

The Evolution and Improvement of the Rules on Excluding Illegal Evidence from the “Old Regulations” to the “New Regulations”

Xiaoyi Zi

China University of Political Science and Law, Beijing 100080, China

Abstract: *In September 2024, China introduced new regulations to govern the exclusion of illegal evidence in criminal cases, jointly issued by its highest judicial and law enforcement authorities. These updated rules replace the previous 2018 provisions and represent a significant advancement in the country's efforts to enhance procedural justice and judicial integrity. The new framework broadens the criteria and situations under which evidence deemed unlawful can be invalidated, while also offering more comprehensive procedural guidelines to ensure consistent enforcement. Notably, it establishes clearer roles and cooperation mechanisms among investigative agencies, prosecutors, and courts, promoting greater coordination throughout the criminal justice process. These improvements address challenges faced in past judicial practice, aligning legal procedures more closely with societal expectations for fairness and transparency. Despite these gains, certain practical limitations remain in applying the new measures, which call for ongoing refinement. This study reviews the key enhancements embodied in the new regulations, assesses their impact on legal practice, and highlights areas needing further development. Ultimately, it seeks to contribute to the strengthening of China's criminal justice system by supporting the balanced application of legal standards and advancing the rule of law.*

Keywords: Illegal Evidence, Exclusionary Rule.

1. Introduction

In September 2024, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice (hereinafter referred to as the “Two Highs and Three Ministries”) jointly issued the milestone “Regulations on Excluding Illegal Evidence in Criminal Cases” (hereinafter referred to as the “New Regulations”), officially replacing the “Regulations on Excluding Illegal Evidence in Criminal Cases by People's Courts (Trial)” issued by the Supreme People's Procuratorate in 2018 (hereinafter referred to as the “Old Regulations”). The issuance of these New Regulations marks a new stage in the development of China's rules on excluding illegal evidence, reflecting significant progress made by China's judicial system in safeguarding procedural justice, maintaining judicial fairness, and advancing the construction of the rule of law. Compared with the Old Regulations, the New Regulations have achieved remarkable improvements in content refinement, expansion of application scope, detailed procedural design, and strengthened supervision and restraint mechanisms. These enhancements effectively address many difficulties encountered in judicial practice and meet the public's expectations for judicial fairness. Meanwhile, the implementation of the New Regulations further clarifies the division of responsibilities and coordination mechanisms among investigation agencies, procuratorial organs, and people's courts in the process of excluding illegal evidence, thereby promoting the standardization and legalization of criminal proceedings. In light of this, this article aims to thoroughly review the specific advancements of the New Regulations over the Old Regulations and analyze the positive significance they bring to the exclusion of illegal evidence. At the same time, with a realistic attitude, it examines the existing shortcomings and limitations in the practical application of the New Regulations, hoping to provide theoretical support and reference for the further improvement of China's illegal evidence exclusion

rules and to contribute modestly to promoting criminal justice fairness and rule of law development in China.

2. Background for the Formulation of the New Rules on Excluding Illegal Evidence

The rules on excluding illegal evidence are an essential component of the modern criminal procedure system, commonly referred to as the principle of “not harvesting fruit from the poisonous tree.” Their core purpose is to exclude evidence obtained illegally by investigative authorities from being used in legal proceedings. This serves to protect citizens' fundamental rights, uphold the fairness of the judiciary, and prevent wrongful convictions. These rules embody strict requirements regarding the legality and legitimacy of evidence and reflect the deepening integration of the rule of law into the field of criminal justice. The rules on excluding illegal evidence in China have undergone a relatively long developmental process, which can be roughly divided into three stages: the initial exploratory stage, the stage of preliminary establishment and legislative confirmation, and the stage of continuous improvement. Each stage reflects the gradual maturation of China's criminal procedure system.

2.1 Initial Exploration Stage

The Criminal Procedure Law of the People's Republic of China, promulgated in 1979, for the first time explicitly stated at the legal level that “torture and forced confessions obtained through threats, inducements, deceit, and other illegal methods are strictly prohibited.” [1] This was a milestone provision in the construction of China's criminal procedure legislation. Although this law did not provide specific or systematic regulations regarding the rules on excluding illegal evidence, it marked an important step forward in curbing illegal evidence collection and protecting the legitimate rights of defendants. It laid the legal foundation for exploring

mechanisms to exclude illegal evidence. In the following years, as incidents of illegal evidence collection were exposed in judicial practice and public attention increased, it became an inevitable trend to formulate more concrete rules for excluding illegal evidence.

The 1996 revision of the Criminal Procedure Law further clarified in Article 43 that “torture, forced confessions, and the collection of evidence by threats, inducements, deceit, or other illegal methods are strictly prohibited.” This provision not only reiterated the prohibition of illegal evidence collection but also reflected the judicial authorities’ initial recognition of the importance of excluding illegal evidence [2]. Nonetheless, this article remained a principle-based provision, lacking specific guidance on under what circumstances illegal evidence should be excluded and how the exclusion procedure should be implemented. Consequently, there was considerable discretion in practice regarding the handling of illegal evidence, which affected the consistent application of the rules. At the same time, institutionalized construction of the illegal evidence exclusion mechanism was still insufficient; operational standards and procedural safeguards had yet to form a systematic framework, which led to many uncertainties and disputes in practice.

Overall, the provisions in the 1979 and 1996 Criminal Procedure Laws regarding the prohibition of illegal evidence collection represent the nascent and initial stage of establishing China’s illegal evidence exclusion system. They laid the groundwork for subsequent, more thorough and detailed legislation. However, these provisions primarily embodied the principle of prohibiting illegal conduct, lacking specific operational procedures and effective judicial remedies, and had yet to form a complete system for excluding illegal evidence.

2.2 Preliminary Establishment and Legislative Clarification Stage

Entering the 21st century, with the continuous advancement of the rule of law and the deepening of criminal justice reform in China, the rules on excluding illegal evidence entered a stage of preliminary establishment and gradual clarification. In 2010, five departments—the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice—jointly issued the “Regulations on Several Issues Concerning the Exclusion of Illegal Evidence in Handling Criminal Cases” and the “Regulations on Several Issues Concerning the Review and Evaluation of Evidence in Death Penalty Cases,” collectively known as the “Two Evidence Regulations.” These regulations, for the first time, systematically clarified and regulated the types of illegal evidence and their handling [3]. In particular, “illegal verbal evidence” was explicitly stipulated to be absolutely excluded and prohibited from being accepted in criminal trials; meanwhile, physical evidence was allowed to be used after remedial measures were taken. These provisions balanced the severity of criminal justice with the flexibility of case adjudication, carrying landmark significance both in theory and in practice.

Building on this, certain local people’s courts actively

responded and cooperated by carrying out pilot projects to promote the concrete application and improvement of the rules. For example, the Yancheng People’s Court conducted pilot work on excluding illegal evidence, which not only summarized practical experiences in procedural operations and evidence identification but also provided valuable references and models for the nationwide refinement and institutional construction of illegal evidence exclusion rules. These explorations effectively advanced the institutionalization and standardization of illegal evidence exclusion, enhancing the operability and feasibility of the rules and playing a positive role in safeguarding judicial fairness [4].

The 2012 revision of the Criminal Procedure Law of the People’s Republic of China further specified and detailed the standards for excluding two types of evidence. First, confessions or testimonies obtained through torture, violence, or threats were explicitly required to be absolutely excluded and cannot be used as a basis for conviction; second, documentary or physical evidence obtained in violation of statutory procedures must be excluded if it cannot be effectively remedied. These provisions not only detailed the specific categories and exclusion scenarios of illegal evidence but also clarified the legal bases and operational standards for excluding illegal evidence, enhancing the seriousness of criminal procedure and the level of legal protection.

In addition, the Supreme People’s Court and the Supreme People’s Procuratorate further clarified the specific meaning of “torture to obtain confessions” through judicial interpretations and departmental regulations, refined the standards for identifying illegal evidence, and stipulated that public security, procuratorial, and judicial departments have an obligation to actively investigate and exclude illegal evidence, forming a situation of multi-departmental cooperation to promote the exclusion mechanism. These measures not only strengthened the institutional construction of the exclusion of illegal evidence but also urged judicial organs to fulfill more proactive supervisory and self-disciplinary responsibilities, reflecting a solid step forward in the construction of the rule of law in China [5].

In 2017, the Supreme People’s Court and four other departments jointly issued the “Regulations on Several Issues Concerning Strict Exclusion of Illegal Evidence in Handling Criminal Cases,” which further standardized the pre-trial meeting system and the procedures for excluding illegal evidence, emphasizing that the exclusion of illegal evidence should be substantively applied during trial. This regulation improved not only the operational procedures for courts to exclude illegal evidence but also promoted trial transparency and protection of defense rights, advancing both trial efficiency and judicial fairness. Through this series of measures, the rules on excluding illegal evidence gradually formed a relatively complete institutional framework in legislation and judicial practice, laying a solid foundation for further deepening criminal procedure reform and the construction of the rule of law.

2.3 Continued Improvement Stage

Despite decades of continuous exploration and development,

the rules on excluding illegal evidence have made significant progress and become an important legal safeguard within China's criminal procedure system. However, practical judicial practice still faces many urgent issues to be resolved. Among these, the lack of a clear rule for excluding illegal evidence during the pre-trial stage remains a prominent problem that both scholars and practitioners widely recognize and must address promptly. The pre-trial process is a crucial phase in criminal proceedings, involving the collection, preservation, review, and preliminary assessment of evidence. It serves as the foundation for ensuring the quality and legality of evidence. If illegal evidence is not effectively identified and excluded at this stage, it not only allows such evidence to be used in subsequent trials, affecting the court's accurate determination of facts, but also directly harms the legitimate rights of the parties involved, potentially leading to wrongful convictions and miscarriages of justice. Clearly, improving the mechanism for excluding illegal evidence during the pre-trial stage is essential not only for procedural fairness but also for achieving substantive justice and maintaining the rule of law.

Therefore, addressing the institutional gaps in the exclusion of illegal evidence in the pre-trial process and establishing a scientific, reasonable, and operable exclusion mechanism have become important tasks for perfecting China's criminal procedure system and enhancing judicial credibility. In response to this pressing need, in 2024, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice (collectively known as the "Two Highs and Three Ministries") jointly issued the "Regulations on the Exclusion of Illegal Evidence in Criminal Cases" (hereinafter referred to as the "New Regulations"). The New Regulations not only inherit and carry forward the fundamental spirit of strictly excluding illegal evidence in criminal proceedings consistently adhered to in China, but also make targeted and systematic provisions to address the gaps in the pre-trial exclusion of illegal evidence, demonstrating strong practical relevance and operational guidance. The issuance of the New Regulations responds to the expectations of both academic and practical circles for strengthening pre-trial exclusion mechanisms, providing a solid institutional guarantee for advancing China's criminal procedure system toward greater fairness, transparency, and standardization. It also offers robust legal support for judicial authorities to handle cases in accordance with the law, protect the rights of parties, and uphold social fairness and justice.

3. Analysis of the Progressiveness of the New Rules on Excluding Illegal Evidence

The "New Regulations" represent a further legislative improvement of the rules on excluding illegal evidence based on the "Old Regulations." Compared to the "Old Regulations," the "New Regulations" demonstrate clear progress, specifically reflected in the following aspects:

3.1 The "New Regulations" Fill the Gap of Illegal Evidence Exclusion Rules in Pretrial Procedures

The "New Regulations" explicitly stipulate the application of the rules on excluding illegal evidence during pretrial

procedures, which is the most distinctive highlight compared to the "Old Regulations." By setting forth specific requirements and procedures for excluding illegal evidence in pretrial stages, the "New Regulations" address the prior absence of such rules during investigation, review of arrest, and prosecution review stages [6].

The "New Regulations" introduce a legality review system during the pre-investigation stage in major cases. According to Article 4 of the "New Regulations," for cases potentially punishable by life imprisonment, the death penalty, or other major crimes, the investigating authorities must notify the procuratorial officials stationed at detention centers in writing to conduct a legality review of interrogations. Procuratorial officials must question the criminal suspects to verify whether illegal evidence gathering such as torture has occurred, and the interrogation process must be audio-visually recorded simultaneously. Article 4 advances the legality review of evidence to before the conclusion of the investigation, filling a legislative gap regarding procuratorial review of evidence legality during the investigation stage, thus playing an important role in preventing illegal evidence from entering post-investigation legal procedures.

Article 6 of the "New Regulations" provides that the people's procuratorate, during the review of arrest and prosecution, shall promptly investigate and verify any clues suggesting illegal evidence acquisition. According to this provision, not only is evidence proven to be illegally obtained inadmissible, but evidence without proof of legal acquisition is also inadmissible. This conforms more closely to the original legislative intent of the "illegal evidence exclusion rules." Articles 4 to 7 of the "New Regulations" clearly stipulate the proactive verification responsibilities of the procuratorate at each stage before trial, specifying the supervisory duties of the procuratorial organs over the lawful evidence collection conduct of investigative bodies. This ensures illegal evidence is excluded from use before entering the trial phase.

The most distinctive highlight of Article 7 is that it explicitly regulates the procedural continuity and public disclosure of illegal evidence. According to Article 7, the procuratorate has the responsibility to lawfully exclude illegal evidence during the prosecution stage. Procedurally, the procuratorate may require investigative bodies to recollect evidence or collect evidence independently. At the same time, the law imposes the risk on investigative bodies that illegal evidence must be publicly disclosed to the people's court, as the provision states that illegal evidence along with related case files will be transferred to the people's court. Through these provisions, misuse of illegal evidence during the trial phase can be prevented, thereby ensuring that the illegal evidence exclusion rule is applied throughout the litigation process.

3.2 The "New Regulations" Clarify That People's Courts Have the Statutory Duty to Hold Pretrial Conferences When an Application to Exclude Illegal Evidence Is Submitted

Article 11 of the "New Regulations" explicitly stipulates that when the people's court receives an application from the defendant or their defense counsel to exclude illegal evidence, it has the statutory duty to convene a pretrial conference. If the

defendant or their defense counsel provides relevant clues and materials along with the application, the court must hold the pretrial conference; if they fail to provide such clues or materials, the court has the obligation to inform them to supplement the submission.

The provision in Article 11 has several significances. First, it imposes a legal obligation on courts to hold a pretrial conference upon application, changing the previous discretionary model where courts had the freedom to decide whether to convene such conferences. This mandatory rule helps prevent judges from neglecting the review of evidence legality due to subjective judgment or efficiency considerations, thus more comprehensively and effectively safeguarding procedural justice. Second, this provision promotes the continuity of case adjudication by preventing interruptions in trial proceedings caused by the defendant's or defense counsel's application for exclusion of illegal evidence, thus playing an important role in further saving judicial resources and improving judicial efficiency and trial quality. Third, the provision better protects the legitimate rights of the defendant. The defendant's or their counsel's application to exclude illegal evidence directly triggers the pretrial conference procedure, avoiding the legal predicament of the defendant having "no channel to apply." Meanwhile, according to Articles 12, 16, and other provisions of the "New Regulations," both the defendant and the procuratorial organs must participate in the pretrial conference, and the procuratorial organs bear the burden to present evidence and explain the legality of the evidence, which serves to limit public power while protecting the defendant's lawful rights. Fourth, this provision helps enhance judicial credibility. According to the "New Regulations," the people's court is required to include in its judgment documents the handling result and reasons regarding illegal evidence during the pretrial conference, thus subjecting the process to public supervision and increasing judicial transparency. At the same time, by holding pretrial conferences, courts can accumulate rich experience in dealing with cases involving the exclusion of illegal evidence, form relatively uniform evidence exclusion standards in practice, and reduce inconsistent judgments in similar cases.

3.3 The "New Regulations" Ensure the Investigation Efficiency of People's Courts During Trials

Article 17 of the "New Regulations" clearly stipulates: "If the prosecution and defense fail to reach an agreement on the legality of evidence collection during the pre-trial meeting, and the people's court has doubts about the legality of the evidence collection, it shall conduct an investigation during the trial; if there are no doubts about the legality of the evidence collection, and no new clues or materials indicate possible illegal evidence collection, the court may decide not to conduct an investigation and shall explain the reasons." Compared with Article 15 of the "Old Regulations," this provision represents a significant improvement and enhancement in the mechanism for reviewing the legality of evidence within the trial procedure.

Firstly, from a subjective perspective, the "New Regulations" explicitly designate the people's court's "doubt about the legality of evidence collection" as the subjective basis for

initiating an investigation during the trial. This requirement strengthens the court's proactive duty to scrutinize evidence legality, urging judges to maintain heightened sensitivity and vigilance regarding the legitimacy of evidence, especially when there is disagreement between the prosecution and defense. The court is therefore obligated to promptly initiate an investigation to ensure a comprehensive and effective determination of the facts. In contrast, the "Old Regulations" did not explicitly grant the court the authority to decide whether to conduct such an investigation, resulting in unclear discretion, insufficient scrutiny, and lack of initiative in practical application.

Secondly, from an objective standpoint, the "New Regulations" set "no new clues or materials indicating possible illegal evidence collection" as the objective criterion for refraining from further investigation. This provision reflects a balanced approach that safeguards trial efficiency while acknowledging the necessity of investigation. If the court has no doubts about the legality of the evidence and no new facts suggest illegal collection, it may lawfully decide not to pursue an investigation and must provide a public explanation. This helps avoid redundant inquiries and the waste of judicial resources, thereby improving trial efficiency and the quality of case adjudication. By comparison, while the "Old Regulations" mentioned that "the investigation, presentation, and cross-examination of evidence during trial may be simplified," they did not specify when or how such simplification should occur, causing ambiguity and uncertainty in practice, and thus failing to effectively guide judicial action.

3.4 The "New Regulations" Better Respond to Theoretical and Practical Needs

The "New Regulations" provide more detailed and specific provisions concerning the definition of illegal evidence and the procedures for its exclusion, reflecting a further standardization and improvement of the rules on evidence in criminal proceedings. In contrast, the "Old Regulations" offered only a vague definition of illegal evidence, lacking clear and unified operational standards and detailed classifications. This resulted in considerable flexibility and uncertainty in judicial practice when identifying illegal evidence, often leading to inconsistencies in rulings due to differences in understanding and implementation, thereby affecting judicial fairness and uniformity.

To address this issue, the "New Regulations" systematically list various specific circumstances, such as confessions or testimonies obtained through torture, threats, inducement, or deception by illegal means, clearly stipulating that such evidence must be excluded. Moreover, the "New Regulations" set out detailed procedural steps and operational standards for the exclusion of illegal evidence, including the submission of motions, evidence review, exclusion decisions, and the protection of the rights of litigation participants. This makes the process of excluding illegal evidence more standardized, transparent, and operable, effectively reducing arbitrariness and uncertainty in judicial practice and further promoting the lawful and fair conduct of criminal trials.

On the other hand, the "New Regulations" significantly

strengthen the supervision and restraint mechanisms over the exclusion of illegal evidence, filling the gaps left by the relative weakness in this area under the “Old Regulations.” Previously, the “Old Regulations” lacked a clearly stratified supervisory system, which led to issues such as inadequate oversight, unclear responsibilities, and procedural formalism in practice. These problems hindered the effective implementation of illegal evidence exclusion and undermined public confidence in judicial fairness.

In response, the “New Regulations” innovatively establish a multi-level and multi-dimensional supervisory mechanism. This includes internal supervision, such as case quality management and law enforcement oversight within procuratorial and judicial organs; external supervision, such as inspections and evaluations conducted by higher courts and procuratorates over subordinate units; and significantly emphasizes the role of social supervision by encouraging participation from media, the public, and legal oversight organizations. Additionally, the “New Regulations” explicitly mandate regular inspections and evaluations of the implementation of illegal evidence exclusion, urging relevant departments to promptly summarize experiences and lessons learned, and to disclose inspection results to society through appropriate channels for public supervision and evaluation.

4. Analysis of the Limitations of the New Rules on Excluding Illegal Evidence

Although the “New Regulations” represent a significant advancement and reflect important legislative progress in the domain of excluding illegal evidence, it is important to recognize that, due to various practical considerations and inherent limitations in legislative techniques, these regulations still exhibit certain shortcomings and areas for improvement.

4.1 Some Expressions in the “New Regulations” Remain Unclear

Article 1 of the “New Regulations” refers to situations such as “threats” and “suffering unbearable pain,” which require further detailed provisions. For example, regarding “threats,” does it include passive psychological suggestion, vague verbal expressions capable of causing panic in suspects, etc.? Also, “unbearable pain” varies from person to person since some have a stronger tolerance for pain than others; thus, there is no unified understanding of what constitutes “unbearable pain.” This may result in the same method of evidence collection being deemed legal in some cases but illegal in others.

Article 3 of the “New Regulations” states that physical or documentary evidence “that may seriously affect judicial fairness shall be supplemented or reasonably explained.” However, how such supplementation should be made, what procedures apply, and what counts as a “reasonable explanation” are not specified. Furthermore, Article 4 refers to “cases that may result in life imprisonment, death penalty, or other major cases,” but what qualifies as “other major cases,” and whether categories such as the “eight major serious crimes” apply, remains undefined.

4.2 Certain Provisions Require Further Detailing

Article 4 of the “New Regulations” explicitly requires that prosecutorial personnel must conduct “synchronous audio and video recording throughout the entire verification process.” This provision aims to ensure transparency, fairness, and traceability in evidence collection by means of technological safeguards, thereby preventing illegal evidence collection and upholding judicial justice. However, the “New Regulations” do not clearly specify whether evidence obtained without full synchronous audio and video recording should be deemed illegal evidence and thus excluded. In judicial practice, there are occasional situations where equipment malfunctions, environmental constraints, or emergency circumstances result in incomplete audio and video coverage of the verification process. How to determine the validity of evidence obtained under such conditions remains a contentious and difficult issue in the application of the law. The absence of clear provisions on this matter reveals a gap between the regulations and practice that urgently requires further clarification and refinement.

Moreover, in cases where full synchronous recording is lacking and the defendant applies for the exclusion of the related evidence, it remains unclear whether the prosecution must bear a higher burden of proof to demonstrate the evidence’s legality and authenticity. In other words, whether the prosecution should be required to provide more sufficient and specific supporting materials regarding the validity of the evidence collected without synchronous recording is still unresolved. This question is critical to balancing the exclusion of illegal evidence with the need for accurate fact-finding [7]. At the same time, whether the failure to conduct full synchronous audio and video recording should trigger accountability for the prosecuting authorities, and what form or degree such accountability should take, currently lacks clear institutional arrangements. These uncertainties directly affect the operability of the law and the implementation of judicial responsibilities and therefore have significant practical importance.

On another aspect, Article 6 of the “New Regulations” stipulates that when a defendant or their defense counsel applies to exclude illegal evidence, they must provide “clues or materials indicating suspected illegal evidence collection,” including details such as the time and place involved. This requirement aims to prevent abuse of the right to apply for evidence exclusion and to maintain the seriousness and efficiency of litigation procedures. However, the “New Regulations” do not provide detailed specifications regarding the specific form, evidentiary standards, or methods of verifying such “clues or materials.” In practice, defendants, especially those lacking legal knowledge, limited resources, or effective access to relevant information, often find it difficult to accurately and comprehensively collect and submit the required clues or supporting materials. As a result, their applications to exclude illegal evidence are frequently rejected.

This effectively raises the threshold for defendants and their counsel to file applications to exclude illegal evidence, creating an institutional barrier that makes it difficult to exclude certain illegal evidence through legitimate channels.

This affects the effectiveness and fairness of the illegal evidence exclusion rules. The issue is particularly prominent in protecting defendants' rights to counsel and achieving substantive judicial fairness, calling for improved measures such as clarifying standards for application materials, providing necessary support, and optimizing review procedures.

4.3 Procedural Provisions Are Lacking in the "New Regulations"

For example, according to the relevant provisions of the "New Regulations," illegal evidence cannot be used as the basis for a final judgment; that is, illegal evidence must be excluded to ensure the legality and fairness of case rulings. However, the regulations do not further specify whether such excluded illegal evidence should be completely removed from the case file or clearly marked to distinguish it from admissible evidence, so that it no longer serves as a reference in judicial decisions. This issue is particularly important in actual trials, especially for courts of second instance or retrial courts. Without clarity on the status of such evidence, their ability to accurately assess case facts and properly utilize evidence may be compromised, thereby creating risks to judicial efficiency and fairness.

At the same time, the "New Regulations" lack explicit provisions on the remedies available to defendants who dispute the exclusion of evidence as illegal. Specifically, it is unclear whether defendants have the right to file an independent appeal or request for reconsideration solely against the decision to exclude evidence. The absence of clear legal basis and procedural guidance in this regard may lead to incomplete protection of defendants' rights in practice, limiting their ability to challenge unjust evidence rulings and affecting the openness and fairness of judicial procedures.

Furthermore, Article 34 of the "New Regulations" states that, "After excluding illegal evidence, the case shall be handled according to law based on different circumstances." While this clause broadly covers the handling of cases following the exclusion of illegal evidence, it does not provide specific details regarding the accountability of personnel involved in illegal evidence collection, nor does it clarify the procedures or time limits for pursuing such accountability. This gap results in difficulties in strictly holding illegal evidence collectors responsible in judicial practice, and the related accountability procedures often tend to become formalities lacking necessary rigidity. Insufficient accountability not only fails to effectively deter and prevent illegal evidence collection but also undermines the authority of judicial organs and public confidence in judicial fairness [8].

Therefore, although the "New Regulations" have made important progress in the exclusion of illegal evidence, significant institutional gaps and practical challenges remain concerning the subsequent handling of excluded evidence, remedies available to litigants, and mechanisms for accountability. These issues urgently require resolution through further institutional improvements and deeper judicial practice to ensure the effective implementation of the illegal evidence exclusion rules and to promote fairness, justice, and efficiency in the criminal procedure system.

5. Conclusion

Through an in-depth analysis of the "New Regulations," it is evident that they reflect significant progress in specifying pretrial procedures, defining illegal evidence and exclusion procedures, and establishing supervision and restraint mechanisms. These improvements help enhance the operability and transparency of the exclusion rules, effectively guarantee judicial fairness, and protect the legitimate rights of parties. However, the "New Regulations" still have certain limitations. Future revisions and refinements should fully consider these limitations and adopt corresponding improvement measures to ensure the effective implementation of the illegal evidence exclusion rules and the further realization of judicial justice.

References

- [1] Xu Han, "Progress and Shortcomings of the New Rules on Excluding Illegal Evidence: A Review of the New 'Regulations on Excluding Illegal Evidence'", *Legal Journal*, 2025, Issue 1.
- [2] Yuan Sun, "On the 'Clues or Materials' to Initiate the Illegal Evidence Exclusion Procedure: From the 'Responsibility to Challenge Theory' to the 'Specificity of Trial Object Theory'", *Legal Forum*, 2025, Issue 1.
- [3] Runzhuo Zhao, "An Analysis of the Procuratorial Organs Pretrial Implementation of Illegal Evidence Exclusion Rules", *Journal of Hebei Youth Management Cadre College*, 2024, Issue 6.
- [4] Tao Yang, "The Model Reconstruction of Excluding Illegal Physical Evidence", *Global Legal Review*, 2024, Issue 2.
- [5] Xiaojian Xie, "On the Expansion of the 'Limited Exclusion Model' for Repeated Confessions in China", *Journal of Law and Commerce Studies*, 2023, Issue 4.
- [6] Jianlin Bian, "A Institutional Reflection on the Exclusion of Illegal Evidence", *Contemporary Law Science*, 2023, Issue 3.
- [7] Rui Sun, "The Substantive Dimension of the Rules on Excluding Illegal Evidence", *Journal of Henan University (Social Science Edition)*, 2021, Issue 1.
- [8] Pinxin Liu, "On the Exclusion of Illegal Electronic Evidence", *Tsinghua Law Journal*, 2025, Issue 3.