The Comparative Study of the Road Traffic Crimes Between Japanese and Chinese Criminal Law

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【SUMMARY】In order to effectively prevent and punish the road traffic crimes, both Japan and China made significant modification for the penal provisions of the road traffic crimes in recent years. For China, it modified the elements of the crime of causing traffic casualties in 1997 and the elements of the crime of endangering public safety with dangerous means (the Penal Code section 114) in 2001. Besides, China added the crime of dangerous driving to the Peral Code section 133 in 2011. By the modification, the criminal law of China began to take dangerous driving behaviors such as chase competing driving and drunken driving into the scope of regulation. It is worth mentioning that “the ninth amendment to the Penal Code of China (draft)” is proposed to modify the elements of the crime of dangerous driving in 2014. At present, the road traffic crimes of the Penal Code of China mainly including the crime of dangerous driving, the crime of causing traffic casualties and the crime of endangering public safety with dangerous means. By comparing the road traffic crimes from the perspective of the legislative model, the legislative framework, the interests of legal protection, and the elements of specific crimes, it can be found that there are some differences on road traffic crimes between Japan and China. By making comprehensive introduction to the traffic crimes of China and comparing the traffic crimes
between Japan and China, this paper hopes to make the Japanese scholars and the Justice practitioners fully understand the existing legislation and the latest legislative trends of the road traffic crimes of Chinese criminal law.