

この刑法の翻訳は、平成十八年法律第三六号までの改正（平成18年5月28日施行）について、「法令用語日英標準対訳辞書」（平成18年3月版）に準拠して作成したものです。

なお、この法令の翻訳は公定訳ではありません。法的効力を有するのは日本語の法令自体であり、翻訳はあくまでその理解を助けるための参考資料です。この翻訳の利用に伴って発生した問題について、一切の責任を負いかねますので、法律上の問題に関しては、官報に掲載された日本語の法令を参照してください。

This English translation of the Penal Code has been prepared (up to the revisions of Act No. 36 of 2006(Effective May 28, 2006)) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

The Government of Japan shall not be responsible for the accuracy, reliability or currency of the legislative material provided in this Website, or for any consequence resulting from use of the information in this Website. For all purposes of interpreting and applying law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

## 刑法（明治四十年法律第四十五号） PENAL CODE (Act No.45 of 1907)

### 第一編 総則

#### PART I. GENERAL PROVISIONS

### 第一章 通則

#### Chapter I. Scope of Application

#### 第一条（国内犯）

##### Article 1. (Crimes Committed within Japan)

1 この法律は、日本国内において罪を犯したすべての者に適用する。

(1) This Code shall apply to anyone who commits a crime within the territory of Japan.

2 日本国外にある日本船舶又は日本航空機内において罪を犯した者についても、前項と同様とする。

(2) The same shall apply to anyone who commits a crime on board a Japanese vessel or aircraft outside the territory of Japan.

#### 第二条（すべての者の国外犯）

##### Article 2. (Crimes Committed outside Japan)

この法律は、日本国外において次に掲げる罪を犯したすべての者に適用する。

This Code shall apply to anyone who commits one of the following crimes outside the territory of Japan:

一 削除

- (i) Deleted;
- 二 第七十七条から第七十九条まで（内乱、予備及び陰謀、内乱等幫助）の罪
- (ii) The crimes proscribed under Articles 77 through 79 (Insurrection; Preparations; Plots; Accessoryship to Insurrection);
- 三 第八十一条（外患誘致）、第八十二条（外患援助）、第八十七条（未遂罪）及び第八十八条（予備及び陰謀）の罪
- (iii) The crimes proscribed under Articles 81 (Instigation of Foreign Aggression), 82 (Assistance to the Enemy), 87 (Attempts) and 88 (Preparation; Plots);
- 四 第一百四十八条（通貨偽造及び行使等）の罪及びその未遂罪
- (iv) The crime proscribed under Article 148 (Counterfeiting of Currency and Uttering of Counterfeit Currency) as well as an attempt thereof;
- 五 第一百五十四条（詔書偽造等）、第一百五十五条（公文書偽造等）、第一百五十七条（公正証書原本不実記載等）、第一百五十八条（偽造公文書行使等）及び公務所又は公務員によって作られるべき電磁的記録に係る第一百六十一条の二（電磁的記録不正作出及び供用）の罪
- (v) The crimes proscribed under Article 154 (Counterfeiting of Imperial or State Documents), 155 (Counterfeiting of Official Documents), 157 (False Entries in the Original of Notarized Deeds) and 158 (Uttering of Counterfeit Official Documents), and the crime concerning an electromagnetic record which should be created by a public office or a public official in Article 161-2 (Unauthorized Creation of Electromagnetic Records);
- 六 第一百六十二条（有価証券偽造等）及び第一百六十三条（偽造有価証券行使等）の罪
- (vi) The crimes proscribed under Articles 162 (Counterfeiting of Securities) and 163 (Uttering of Counterfeit Securities);
- 七 第一百六十三条の二から第一百六十三条の五まで（支払用カード電磁的記録不正作出等、不正電磁的記録カード所持、支払用カード電磁的記録不正作出準備、未遂罪）の罪
- (vii) The crimes proscribed under Articles 163-2 through 163-5 (Unauthorized Creation of Payment Cards with an Electromagnetic Record; Possession of Payment Cards with an Unauthorized Electromagnetic Record; Preparation for Unauthorized Creation of Payment Cards with an Electromagnetic Record; Attempts)
- 八 第一百六十四条から第一百六十六（他の法令の罪に対する適用）条まで（御璽偽造及び不正使用等、公印偽造及び不正使用等、公記号偽造及び不正使用等）の罪並びに第一百六十四条第二項、第一百六十五条第二項及び第一百六十六条第二項の罪の未遂罪
- (viii) The crimes proscribed under Articles 164 through 166 (Counterfeiting or Unauthorized Use of the Imperial Seal; Counterfeiting or Unauthorized Use of Official Seals; Counterfeiting or Unauthorized Use of Official Marks) as well as an attempt of the crimes proscribed under paragraph 2 of Article 164, paragraph 2 of Article 165, and paragraph 2 of Article 166.

### 第三条（国民の国外犯）

#### Article 3. (Crimes Committed by Japanese Nationals outside Japan)

この法律は、日本国外において次に掲げる罪を犯した日本国民に適用する。

This Code shall apply to any Japanese national who commits one of the following crimes outside the territory of Japan:

一 第百八条（現住建造物等放火）及び第百九条第一項（非現住建造物等放火）の罪、これらの規定の例により処断すべき罪並びにこれらの罪の未遂罪

(i) The crimes proscribed under Article 108 (Arson of Inhabited Buildings) and paragraph 1 of Article 109 (Arson of Uninhabited Buildings), and other crimes which shall be dealt with in the same manner as the preceding crimes provided therein, as well as an attempt of the above-mentioned crimes;

二 第百十九条（現住建造物等浸害）の罪

(ii) The crime proscribed under Article 119 (Damage to Inhabited Buildings by Flood);

三 第百五十九条から第百六十一条まで（私文書偽造等、虚偽診断書等作成、偽造私文書等行使）及び前条第五号に規定する電磁的記録以外の電磁的記録に係る第百六十一条の二の罪

(iii) The crimes proscribed under Articles 159 through 161 (Counterfeiting of Private Documents; Falsifying of Medical Certificates; Utterance of Counterfeit Private Documents) and the crime regarding electromagnetic records in Article 161-2 except that which shall fall within subparagraph (5) of the preceding Article;

四 第百六十七条（私印偽造及び不正使用等）の罪及び同条第二項の罪の未遂罪

(iv) The crimes proscribed under Article 167 (Counterfeiting or Unauthorized Use of Private Seals) and an attempt of the crimes proscribed under paragraph 2 of that Article;

五 第百七十六条から第百七十九条まで（強制わいせつ、強姦、準強制わいせつ及び準強姦、集団強姦等、未遂罪）、第百八十一条（強制わいせつ等致死傷）及び第百八十四条（重婚）の罪

(v) The crimes proscribed under Articles 176 through 179 (Forcible Indecency; Rape; Quasi Forcible Indecency and Quasi Rape; Gang Rape; Attempts), 181 (Forcible Indecency Causing Death or Injury) and 184 (Bigamy);

六 第百九十九条（殺人）の罪及びその未遂罪

(vi) The crime proscribed under Article 199 (Homicide) and attempt thereof;

七 第二百四条（傷害）及び第二百五条（傷害致死）の罪

(vii) The crimes proscribed under Articles 204 (Injury) and 205 (Injury Causing Death);

八 第二百十四条から第二百十六条まで（業務上墮胎及び同致死傷、不同意墮胎、不同意墮胎致死傷）の罪

(viii) The crimes proscribed under Articles 214 through 216 (Abortion through

- Professional Conduct; Causing Death or Injury thereof; Abortion without Consent; Abortion without Consent Causing Death or Injury);
- 九 第二百十八条（保護責任者遺棄等）の罪及び同条の罪に係る第二百十九条（遺棄等致死傷）の罪
- (ix) The crime proscribed under Article 218 (Abandonment by a Person Responsible for Protection) and the crime of 219 (Abandonment Causing Death or Injury);
- 十 第二百二十条（逮捕及び監禁）及び第二百二十一条（逮捕等致死傷）の罪
- (x) The crimes proscribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
- 十一 第二百二十四条から第二百二十八条まで（未成年者略取及び誘拐、営利目的等略取及び誘拐、身の代金目的略取等、所在国外移送目的略取及び誘拐、人身売買、被略取者等所在国外移送、被略取者引渡し等、未遂罪）の罪
- (xi) The crimes proscribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Buying or Selling of Human Beings; Transportation of Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);
- 十二 第二百三十条（名誉毀損）の罪
- (xii) The crime proscribed under Article 230 (Defamation);
- 十三 第二百三十五条から第二百三十六条まで（窃盗、不動産侵奪、強盗）、第二百三十八条から第二百四十一条まで（事後強盗、昏酔強盗、強盗致死傷、強盗強姦及び同致死）及び第二百四十三条（未遂罪）の罪
- (xiii) The crimes proscribed under Articles 235 through 236 (Larceny; Taking Unlawful Possession of Real Estate; Robbery), 238 through 241 (Constructive Robbery; Robbery through Causing Unconsciousness; Robbery Causing Death or Injury; Rape on the Scene of Robbery; Causing Death Thereby), and 243 (Attempts);
- 十四 第二百四十六条から第二百五十条まで（詐欺、電子計算機使用詐欺、背任、準詐欺、恐喝、未遂罪）の罪
- (xiv) The crimes proscribed under Articles 246 through 250 (Fraud; Computer Fraud; Breach of Trust; Quasi Fraud; Extortion; Attempts)
- 十五 第二百五十三条（業務上横領）の罪
- (xv) The crime proscribed under Article 253 (Embezzlement in the Pursuit of Social Activities)
- 十六 第二百五十六条第二項（盗品譲受け等）の罪
- (xvi) The crimes proscribed under paragraph 2 of Article 256 (Acceptance of Stolen Property).

### 第三条の二（国民以外の者の国外犯）

#### Article 3-2 (Crimes Committed by Non-Japanese Nationals outside Japan)

この法律は、日本国外において日本国民に対して次に掲げる罪を犯した日本国民以外の者に適用する。

This Code shall apply to any non-Japanese national who commits one of the following crimes against a Japanese national outside the territory of Japan.

一 第一百七十六条から第一百七十九条まで（強制わいせつ、強姦、準強制わいせつ及び準強姦、集団強姦等、未遂罪）及び第一百八十一条（強制わいせつ等致死傷）の罪

(i) The crimes proscribed under Articles 176 through 179 (Forcible Indecency; Rape; Quasi Forcible Indecency and Quasi Rape; Gang Rape; Attempts), 181 (Forcible Indecency Causing Death or Injury)

二 第二百九十九条（殺人）の罪及びその未遂罪

(ii) The crime proscribed under Articles 199 (Homicide) and attempt thereof;

三 第二百四条（傷害）及び第二百五条（傷害致死）の罪

(iii) The crimes proscribed under Articles 204 (Injury) and 205 (Injury Causing Death);

四 第二百二十条（逮捕及び監禁）及び第二百二十一条（逮捕等致死傷）の罪

(iv) The crimes proscribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);

五 第二百二十四条から第二百二十八条まで（未成年者略取及び誘拐、営利目的等略取及び誘拐、身の代金目的略取等、所在国外移送目的略取及び誘拐、人身売買、被略取者等所在国外移送、被略取者引渡し等、未遂罪）の罪

(v) The crimes proscribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Buying or Selling of Human Beings; Transportation of Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);

六 第二百三十六条（強盗）及び第二百三十八条から第二百四十一条まで（事後強盗、昏酔強盗、強盗致死傷、強盗強姦及び同致死）の罪並びにこれらの罪の未遂罪

(vi) The crimes proscribed under Articles 236 (Robbery), 238 through 241 (Constructive Robbery; Robbery through Causing Unconsciousness; Death or Injury on the Occasion of Robbery; Rape on the Scene of Robbery; Causing Death Thereby), and 243 (Attempts).

#### 第四条（公務員の国外犯）

#### Article 4. (Crimes Committed by Public Officials outside Japan)

この法律は、日本国外において次に掲げる罪を犯した日本国の公務員に適用する。

This Code shall apply to any public official of Japan who commits one of the following crimes outside the territory of Japan:

一 第一百一条（看守者等による逃走援助）の罪及びその未遂罪

(i) The crime proscribed under Article 101(Assistance in Escape by a Guard) as

well as an attempt thereof;

二 第一百五十六条（虚偽公文書作成等）の罪

(ii) The crime proscribed under Article 156 (Making of False Official Documents);

三 第九十三条（公務員職権濫用）、第九十五条第二項（特別公務員暴行陵虐）及び第九十七条から第九十七条の四まで（収賄、受託収賄及び事前収賄、第三者供賄、加重収賄及び事後収賄、あっせん収賄）の罪並びに第九十五条第二項の罪に係る第九十六条（特別公務員職権濫用等致死傷）の罪

(iii) The crimes proscribed under Article 193 (Abuse of Authority by Public Officials), paragraph 2 of Article 195 (Assault and Cruelty by Special Public Officials) and Articles 197 through 197-4 (Acceptance of Bribes; Acceptance on a Request; Acceptance in Advance; Passing of Bribes to a Third Party; Aggravated Acceptance; Acceptance after Resignation of Office; Acceptance for Exertion of Influence), and the crime of causing death or injury through commission of the crime proscribed under paragraph 2 of Article 195.

第四条の二（条約による国外犯）

Article 4-2. (Crimes Committed outside Japan Governed by a Treaty)

第二条から前条までに規定するもののほか、この法律は、日本国外において、第二編の罪であつて条約により日本国外において犯したときであつても罰すべきものとされているものを犯したすべての者に適用する。

In addition to the provisions of Article 2 through the preceding Article, this Code shall also apply to anyone who commits outside the territory of Japan those crimes proscribed under Part II which are governed by a treaty even if committed outside the territory of Japan.

第五条（外国判決の効力）

Article 5. (Effect of Foreign Judgments)

外国において確定裁判を受けた者であつても、同一の行為について更に処罰することを妨げない。ただし、犯人が既に外国において言い渡された刑の全部又は一部の執行を受けたときは、刑の執行を減輕し、又は免除する。

Even when a final and binding decision has been rendered by a foreign judiciary against the criminal act of a person, it shall not preclude further punishment in Japan with regard to the same act; provided, however, that when the person has already served either the whole or part of the punishment abroad, execution of the punishment shall be mitigated or remitted.

第六条（刑の変更）

Article 6. (Change in Punishments)

犯罪後の法律によって刑の変更があつたときは、その軽いものによる。

When a punishment is changed by law after the commission of a crime, the lesser

punishment shall be applied.

#### 第七条（定義）

##### Article 7. (Definition)

1 この法律において「公務員」とは、国又は地方公共団体の職員その他法令により公務に従事する議員、委員その他の職員をいう。

(1) The term "public officer" as used in this Code shall mean a national or local government official, a member of an assembly or committee, or other employees engaged in the performance of public duties in accordance with laws and regulations.

2 この法律において「公務所」とは、官公庁その他公務員が職務を行う所をいう。

(2) The term "public office" as used in this Code shall mean an office where public officers perform their duties.

#### 第七条の二

##### Article 7-2.

この法律において「電磁的記録」とは、電子的方式、磁気的方式その他の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。

The term "electromagnetic record" as used in this Code shall mean any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive functions and is used for data-processing by a computer.

#### 第八条（他の法令の罪に対する適用）

##### Article 8. (Application of General Provisions)

この編の規定は、他の法令の罪についても、適用する。ただし、その法令に特別の規定があるときは、この限りでない。

The general provisions of this Part shall also apply to crimes for which punishments are provided by other laws and regulations, except as otherwise provided in such laws and regulations.

## 第二章 刑

### Chapter II. Punishments

#### 第九条（刑の種類）

##### Article 9. (Categories of Punishments)

死刑、懲役、禁錮、罰金、拘留及び科料を主刑とし、没収を付加刑とする。

The principal punishments are categorized as the death penalty, imprisonment with work, imprisonment without work, fine, misdemeanor detention and petty fine, with confiscation as a supplementary punishment.





























































































































































