

《法制史研究》第六期

## **The Establishment and Practice of Manchukuo's Judicial System: One Side of Colonial History**

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### **Abstract**

Following its experiences of colonial rule in Taiwan and Korea, the Japanese Empire funneled a great deal of energy into establishing the judicial system in Manchukuo to maintain public security and craft a sound environment for the development of modern commerce and industry. From this, it is evident that a study of the Manchukuo judicial system may be deemed crucial in understanding of Japanese colonialism or the Manchukuo regime. This essay focuses on the reorganization and expansion of Manchukuo's judiciary, the reform of the judiciary system, and the recruitment and training of judicial personnel. The final section of the article provides an analysis of judicial practice in Manchukuo as illustrated by the historical records of several criminal cases. We assert that Manchukuo made remarkable progress in the availability of western judiciary, the reform of the judicial system, and the quality of the staff. However, the active introduction of Japanese personnel retained the "colonialist" flavor of the judiciary. Furthermore, "compulsory transference" within the Law of the Court Organization menaced the independence of jurisdiction, and the court martial corroded the jurisdiction of the ordinary court of law. It is worth mentioning that the rulings of several major criminal

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cases show that Manchukuo judges and prosecutors held steadfast to their independence, prosecuting according to the principles of the law and implementing “rule by law,” which to a certain extent eased the ruthlessness of colonial rule.

**Keywords:** Manchukuo, colonization, colonial law, reception of law, judicial system, extraterritoriality, criminal procedure