

Figuring Out How 'Point Running' Is Treated in Criminal Law for Telecom Fraud-Criminal Law Classification of Money Muling in Telecommunications and Online Fraud

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Abstract

The term “money muling” typically refers to the intermediary transfer of illicit funds in telecom fraud. While such activities may appear similar on the surface, they correspond to distinct criminal offenses. This study examines the boundary of culpability among the crimes of providing assistance in information network criminal activities, joint fraud, and concealing or disguising criminal proceeds, focusing on acts involving account provision, fund transfers, and currency conversions. Employing normative analysis and comparative case studies, and drawing on judicial documents and domestic and international scholarship, the research finds that transaction volumes must be assessed in conjunction with evidence of account control and source of instructions to support a proper determination of conduct. The degree of participation should be evaluated based on the conduct’s facilitative effect on upstream crimes and the nature of collaboration, rather than through a mechanical escalation of charges. Subjective intent must be examined separately with respect to general awareness of cybercrime, basic facts of fraud, and the specific nature of the funds as criminal proceeds, while also accounting for exculpatory evidence. A coherent adjudicative framework emerges from the integration of factual reconstruction, offering guidance for the attribution of liability in similar cases.

Keywords

money muling, aiding and abetting information-network crimes, accomplice to fraud, concealment of criminal proceeds, mens rea

1. Introduction

In the fund transfer stage of telecom network fraud, the division of labor among people overlaps with the payment channels. Account provision, transferring and withdrawing money, currency exchange, and recruiting personnel are often grouped under the term ‘running points,’ a label that hides the different forms of participation. Relying too much on quantifiable indicators like transaction volume or the number of accounts, judges might downplay analyzing the nature of the behavior or the subjective awareness of the offenders. Previous studies have pointed out that in applying the crime of aiding and abetting, the boundaries of helping

behaviors are too broad, the review of criminal severity is insufficient, and the proof of intent is lacking [1]. Restoring factual labels to the elements of the crime is the starting point of this study.

A specific case can illustrate this issue. In the ‘Two Highs’ typical case of Wu Man in 2025 on August 25, the offender provided collected bank cards and, after the accounts were restricted, arranged for the cardholders to withdraw cash. The first trial treated it as aiding and abetting, while the second trial, combining the offender’s awareness and the money transfer behavior, changed the verdict to concealment crime. Similarly, even when there is evidence of card transfer and account transactions, the crime still needs to be judged based on complete evidence. This article uses normative analysis and case comparison methods, proposing progressive rules around factual examination, the role of the behavior, and subjective awareness. The selected cases are used to illustrate the judgment method and do not represent a nationwide statistical distribution of rulings.

2. The Actual Situation of Score-Chasing Behavior and Its Current Judicial Recognition

2.1 The Actual State of Score-running Behavior

Score-splitting activities can be divided into three types: account provision, fund operations, and organizational transfers. This includes delivering bank cards and payment accounts along with their verification info, completing transfers and withdrawals as instructed, and recruiting people to manage accounts and arrange exchanges. These tasks can be done by different people or sometimes by the same person. Interviews about online scam proceeds abroad show that account providers, who are professional financial intermediaries, often take on different roles, and there are differences in how they get paid [2]. This supports looking at the facts from a division of labor perspective, but foreign criminology classifications can not directly determine what counts as a crime under Chinese law.

Looking at the flow of funds, cash, bank accounts, and virtual assets are not isolated from each other. Fifteen completed police investigations in the Netherlands show that money from online scams can move through different accounts and asset forms. Cash that’s withdrawn can also be deposited back into accounts [3]. Just using virtual assets or withdrawing cash does not mean someone is an organizer. Using a regular bank account does not automatically mean their role is minor either. Whether someone controls an account really depends on the instructions they give, the information they access, and the purpose of the transactions, which is what connects to the legal evaluation.

2.2 Standard Paths and Their Theoretical Disagreements

China’s Criminal Law mainly involves Articles 287-2, 266, and 312, which can be respectively abbreviated as the crime of helping a fraud, fraud, and the crime of concealing. The term ‘concealing a crime’ refers to the crime of concealing or disguising the proceeds of crime, and also refers to the crime of concealing or disguising the benefits obtained from a crime. The 2019 No. 15 Judicial Interpretation, namely the ‘Interpretation of Assistance’, provides regulations on how to determine if someone is aware and also on how to judge if the circumstances are serious. The 2025 Legal Issue No. 12, also known as the “Assistance Opinion,” in Article 5 specifies the criteria for knowing comprehensive identification, Article 6 proposes the standards for measuring the severity of a crime, and Articles 7 and 8 deal with the distinction of concealment crimes and the distinction of related criminal accomplices, respectively.

There is still some disagreement among scholars about the nature of the crime of aiding and abetting. Some studies emphasize its status as an independent principal offense. In 2022, Huang Xianqing [4] analyzed that it involves harm to legal interests, while in 2024 Zhang Mingkai [5] proposed another view, suggesting that the application of aiding and abetting is still constrained by the principle of complicity, including acts that should have been considered complicity in fraud and other crimes under this crime. This approach has been criticized. There are two different interpretations of the scope of punishment, so people can not just piece them together into an uncontested consensus. This article does not aim to settle the debate over the nature of things, but rather takes the current regulations as a basis to examine the objective acts of each crime, look at the subjective elements, check the conditions for criminalization, and finally deal with issues of overlapping offenses.

3. Threelfold Deviations in Determining the Criminal Law Nature of Score-Running Behavior

3.1 Objectively Examining Facts—Using Money Flow to Replace Judgment of Behavior Nature

The cash flow shows the scale and direction of transactions, total inflows, verified fraud amounts, and the gains of the perpetrators, but each of these has a different meaning. Mixing in legal funds, repeated circulation of money, and internal transfers between accounts can all make the flow exceed the actual amount attributable to the crime. The amount involved in a crime can not be simply equated with transaction records, and aiding behavior or subjective awareness should not be directly inferred from that amount. Doing so confuses the relationship between evidence, facts, and legal conclusions. If transaction records exist on their own, their evidential value is limited, and the type of assistance or subjective knowledge can not be confirmed just by them. Putting together chat records, device login info, and the victim's statements, these pieces of evidence could collectively back up certain conclusions. Looking at how the evidence works together becomes more important. By combining these factors, people can get a more accurate grasp of the case, while just relying on transaction data alone can easily lead to mistakes.

Article 6 of the 'Guidance on Assisting Opinions' requires prior verification in specific card-related situations. It's necessary to first check whether the amount involved in the suspected crime by the assisted party meets the recognition standards. It also explains cases where, due to a large number of subjects, it's difficult to verify each one individually. It cannot be simplified to just saying that as long as the transaction meets the threshold, it counts as a crime. can not Article 12, Paragraph 2 of the 'Baoxin Interpretation,' which sets special rules when objective verification is limited, and it's important to independently explain which branch applies under what conditions. Empirical research on 'two-card' related judgments offers some hints—cases with low crime levels might tend to shift towards evaluating concealment offenses [6]. This does not prove that handling of individual cases is wrong; it just reminds judges not to use another charge as a tool to bypass the conditions for conviction.

3.2 Behavior Impact Evaluation is Flattened—Different Levels of Participation are Not Distinguished

Treating all financial assistance as payment settlement help ignores the actual contribution to the crime. Account providers may not be able to decide where the funds go, and card verification or cash withdrawal operators handle the money without having control over it. Recruiters or those who direct diversion channels might maintain the whole financial network. Research on network assistance emphasizes that factual classification should be combined with normative evaluation, and attention should also be paid to the direction of help and the specific awareness of the actors [7]. While participation levels help to raise investigatory questions, they can not replace the crime itself.

Article 8 of the 'Opinion on Assisting' states that acquiring accounts for crimes like fraud, or organizing, recruiting, and introducing people to provide accounts, should be punished as a joint crime if there was prior collusion or a stable cooperative relationship. Stable cooperation should be considered a fact of joint crime, and frequent transactions alone cannot directly prove intent to commit fraud. On July 26, 2024, the "Two Supreme Courts and One Ministry" released a typical case, the Jiutang XX case. In it, the person involved knew that others were committing telecom network fraud, joined an overseas scam operation, and organized domestic money mules and card suppliers to transfer funds, and was ultimately punished for fraud. The key point is that the person knowingly participated in the scam and provided help, rather than their role as an organizer per se.

Refer to the Supreme Court case of Zhai, case number 2024-04-1-257-002, where the court handed down a conviction for aiding and abetting. Considering the way the support was provided, the parties' limited understanding, the fact that there was no collusion, and no profit sharing, these facts should be noted. The call support in this case cannot be directly equated with money-laundering-type operations. The key takeaway is to analyze the role and intent together. No profit sharing and short participation time are just factors in assessing this individual case. Excluding co-conspirators under the independent rule does not apply. Similarly, different

levels of involvement can sometimes affect the charges, and sometimes simply the primary/secondary role in the same crime, which only impacts sentencing.

3.3 Subjective Perception Judgment Homogenization—Three Types of ‘Knowing’ are Placed on the Same Scale

High rewards, unusual transactions, and account freezes can all be considered indirect evidence, but people need to clarify what they point to. Aiding and abetting focuses on someone using an information network to commit a crime, while being an accomplice in fraud looks at what the person knows about the basic facts of the fraud, the shared intent. Concealment crimes focus on the criminal nature of the property handled, knowing its use in cybercrime does not necessarily mean knowing that specific property is already criminal proceeds. Foreign surveys of young people have found that some don’t fully understand the risks of money transfers, and recruitment can happen online or through acquaintances [8]. This suggests that individualized checks are necessary, but it’s hard to prove innocence in Chinese cases.

Subjective standards cannot be stated simply as only exist when one clearly knows. The 2025 “Interpretation of the Supreme People’s Court and the Supreme People’s Procuratorate on Several Issues Concerning the Application of Law in Handling Criminal Cases of Concealing or Hiding Criminal Proceeds or Gains from Criminal Proceeds” (Fa Shi [2025] No. 13, hereinafter referred to as the “Concealment Interpretation”) Article 2 includes both actual knowledge and what one should have known. It requires a comprehensive review combining information on abnormal transactions, professional background, and confessions or defenses. This article argues that applying “should have known” requires specifying the concrete facts, and how these facts support awareness of criminal proceeds cannot be inferred; criminal liability cannot be inferred based on general risk warnings. Academic discussions summarize inferences from actual knowledge, stressing the prevention of oversimplified proof, and combine general experience judgments with individual circumstances [9].

4. Progressive Determination Rules for the Criminal Nature of Score-Running Behavior

4.1 Establish an Objective Review Sequence That Prioritizes the Facts of the Behavior

Restore the actions: whoever gets the delivery account, whoever holds the password verification tool, whoever designates the payee, whoever decides the number and method of transfers, all these link the funds with the actions and provide conditions for the fraud process. When dealing with the tangible forms of criminal gains, if the same person is involved in different stages, each act needs to be examined, and the conditions of aiding others must be checked. Here, the order is just for analysis to prevent omissions; it does not mean people should first rule out subjective facts and then mechanically review objective facts. Subjective and objective evidence still need to corroborate with each other.

Regarding the determination of amounts, the total account transactions should identify and verify parts involved in fraud, repeated transactions, and parts whose nature cannot be determined. It’s necessary to explain what criteria each part falls under. Continuous login operations on a single card can generate the same transaction records, yet the contact information may differ. The same commission could correspond to different tasks. The form of funds, characteristics of the actor, and external environment all influence the way operations are carried out. Riccardi and Reuter [10] have already done research on this. This article thinks that transaction appearance can be used as an investigative clue, but combined with other evidence for evaluation, it should not be assigned a fixed criminal meaning.

4.2 Establishing a Hierarchical Evaluation System for Behavioral Effects

For account providers, it should be checked whether they gave substantial help in cybercrime and whether they knew the details and how serious they were. For those who handle the funds, review their permissions, check their contribution in handling the fraud, and understand that following others’ orders does not automatically exclude criminal liability. For organizers and converters, clarify if coordinators arranged accounts and handled any unusual situations. These activities are intentionally based on the scammer’s actions. The three roles can overlap, but aiding crimes to covering up crimes at a fixed level, then to fraud crime formation, does not work.

The time of participation alone can not determine the nature of the act, and the transfer of funds does not automatically constitute the crime of concealing. Collusion beforehand can be considered when evaluating accomplices in fraud, which is already made clear in Article 7 of the Interpretation on Concealment. On the other hand, someone getting involved for the first time afterward without the shared intent to commit fraud should have the handling of criminal proceeds combined with a knowledge review. When elements overlap, issues of concurrence should be handled according to Article 287-2, Paragraph 3 of the Criminal Code and Article 9 of the Interpretation on Concealment. People can not just treat the crimes as entirely mutually exclusive, and relying solely on the severity of punishment to backtrack and determine the crime isn't acceptable.

4.3 Establish Layered Rules for Subjective Awareness Judgment

The reasoning should clearly outline four parts: what the basic facts are, what kind of empirical judgment applies, which object of knowledge it ultimately points to, and why contrary evidence is accepted or rejected. For example, the fact that an account kept trading after being flagged for abnormal activity, versus withdrawing cash after being clearly told it involved fraudulent funds, carry different evidential meanings. In the Man case, facts like concentrating card supplies, transferring on-site according to the transaction flow, and cash withdrawals after the account was blocked should be evaluated together. People can not just pick one factor and treat it as a template for convicting all cases.

Counter-evidence review should include the real business context, how compensation is formed, the employment history, the scope of information access, and account control capabilities. Fixed wages or short-term employment don't automatically rule out intent, but they might weaken certain inferences; repeatedly changing channels after warnings also does not automatically prove all subjective elements and still needs to be considered along with the content of notifications and follow-up actions. Distinguishing subjective elements does not mean that different crimes can use different standards for conviction. Judgments about guilty facts must follow the requirements of solid, sufficient evidence and excluding reasonable doubt, and the responsibility to prove innocence can not be shifted to the person involved.

5. Conclusion

Criminal law classification of score-running behavior should focus on the specific actions and their regulatory relations, with metrics like transaction volumes helping as evidence. But it must be combined with account control to track the source of funds and reveal the levels of involvement. However, it can not automatically match to a specific crime. Knowing this, the judgment needs a clear understanding of the subject, and must respond to opposing evidence. The evaluation of the role in restoring the facts and subjective verification should be done in order, and then the review of the overlap of punishable offenses follows. This can prevent the improper expansion of the crime of assisting others and fill the gap in punishment for concealment crimes. This article proposes an analysis framework applicable to individual cases, but the specific effects still need to be tested with more judicial materials.

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