

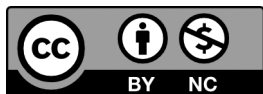
The Impact of Semantic Differences in the Sino-Japanese Legal Homographic Term “Accessory” on Legal Interpretation

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Abstract: During the development of the Chinese and Japanese legal systems, a large number of legal terms with identical written forms have emerged. Among these terms, the character-based loanword “accessory” (从犯) stands as a core concept governing joint crime provisions in criminal law systems of China and Japan. However, the semantic connotations and scopes of application of these terms are not entirely identical under different legal systems. Reliance solely on their literal meanings may lead to misunderstandings of legal concepts and consequently affect the accuracy of legal interpretation. Taking the term “accessory” in criminal law as the object of study, this paper analyzes its semantic differences under the Chinese and Japanese legal systems through an examination of legal texts, Chinese–Japanese and Japanese—Chinese dictionaries, and case studies. The study concludes that understanding and mastering the semantic differences among Sino-Japanese legal homographs is of great significance for improving the accuracy of legal interpretation, standardizing legal translation, and promoting comparative legal studies.

Keywords: Sino-Japanese Legal Homographs; Chinese Accessory (从犯); Japanese Aider and Abettor (従犯); Aiding and Abetting; Case Analysis; Legal Interpretation



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1 Introduction

Against the backdrop of increasing globalization, legal exchanges and institutional borrowing among countries have become more frequent than ever. The transmission of legal systems depends not only on the systems themselves but also on legal language, which serves as an important vehicle for such transmission. Legal language refers to language used in legal practice, covering legislative wording, courtroom discourse, linguistic analysis of evidentiary materials, and other relevant dimensions (Wang, 2020). As a core component of legal language, legal terminology plays a crucial role in the expression of legal rules, the definition of legal concepts, and the interpretation and application of law.

A review of existing literature reveals that a substantial body of research has focused on the standardization of English translations of Chinese legal terminology and the application of common-law concepts in legal interpretation.

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Comparatively little attention has been paid to legal terminology in other linguistic contexts. In fact, China and Japan share a close historical connection in the development of their legal systems. Since the modern era, Japan has introduced continental legal institutions and, in the process, developed numerous legal terms expressed in Chinese characters. Many of these terms were subsequently incorporated into the Chinese legal system, resulting in a large number of legal terms with identical or highly similar written forms in both countries. Nevertheless, the semantic connotations and scopes of application of these homographic legal terms are not entirely consistent across the two legal systems. If interpreted solely by literal character forms, readers may ignore contextual and institutional divergences, which distort accurate comprehension of legal concepts.

In criminal law, the term “accessory” (从犯) constitutes a core component of the doctrine of joint crimes and directly relates to the classification of accomplices, the allocation of criminal liability, and sentencing considerations. In the practical application of criminal law, whether an offender is identified as a “accessory” often determines the extent of punishment and the degree of criminal responsibility imposed. Although both Chinese and Japanese criminal law employ the term “从犯” (Japanese: 従犯), substantial differences exist in the interpretation and criteria for identifying this concept.

Against this background, this paper takes the concept of “从犯” in Chinese and Japanese criminal law as its object of study. By comparing dictionary definitions and relevant legal provisions in both jurisdictions, it examines the semantic differences associated with this legal term and further explores the potential impact of such differences on legal interpretation and practical application. It is hoped that this study will provide a useful reference for comparative research on Chinese and Japanese criminal law, as well as for the accurate understanding of legal terminology.

2 Research on Sino-Japanese Homographs and Legal Homographs

Sino-Japanese homographs refer to words that share the same written form in the Chinese and Japanese linguistic systems but may differ in meaning. Existing research on Sino-Japanese homographs is extensive. According to surveys, there are no fewer than 200 relevant studies in Japan and more than 700 published works by Chinese scholars (Tao & Leng, 2024). For example, Jiawen Zheng’s *A Corpus-Based Comparative Study of Chinese-Japanese Homographs — Taking “Juewu” and “觉悟” as Examples*, Jing Huang’s *A Comparative Study of the Chinese-Japanese Homographs “Yiding” and “一定”*, Yuanqi Zeng’s *An Analysis of the Chinese-Japanese Homographs “Xiangmu” and “項目”*, etc. Studies of Sino-Japanese homographs deepen cross-linguistic and cross-cultural comprehension, mitigate communication barriers between China and Japan, and facilitate bilateral academic and practical cooperation.

In the legal field, similar phenomena are referred to as Sino-Japanese legal homographs. Compared with the extensive research on general homographs, comparative studies of legal homographs between China and Japan began relatively late, and the number of research findings remains limited. Sino-Japanese legal homographs are legal terms that share identical written forms in the legal systems of both countries but may differ in semantic content, scope of application, or standards of interpretation.

Unlike ordinary homographs, legal homographs carry not only linguistic meaning but also institutional legal functions. Their accurate understanding is therefore of great significance for legal interpretation, translation, and comparative legal studies. Some preliminary research has already been conducted in this area. For example, one study points out that the Chinese legal term “arrest” (逮捕) corresponds more closely to the Japanese legal term *kōryū* (detention),

whereas the Japanese legal term “arrest” (逮捕) is closer in meaning to the Chinese legal term “criminal detention” (拘留). This example demonstrates that even when legal terms share identical written forms, their meanings and institutional implications may differ substantially across legal systems.

Although existing studies provide important insights into the understanding of Sino-Japanese legal homographs, systematic research on this issue remains insufficient. Most current studies focus primarily on lexical definitions or translation-related issues, while paying relatively little attention to deeper questions concerning methods of legal interpretation, legal application systems, and judicial practice. Furthermore, much of the existing literature remains at the level of semantic comparison and lacks in-depth analysis based on specific legal provisions, judicial precedents, and interpretive methodologies.

3 “Accessory” in Chinese–Japanese Dictionaries and Legal Dictionaries

Through searches conducted in reference works including the electronic edition of the *New Japanese–Chinese Dictionary*, Wang Dajie’s *Japanese–Chinese Bilingual Dictionary of Homographic Japanese Kanji Words with Different Meanings*, Jin Shi’s *Classified Collection of Common Chinese–Japanese Vocabulary*, the electronic edition of the *Weblio Legal Terminology Dictionary*, Wang Yongquan, Kodama Shinjirō, and Xu Changfu’s *Dictionary of Chinese–Japanese Homographs with Different Meanings*, and the *Nihon Kokugo Daijiten (Comprehensive Dictionary of the Japanese Language)*, it was found that the Japanese term “従犯” does not correspond exactly to the Chinese legal concept of “从犯”. Rather, the two constitute a pair of legal homographs with different meanings. In addition, the Japanese term “幫助犯” is semantically closer to the Chinese concept of “从犯”. The findings are summarized as follows:

(1) *New Japanese–Chinese Dictionary*

従犯 (じゅうはん)

①主犯に従って犯罪に加わった者。

② (Law) A person who assists the principal offender or aids in the commission of a crime.

幫助犯 (ほうじょはん)

A person who assists or facilitates the commission of a crime.

(2) *Classified Collection of Common Chinese–Japanese Vocabulary*

従犯 (じゅうはん)

从犯

(3) *Weblio Legal Terminology Dictionary*

幫助犯 (ほうじょはん)

Chinese definition: “从犯” (accessory offender).

(4) *Nihon Kokugo Daijiten (Comprehensive Dictionary of the Japanese Language)*

従犯 (じゅうはん) : 共犯の一形式で、他人の犯罪の実行を助け、その実現を容易にすること。また、その者。幫助(ほうじょ)犯。

Translation: A type of accomplice who facilitates another person’s criminal conduct and makes the commission of the offense easier. It also refers to the person engaging in such conduct, namely, an aider and abettor.

幫助犯 (ほうじょはん) : 共犯の一形式で、他人の犯罪の実行を幫助するもの。正犯の刑にてらして刑が減輕される。従犯。

Translation: A form of accomplice liability in which a person assists another in committing a crime. Compared with the principal offender, the punishment is reduced. Such a person is referred to as a “ 従犯 ”.

From the above dictionary entries, it becomes evident that the Japanese term “ 従犯 ” is explicitly defined as an aider and abettor, which differs significantly from both the scope and definition of “ 从犯 ” under Chinese criminal law. Therefore, the term exhibits the characteristics of a legal homograph with divergent meanings.

4 “Accessory” in Chinese and Japanese Legal Texts

The preceding analysis demonstrates that while the Chinese and Japanese terms appear similar at the level of ordinary dictionaries, significant differences emerge in legal dictionaries. This raises the question of how the term is rendered in actual legal texts. The following discussion examines the corresponding translations of “ 从犯 ” in Chinese and Japanese legal provisions and compares their normative meanings and practical applications.

(1) Japanese Translation of “ 从犯 ” in Chinese Legal Texts

The relevant Japanese translation of Article 27 of the *Criminal Law of the People's Republic of China* is as follows:

Original Text: 在共同犯罪中起次要或者辅助作用的, 是从犯。对于从犯, 应当从轻、减轻处罚或者免除处罚。
(A person who plays a secondary or supplementary role in a joint crime is an accomplice. An accomplice shall be given a lighter or mitigated punishment or be exempted from punishment.)

Japanese Translation: 共同犯罪において、従たる役割または補助的役割を果たす者は、従犯とする。従犯については、刑を軽減し、または免除する。(Note: Under Japanese law, “ 従犯 ” primarily refers to an aider and abettor.)

(2) Chinese Translation of “ 従犯 ” in Japanese Legal Texts

The relevant Chinese translation of Article 62 of the *Japanese Penal Code* (Act No. 45 of 1907) is as follows:

Original Text: 正犯を幫助した者は、従犯とする。(A person who aids the principal offender is an accessory.)

Chinese Translation: 帮助正犯的, 是从犯。

A comparison of these provisions reveals that although both Chinese and Japanese criminal law employ the term “ 从犯 / 従犯 ” within the framework of accomplice liability, differences exist in the way the concept is expressed and applied in legal texts. In civil-law jurisdictions, accomplices are generally classified into principal offenders, instigators, and aiders and abettors according to the division-of-labor approach. Within this framework, “aider and abettor” describes a specific type of conduct, whereas “accessory offender” is merely a legislative label adopted in certain legal systems (Qu & Zhan, 2007). The two concepts are therefore not necessarily equivalent. A comparison between Article 27 of the Chinese Criminal Law and Article 62 of the Japanese Penal Code further illustrates the differences in meaning and scope. Chinese criminal law defines an accessory offender as a person who plays either a secondary role or an auxiliary role in a joint crime. This definition encompasses two distinct situations. The first situation involves a participant who engages in the execution of the crime but whose role within the overall criminal enterprise is relatively minor. The second situation involves a participant who does not directly carry out the criminal act but facilitates its completion by providing assistance. Consequently, the Chinese concept of “ 从犯 ” is not limited to a single category of conduct. Rather, it is a comprehensive concept that combines both behavioral characteristics and assessments of criminal responsibility.

In contrast, Article 62 of the Japanese Penal Code provides that: “A person who aids a principal offender shall be

deemed an accessory.” This provision corresponds only to one type of conduct—assistance. The law does not include within the category of accessory those individuals who participate in the execution of the crime but play a relatively minor role. Therefore, the Japanese concept of “従犯” corresponds solely to the notion of an aider and abettor, and its scope is substantially narrower than that of the Chinese concept of “从犯”. This comparison demonstrates that although the two legal systems employ similar, and even identical, Chinese characters, the actual legal concepts to which they refer are not the same.

Differences in the Structure of Accomplice Liability Systems

After clarifying the conceptual differences, it is necessary to further explain the origins of these differences from the perspective of legal structure. Chinese criminal law follows a two-tier classification of principal and accessory offenders, under which participants are judged primarily by how significantly their conduct contributes to joint criminal completion. The law focuses on the extent to which the offender’s conduct contributes to the criminal result rather than on the specific type of conduct involved. Consequently, the concept of an accessory offender inherently contains an evaluative element concerning criminal responsibility.

In contrast, Japanese criminal law adopts the tripartite structure of “principal offender–instigator–accessory”. Within this framework, participants are first classified according to the manner of their involvement in the offense, after which issues of criminal responsibility are considered. Because the basis of classification differs, the Japanese concept of accessory places greater emphasis on the form of conduct itself rather than on the relative importance of the conduct within the overall criminal enterprise.

Differences in Standards for Identifying Accomplices. The differences in legal structure inevitably lead to differences in standards for identifying accomplices. Under Chinese criminal law, even where an individual has carried out part of the criminal act, he or she may still be recognized as an accessory offender if the person’s role within the overall crime is relatively minor. In judicial practice, courts generally consider factors such as the degree of participation and the actual contribution made by the offender.

Under Japanese criminal law, however, once an individual has committed an act that constitutes the execution of the offense in the legal sense, that person will generally be regarded as a principal offender rather than an accessory. Accordingly, identical conduct may be categorized into entirely different forms of accomplice liability under the criminal law systems of the two countries.

Differences in Legal Consequences. Differences in standards of identification also result in differences in legal consequences. Chinese criminal law provides that accessory offenders shall receive a lighter punishment, a mitigated punishment, or be exempted from punishment. This provision has a strong normative character and reflects a relatively clear policy of leniency toward accessory offenders. While Japanese criminal law allows mitigated sentences for accessories, both the scope and applicability of mitigation fall within judicial discretion instead of mandatory statutory rules. The law does not establish a mandatory rule comparable to that found in Chinese criminal law.

Following the above comparison, it becomes clear that “accessory” (从犯) in Chinese criminal law and “从犯” in Japanese criminal law cannot be treated as directly corresponding legal concepts. The Chinese concept of “从犯” encompasses both persons who engage in criminal acts while playing a secondary role and persons who assist in the commission of crimes. By contrast, the Japanese concept of accessory refers only to aiding conduct and therefore possesses a significantly narrower scope.

If translation or interpretation relies solely on literal equivalence, institutional differences may easily be overlooked, thereby affecting the legal characterization of offenders. Accordingly, when dealing with such legal terminology,

interpretation must be grounded in the structure of the respective criminal law systems rather than confined to superficial linguistic correspondence.

5 Implications for Legal Interpretation

At its core, legal interpretation clarifies the connotation of legal norms to enable their accurate application to individual judicial cases. It not only reveals the meaning of legal texts but also serves as a bridge between abstract legal norms and concrete social reality (Liang, 1993). Having analyzed the conceptual differences concerning “从犯” in Chinese and Japanese criminal law, it is now possible to examine the implications of these differences for legal interpretation. Legal interpretation ordinarily begins with the understanding of concepts. Interpreters must first determine the meaning of a legal term before applying the relevant norm. If a term carries different meanings in different legal systems and the interpreter fails to recognize this fact, the entire interpretive process may become distorted. The concept of “从犯” provides a typical example of such a situation. Although the same Chinese characters are used in both countries, the legal meanings associated with them differ significantly. Consequently, an interpreter who relies solely on the literal wording may develop an erroneous understanding from the outset. Impact on the Interpretation of Statutory Provisions

The first manifestation of this problem concerns the understanding of statutory provisions. Under Chinese criminal law, the concept of “accessory” includes two categories of individuals. One category consists of persons who participate in the execution of the offense but play only a minor role. The other category consists of persons who participate through acts of assistance. In contrast, the Japanese concept of accessory refers exclusively to persons who provide assistance. If an interpreter treats the two concepts as equivalent, some accessory offenders recognized under Chinese law may be excluded from consideration. The interpreter may understand “从犯” as referring solely to aiding conduct, thereby narrowing the scope of the statutory provision. Individuals whom the provision was originally intended to regulate would no longer fall within its scope. As a result, the interpretation would fail to reflect legislative intent. Impact on Understanding the Structure of Joint Crimes

The resulting distortion extends to the understanding of the structure of joint crimes. Chinese criminal law emphasizes the role played by an individual within the overall criminal enterprise. Courts must evaluate both the degree of participation and the significance of the offender’s contribution. Japanese criminal law, by contrast, first distinguishes among different forms of conduct and only subsequently addresses issues of responsibility. If an interpreter adopts the Japanese approach to accessibility, the criterion of “relative importance of participation” may be overlooked. The interpreter may focus exclusively on whether the offender engaged in the execution of the offense. Consequently, an understanding of accomplice liability that originally centered on the offender’s role would be transformed into one centered on the form of conduct. Such a shift would directly affect the application of law in individual cases.

For example, in Chinese judicial practice, some offenders participate in the execution of a crime but nevertheless play only a minor role overall. Courts may still recognize such individuals as accessory offenders. However, if the Japanese understanding were adopted, the mere fact that the individual engaged in the execution of the offense might preclude classification as an accessory offender. In that event, a person who would ordinarily be regarded as an accessory offender under Chinese law might instead be classified as a principal offender. Such reclassification would increase the degree of criminal responsibility attributed to the offender and could significantly alter the outcome of the

case.

The effects of these interpretive differences also extend to sentencing. Chinese criminal law expressly provides that accessory offenders shall receive lighter punishment, mitigated punishment, or exemption from punishment. This rule establishes a clear direction for sentencing. If an offender is not recognized as an accessory offender, the rule cannot be applied. Although Japanese criminal law likewise permits mitigation for an accessory, the decision whether to mitigate punishment remains largely within the discretion of the court. The law does not impose a mandatory requirement comparable to that found in Chinese criminal law. Therefore, if the Japanese term accessory is mechanically equated with the Chinese concept of “accessory”, inconsistencies may arise in sentencing outcomes.

From the perspective of interpretive methodology, this problem reflects the limitations of literal interpretation. When confronted with homographic legal terms, interpreters often rely first on their textual appearance. Because “accessory” and “從犯” share identical written forms, interpreters may assume that they carry identical meanings. Such an assumption ignores the structural differences between the two legal systems.

Consequently, the interpretation of these terms must be conducted within the context of the respective legal systems. Legal concepts should be analyzed within the broader framework of each country’s criminal law structure. Only in this way can interpretive conclusions remain consistent with the internal logic of the legal system concerned.

In comparative legal research, the problem becomes even more pronounced. If scholars directly equate “從犯” with “從犯” when comparing Chinese and Japanese criminal law, the comparison itself will rest upon a mistaken conceptual foundation. Any subsequent analysis may therefore be affected by this initial error. Accordingly, researchers must first establish the true relationship between the concepts before undertaking comparative analysis. Doing so helps avoid distortions in research findings.

6 Comparative Analysis of Relevant Chinese and Japanese Cases

Having analyzed the conceptual differences concerning “從犯” in Chinese and Japanese criminal law and their implications for legal interpretation, it is now necessary to turn to the practical level. The preceding discussion focused primarily on differences in legal interpretation and doctrinal application. However, legal interpretation ultimately serves judicial decision-making. When adjudicating criminal cases, courts must evaluate the conduct of offenders and determine the scope of criminal responsibility and the appropriate punishment. Therefore, if the concept of “從犯” differs between Chinese and Japanese criminal law, such differences should also be reflected in judicial decisions. Based on this premise, this section examines representative criminal cases from China and Japan in order to compare their respective approaches.

6.1 A Chinese Case: The Xue Mouhua Smuggling Case

In Chinese judicial practice, the concept of “accessory” can be better understood through specific cases. One representative example is the smuggling case involving Xue Mouhua.

In this case, Xue Mouhua was responsible for purchasing CPUs in Japan and sending them to China. Although he was aware that the imported goods were subject to customs duties, he nevertheless followed the instructions of Wang Mouhua, the domestic recipient, and helped evade customs supervision by means of false declarations and changes

of delivery addresses. When adjudicating the case, the court did not determine Xue Mouhua's legal status solely on the basis of the form of his conduct. Instead, it comprehensively considered factors such as his role in the offense, the origin of the criminal intent, and the actual benefits he obtained from the criminal activity. The court found that Xue Mouhua was not the taxpayer obligated to pay customs duties. His conduct primarily consisted of cooperating with the domestic recipient in carrying out the smuggling scheme. Moreover, his financial gains were derived mainly from the transaction itself rather than from tax evasion. Accordingly, the court concluded that he played an auxiliary role in the joint crime and therefore qualified as an accessory offender. On this basis, a mitigated punishment was imposed (Langfang Intermediate People's Court of Hebei Province, 2022).

This case clearly illustrates the fundamental approach adopted by Chinese criminal law in identifying accessory offenders. In making its determination, the court was not constrained by the superficial form of the defendant's conduct. Instead, it examined his actual role within the overall criminal structure.

Objectively speaking, Xue Mouhua engaged in conduct such as making false declarations and altering delivery addresses. These acts were, in form, quite close to acts of execution. Nevertheless, the court did not automatically classify him as a principal offender. Instead, it continued to assess his actual position and function within the criminal enterprise.

This demonstrates that Chinese criminal law does not place primary emphasis on rigid distinctions based on the form of conduct. Rather, it focuses on the role that the conduct plays within the overall offense.

Such an approach is reasonable because joint crimes often involve complex divisions of labor. If classification were based solely on the form of conduct, important differences among participants could easily be overlooked.

At the same time, however, this role-oriented approach may create a degree of uncertainty. Courts in different cases may interpret the significance of an offender's role differently, potentially leading to variations in legal outcomes.

For example, in the present case, whether Xue Mouhua's conduct constituted a critical component of the smuggling operation is itself open to interpretation. A different understanding of the facts might have produced a different conclusion. Therefore, while emphasizing substantive evaluation, Chinese criminal law must also maintain a certain degree of consistency in the application of its standards in order to avoid significant disparities among similar cases.

If the same facts were analyzed under the Japanese definition of accessory, the focus of the inquiry might shift to whether the defendant's conduct constituted an act of execution or merely an act of assistance. Consequently, the legal characterization of Xue Mouhua's conduct could follow an entirely different analytical path.

This demonstrates that the Sino-Japanese distinction concerning “从犯” is not merely conceptual. It can directly influence both the analytical framework and the ultimate legal conclusions reached in individual cases.

6.2 A Japanese Case: Aiding Residential Burglary

The following case provides a representative example from Japanese criminal law.

Original Case Summary: 本件は、被告人が他人による住居侵入および窃盗の犯行を認識しながら、その実行を容易にする行為を行った事案である。判決によれば、被告人は犯行前に現場周辺を自動車で通過して下見を行い、その後、実行犯を犯行現場付近まで車で送り届けた。被告人は自ら住居に侵入したり財物を窃取したりする行為はしていないが、これらの行為によって正犯の犯行を助けたと認定された。裁判所は、被告人の行為はあくまで正犯の犯罪実行を容易にする補助的なものであり、構成要件に該当する実行行為には当たらないと判断した。そのため、被告人については刑法第 62 条に基づき、邸宅侵入幫助罪および窃盗幫

助罪が成立するとし、「従犯」として評価した。さらに、刑法第 63 条により刑の減軽が適用され、最終的に懲役 1 年 2 月の実刑判決が言い渡された (Sapporo District Court, 2025)。

The defendant was aware that other individuals intended to commit residential trespass and theft. Prior to the commission of the offense, the defendant drove around the area of the crime scene in order to conduct reconnaissance. Subsequently, he transported the principal offenders to a location near the target premises. Although the defendant neither entered the residence nor personally stole any property, his conduct facilitated the commission of the offenses by the principal offenders. The court held that the defendant's conduct merely assisted the execution of the crimes by the principal offenders and did not constitute acts of execution falling within the statutory elements of the offenses. Accordingly, pursuant to Article 62 of the Japanese Penal Code, the court found the defendant guilty of aiding residential trespass and aiding theft and classified him as an accessory. Furthermore, pursuant to Article 63 of the Penal Code, the defendant's punishment was mitigated, and he was ultimately sentenced to one year and two months' imprisonment.

This case clearly illustrates the basic standard employed by Japanese criminal law in identifying an accessory. The court's primary concern was the nature of the conduct itself—namely, whether the defendant directly carried out acts constituting the statutory elements of the offense. As long as an individual does not engage in acts of execution but instead participates by providing assistance, transportation, information, or other forms of support, that person will generally be classified as an accessory. Even where such assistance plays an important role in the success of the crime, Japanese courts continue to classify participants according to the type of conduct involved rather than according to the relative significance of their contribution.

6.3 Comparison of the Chinese and Japanese Cases

A comparison between the Japanese case and the Xue Mouhua case discussed above reveals the differing approaches adopted by the two legal systems. In the Xue Mouhua case, the Chinese court took into account the form of the defendant's conduct but ultimately focused on his position and function within the overall criminal enterprise. Although he engaged in acts such as false declarations and address alterations—conduct closely resembling acts of execution—the court concluded that his primary role was to assist the domestic recipient in completing the smuggling scheme and therefore classified him as an accessory offender. In contrast, the Japanese court did not evaluate the relative importance of the defendant's role within the overall crime. Instead, it focused directly on whether the conduct constituted assistance or execution. So long as the conduct did not amount to execution, it was categorized as that of an accessory. A further hypothetical comparison highlights the significance of this distinction. If the Japanese understanding of “从犯” were applied directly to the Xue Mouhua case, the outcome might differ considerably. Under Japanese reasoning, the central issue would become whether Xue Mouhua's false declarations and changes of delivery addresses constituted part of the execution of the smuggling offense. If such conduct were regarded as part of the execution of the crime, his legal status would be closer to that of a principal offender rather than a mere aider and abettor. Conversely, if the conduct were viewed merely as assistance to another person's crime, he might still be classified as an accessory. In other words, under Japanese criminal law, the focus of analysis would shift from evaluating the relative importance of the defendant's role to determining the legal nature of the conduct itself.

Therefore, the concept of “从犯” in Chinese and Japanese criminal law is far from equivalent. Chinese criminal

law tends to assess accomplice liability based on the offender's role and degree of participation in the overall criminal enterprise, whereas Japanese criminal law primarily distinguishes participants according to the form of involvement, particularly whether the conduct constitutes execution or assistance.

Applying the Japanese understanding directly to Chinese cases could alter the focus of legal analysis and potentially affect the final judgment. This further demonstrates that the term “从犯” cannot be treated as a simple one-to-one correspondence between the two legal systems. Rather, it reflects fundamentally different approaches to criminal adjudication.

7 Conclusion

This paper has taken the homographic legal term “从犯” in Chinese and Japanese criminal law as its object of study and systematically examined its semantic differences and their implications for legal interpretation. Through a comparative analysis of dictionary definitions, statutory provisions, and representative judicial cases, the study demonstrates that “从犯” is not an equivalent legal concept in the two legal systems. Under Chinese criminal law, “从犯” encompasses individuals who play either a secondary role or an auxiliary role in a joint crime. It is therefore a comprehensive concept that combines both conduct-based and responsibility-based considerations. By contrast, the Japanese concept of “従犯”(accessory) refers exclusively to conduct that assists a principal offender in committing a crime. It is thus a concept based solely on a specific type of conduct. As a result, substantial differences exist between the two concepts with respect to their scope, standards of classification, methods of identification, and legal consequences.

These differences have important implications for legal interpretation. At the level of statutory interpretation, treating the two concepts as equivalent may either narrow or expand the scope of legal norms. At the level of accomplice liability, the criterion for evaluation may shift from the relative importance of participation to the form of conduct itself, thereby altering the legal classification of offenders. At the sentencing stage, differences in classification may affect the application of rules concerning mitigation of punishment. The comparative analysis of the Xue Mouhua smuggling case and the Japanese residential burglary case further demonstrates that directly applying the Japanese understanding of accessory to Chinese cases could shift the focus of legal analysis and potentially influence judicial outcomes.

The findings of this study indicate that legal homographs cannot be understood merely as linguistic correspondences. Behind such terms lie distinct legal structures, doctrinal frameworks, and methods of interpretation. Accordingly, comparative legal research, legal translation, and cross-jurisdictional legal communication must move beyond literal meanings and instead interpret legal terminology within the broader context of the relevant legal system. Only through such a systematic approach can the accuracy of legal terminology, the consistency of legal interpretation, and the reliability of comparative legal research be ensured. Future research may further expand the comparative study of other Sino-Japanese legal homographs in order to deepen our understanding of the interaction between legal language and legal institutions.

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