

The Role of Legal Reforms in the Japanese Annexation and Rules of Korea, 1905-1919

The Judicial System

A series of major changes was made in the judicial system while Hirobumi Ito was residency-general from 1906 to 1909. His original policy was to reform Korea, on Japan's terms, rather than annex it. He believed that this was the best way to promote the interests of Japan. During the three and a half years this policy lasted, there was a steady movement toward a greater Japanese role. The police and judicial advisors became Korean police and judicial officials. Codification of Korean law was undertaken primarily by Japanese. Until 1909 Ito remained committed to a technically independent Korea under strong Japanese guidance.

A sharp change in the legal system came with decision to abandon Ito's policy in 1909. The power of judicial administration was delegated to Japan, and efforts to codify traditional Korean law as a basis for a Korean legal system were abandoned. "Peace and order", which Ito had considered a necessary condition for achievement of his plan, became the major goal of the system.

The annexation of Korea by Japan was declared in 1910. The Judicial Department of the Residency-General became the Judicial Department of the Government-General, unchanged except in name. Under the Government-General, Korean aspects of the legal system were rapidly discarded. The new system allowed a greater degree of control than the Japanese government had in home islands and the judiciary played a major role in exercising that control. The reforms in the judicial system between 1910 and 1919 were for the most part minor and directed toward increased efficiency.

Law Reform.

Until 1919 the criminal law system was reformed only to ensure more efficient, harsher control. Abolition of harsher penalties for Koreans than for Japanese in cases of murder and armed robbery is one of the few changes during that period that did not increase the inequality of the two peoples before the law.

Reform of the laws was characterized by the same general pattern seen found in that has been found in the reform of the judicial system. Until the decision was made, the annexation decision was made, there was an attempt to reform Korea as a separate state under strong Japanese influence. However, once the decision had been made to annex Korea, the legal system was used as an instrument to help carry out annexation and attain efficient control specifically for Japanese benefit.

The Folic System

The object sought by the reform of the police system from 1905 to 1919 was to maintain the degree of peace and order necessary for carrying out other Japanese policies. During the period of the Residency-General, the police were given very broad powers.

A second Japanese police system, the *kempeï* (Japanese gendarmes), was established in Korea in 1896. The *kempeï* and police were separate forces, but the commands were unified under *kempeï* officers. In addition to their powers of summary judgment, they had numerous duties ranging from criminal investigation to spreading the Japanese language. The police *kempeï* system apparatus was indeed "the root and trunk of the Government-General system."

As had been the case in the past, when Japanese policy toward Korea changed, changes were made in the legal system to help implement the new policy.