set up within the Ministry of Public Security and the public security institutions, which are specifically divided into perfect case handling equipment, on-site command police allocation and logistics support [4]. However, in the past two years, overseas cybercrimes are rampant. The point that cybercrimes are not equal to other cases is that many criminal suspects are using distraction and sophisticated network technology to commit crimes. It is difficult to obtain evidence and investigate. Such cases make it one of the important solutions to set up a police cooperation organization dedicated to combating high-tech network crimes. At the same time, it can also make police cooperation more efficient. China should unite various institutions and units, and select high-level, elite public officials to set up new police cooperation organizations [5]. In the face of high-tech network crimes, it is necessary to diversify flexible response ability and information efficient tracking. To solve the problem from the root cause, it should change from quantitative change to qualitative change.

### **2.2. Failure to Give Full Play to the Coordinating Role**

The Ministry of Public Security has taken a series of powerful measures against cross-border cybercrimes, but in terms of coordination, there are still major deficiencies in international police cooperation. Due to differences in legal system, social background, history and culture, communication and coordination in the court proceedings of international police cooperation against cross-border cybercrimes have appeared obstacles. This has had a negative impact on countries' efforts to crack down on cross-border cybercrimes, resulting in a long-time span and low efficiency in handling cases. In the 2016 cross-border cyber fraud case in Spain known as 'Great Wall Operation', China did not formally submit an extradition request to the Spanish Ministry of Foreign Affairs until 2017, when all the suspects were arrested. The case went through trial procedures for more than two years. It took three years for China to extradite all the suspects back to China. According to some actual cases, it is the most important thing to coordinate the differences in legal concepts between countries. In the process of coordination, it is inevitable that there will be collisions between countries, but China should minimize conflicts. First of all, China should have a clear understanding of the legal concepts of other countries, sum up the good legal concepts of other countries, and try to integrate them into our own laws to promote the integration of the concepts of both sides and achieve a multilateral win-win situation [6]. In this way can the consultation and communication be more effective and give full play to the coordination role.

### **2.3. The Data Sharing Mechanism of Cybercrime Police Information Is Not Perfect**

Nowadays, crime information sharing has become the most important part of international police cooperation. Countries can exchange and share relevant criminal information in a timely and accurate manner, which can jointly combat crime, improve the efficiency of case investigation, and also develop and strengthen their own intelligence networks and mechanisms [1]. However, from the perspective of some actual cases, the mechanism of crime information sharing has not been fully improved. A large part of the reason for the long time for the detection of cross-border cybercrime cases is the imperfect sharing of data and information. First of all, the police cooperation mechanism and institutions do not play a favorable role in this aspect, resulting in the delay in the transmission of crime information and data between countries. The imperfect information and data sharing is specifically manifested in the incomplete information of the suspect, unclear criminal motivation, and omission of on-site physical evidence and interrogation records. The lack of timely sharing of information content among countries has resulted in a significant time difference between requesting countries and the countries where the crime occurred in understanding criminal information. The essence of these problems lies in the differences in network development levels among countries and the loopholes in information sharing channels. These problems lead to the backwardness of relevant equipment and the shortage of relevant personnel, making the information sharing between countries unable to synchronize and giving criminals more opportunities [7].

## **3. Cause Analysis**

### **3.1. Differences in Legal System and Cultural Background**

With different legislation and legal systems from country to country, there will be legal differences in international police cooperation. Taking China and the US for example, there are differences in conviction, sentencing and trial. At the same time, because the legal system is different, there are difficulties in determining evidence and obtaining evidence. There are some differences in laws, historical, cultural, and social systems between the two countries, especially the significant cultural differences between China and Western countries, which can lead to inconsistent concepts in international police cooperation. These factors have greatly increased the difficulty of international cooperation, resulting in low efficiency and long timeliness in handling cases.

Firstly, from the perspective of conviction, the scope of conviction in China and the US is different. The concept of crime in the United States is not as rigorous and rigorous as laws and regulations in China, either in theory or in legislation. For example, the American concept of legal system does not include the word “must”. At trial judgment, Chinese judges must judge according to law regulations. American judges have the power to rule and sentence cases based on freedom of information. Crime in the United States is defined in a very broad way. Even what is generally considered to be a breach of the peace is considered as a crime, but the American law does not consider it so [8].

The second point is the analysis of sentencing issues. The methods and contents of China and the United States crime sentencing are different. Furthermore, the sentencing content of Internet fraud is different in the two countries. In 2019, a Chinese American man named Guo Daliang was sentenced to 12 years in prison for defrauding Chinese investors of more than 1.2 billion yuan in a Ponzi scheme. According to the amount of fraud stipulated in China’s Criminal Law, those who defraud 1.2 billion yuan can be sentenced to up to life imprisonment. American criminal law does not deal with the amount of fraud. To some extent, this will lead to disagreements between the two countries and international police judicial cooperation to prevent. In addition, there are some differences about the specific procedures of sentencing between China and the United States. In the United States, there is a sentencing hearing system, which is held publicly in the court. The judge usually makes the decision

based on the statements of the lawyers of both sides, the victim's statement, the probation officer's report and the criminal's statement. In China, the judge plays a decisive and leading role in sentencing, and the prosecution and the defense generally do not have much influence. At the same time, China and the United States have different sentences. The result of sentencing in the United States usually includes death penalty, imprisonment and community-based sanctions, but the execution of death penalty in the United States is rare, because the United States is opposed to the execution of death penalty and generally adopts the latter two ways of judgment. Therefore, the ultimate sentences include probation, imprisonment, supervised release, restitution, fines, victim fund contributions, forfeiture, community sentence, home confinement, community service, occupational restrictions. For China, the main punishments are public surveillance, criminal detention, fixed-term imprisonment, life imprisonment and the death penalty. Additional penalties include fines, deprivation of political rights and confiscation of property. At the same time, the sentencing procedures of Chinese and American are also different. In the case of the United States, a judge should impose a sentence within 10 days to three weeks of a guilty verdict. However, in China, sentencing is usually not as important as conviction, and sentencing is not an independent stage in Chinese criminal proceedings [9].

Thirdly, the analysis from the trial level, Chinese trial procedures and western trial procedures are different. Some Western countries have jury trial systems. Juries are made up of ordinary citizens who try the facts and reach a verdict. China does not have a jury system. Judges are responsible for hearing facts and deciding cases. In the Western trial process, lawyers usually play a more important role in the lawsuit, and both sides will give full play to their knowledge to argue vigorously against each other. In China, however, lawyers have a say in court proceedings, but they may have less power than in Western countries. In addition, in some Western countries, a trial is usually presided over by a judge who is responsible for ensuring fair proceedings, while in China, the trial chamber is usually composed of three judges. These differences in legal system and culture lead to many obstacles in the concrete police cooperation of cybercrimes between the two countries.

### 3.2. Diplomatic Relations

Diplomacy is the most important hub between countries and the most important position in a country. However, when applying for international police cooperation, diplomatic relations between the two countries are strained. This situation will be very unfavorable to police cooperation, and even police cooperation will be stagnant, and unable to proceed normally. Turkey's international police cooperation is a more obvious example. The French government has always denied Turkey's accession to the European Union, leading to a cold war in diplomatic relations and a dilemma in police cooperation [10]. At the same time, the cold diplomatic relations between Turkey and Iran also make it difficult for Turkey to respond to its request for international police cooperation [11]. In addition, a more important mechanism of international police cooperation needs to be realized through diplomatic channels. According to the provisions of 'Article four, Article ten and Article forty-seven' of the Extradition Law of the People's Republic of China, any materials or extradition application submitted by the requesting country or the country where the crime occurred shall be submitted through the Ministry of Foreign Affairs. From this point of view, diplomatic relations have an important link to international police cooperation. International police co-operation would also be severely hampered if diplomatic relations were to break off.

## **4. The Improvement of International Police Cooperation Mechanism**

### **4.1. Establish Special Agencies and Innovate Cooperation and Consultation Mechanisms**

Firstly, the Ministry of Public Security needs to set up a special anti-cybercrime agency to effectively counter the use of high-end Internet technology by criminal suspects including Internet crime information interception, GPS accurate location of suspects' IP addresses. At the same time, this paper should further clarify the legal responsibilities, work content, work procedures and specific work flow of the institution.

Secondly, China can have the courage to put forward new ideas and innovate new mechanisms to change the unfair and unreasonable aspects of the existing international police cooperation system of western countries. One of the measures is that China can establish an international police cooperation research group through consultation with other countries to discuss solutions to the differences in legal systems of different countries. The first principle of discussion is to respect the judicial sovereignty of each country, and no country shall make demands beyond the laws of other countries [2]. Due to the different history, religion, culture and legal system of different countries, the standards of crime identification are not uniform, and it is easy to have disagreements during the discussion. Therefore, the two countries should hold full discussions on the basis of respecting each other's judicial sovereignty. The second principle of discussion is that crime should be judged uniformly in accordance with the scope of recognition in public international law. The purpose of joint discussion is to stop some countries from exercising hegemonism and discriminating. This also provides a new breakthrough for solving cases in a more fair, just and respectful way between China and other countries in international policing [1]. When diplomatic relations are in a state of tension, the two countries can first reduce conflicts and carry out police cooperation with the aim of knowing no borders and arresting criminal suspects. In addition, China can also hold regular seminars with official institutions and experts from other countries to strengthen the speech mechanism of high-end forums.

### **4.2. Optimize Investigation and Forensics Cooperation and Information Sharing Mechanism**

Firstly, the standards and methods of forensics should be negotiated among countries to carry out diversified discussions. Each country should learn from other countries' forensics standards reasonable place, and further reach a new forensics standard. If there is disagreement among countries, evidences should be collected in accordance with the unified standards of the United Nations International Criminal Police Organization for evidence collection in order to reach a consensus. Secondly, in the measures of crime collection and investigation, the international police cooperation mechanism should be committed to improving from the following aspects. First of all, in the past two years, the science and technology of all countries are progressing, and the research on forensics and investigation has made a qualitative leap. Digital forensics, for example, can seamlessly gather evidence from computers and mobile devices and use software to analyze it, making it much more efficient. The unmanned patrol car uses facial recognition technology and can also release drones to help collect evidence. Robot dogs can efficiently complete dangerous tasks such as reconnaissance, explosive disposal and search and rescue in complex environments. However, these new technologies must be shared with countries, facilitating co-operation between them and reducing the time it takes to track them down. Secondly, the important content of joint investigation against transnational crimes between countries is to exchange evidence and information obtained in the investigation process. The requesting country and the country where the crime occurred need to grasp all crime information timely and accurately to effectively combat transnational crimes [2]. Information must therefore be shared between the two countries. The specific contents include the basic information of the case, the information of the investigators in the requested country and the country where the crime



occurred during the interrogation of the suspect, the identity information of the victim, the witness, the defendant and the physical evidence of the scene investigation. These contents should be included in the information sharing platform, so that the whole process of the case is open and transparent.

## 5. Conclusion

This paper uses typical cases of international police cooperation to analyse the problems existing in international police cooperation mechanism. In order to further strengthen the construction of international police cooperation mechanism, countries should reach a consensus on the concept and method of case investigation and establish a discussion group mechanism on this issue. This not only solves the problem of disagreement and difference of ideas, but also strengthens the speech of high-level multilateral forums, thus promoting the integration of ideas. The value of the research lies in that strengthening international police cooperation is to safeguard the stability of China and the stability of the world. Therefore, after these problems are solved, the improvement of the international police cooperation mechanism will further promote the cooperation between countries. This paper hopes that these new measures and attempts can be carried out in the future international police cooperation to lay a good foundation for the realization of multilateral all-win situation and the realization of a community with a shared future for mankind.

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