

2017 Research Projects at the Institute of Comparative Law in Japan

Project Name	Study on Criminal Case Law in US
Led by	TSUTSUMI Kazumichi
Research Object	We will explain accurately and rapidly about all criminal cases of Supreme Court of the United States. It's beneficial to explain to Japanese exactly "movement" of the criminal justice of the U.S. This might makes our legal legislature more better. And, revision or abolition of Criminal enactment by Congress and Federal Rule of Criminal Procedure by Supreme Court, also.
Project Name	Comparative Study on Criminology and Victimology (Chuo University Criminological Study Group)
Led by	ITO Koichiro
Research Object	In the age of post grand theories, studies in criminology have sought new ways of thinking on contemporary problems. What we need now is to search the trends in the field and open a new way of thinking on the problems. The aim of our group is to target the theoretical developments and practical changes and set a foundation for the study in this changing landscape of criminology.
Project Name	die Grundprobleme über die Verfassungsgerichtsbarkeit (Forschungsgesellschaft für deutsche Verfassungsgerichtsbarkeit)
Led by	HATAJIRI Tsuyoshi
Research Object	Nie werde so viel über die Verfassungsgerichtsbarkeit geschrieben und gesprochen in Japan wie heute. Und herrscht die Tendenz in Japan, dass die Verfassungsgerichtsbarkeit nach der Verfassungstradition und – praxis in USA konstruiert. Deshalb finden die viele japanische Forscher, dass es genug die amerikanische Verfassungsgerichtsbarkeit zu untersuchen ist. In Japan gibt es viele Abhandlungen über das Bundesverfassungsgericht. Aber Sie kommen in fast allen Fällen nicht über eine Erklärung von das System und Praxis hinaus. Nämlich ist die Verfassungsgerichtsbarkeit der BRD in Japan noch nicht so systematisch verstanden, trotzdem sie auch uns gut dienen kann. Nach diesem Problembewusstsein haben wir, Forschungsgesellschaft für die Verfassungsgerichtsbarkeit, auf das Gebiet der Verfassungsgerichtsbarkeit im Deutschland und Österreich im Vergleich zur rechtlichen Entwicklung in Japan den Schwerpunkt unserer Forschungsarbeit gelegt, so dass wir Aufsätze über die Verfassungsgerichtsbarkeit veröffentlicht haben. Diese Studien haben die Eigenschaft des Bundesverfassungsgerichts geschichtlich und theoretisch zu beleuchten versucht.
Project Name	法とコンピュータ
Led by	TSUNO Guido
Research Object	
Project Name	Recent Problem with German and Japanese Corporate Law
Led by	MARUYAMA Shuhei
Research Object	The field of law concerning companies and other business organizations is the most changeable legal field among others. The economic and social situations of many countries reflect on its trend of law and practice. Between countries with similarities in social-economic structures, for example germany and japan, we can find many legal influences each other. This indicates that our project has to forcus mainly on the German (and EU) legal framework for enterprises, so that we can express our own legal opinions and proposals in the field of Japanese company law, by comparing related legal situation in germany with that in japan. That was a reson why we started our project in 1985.
Project Name	Study on Recent Legislative Trend in the US and UK Criminal Law
Led by	NAKANOME Yoshinori
Research Object	Especially these two enactments, recently criminal legislation is being developed in Britain and the United States. We will make introduce and explain about these enactments, with conventional argument, as soon as possible.
Project Name	Study on Criminal Case Law in Germany
Led by	MAGATA Osamu
Research Object	To contribute to the development of Japanese criminal law study, in addition to the theoretical aspects of German criminal law, it is necessary to accurately grasp developments in case practice. Focusing on the second of these tasks, Study on Criminal Case Law in Germany aims to select German criminal law cases that are particularly indicative to the study of Japanese criminal law, correctly interpret the facts and reasons arising in each case and clarify the significance of the cases to criminal cases and theory.
Project Name	Procedural Problems in Civil Dispute Resolution
Led by	NIWA Kazuhiko
Research Object	
Project Name	Les droits de la femme
Led by	UENO Mamiko
Research Object	Nous allons voir, du point de vue féminin, la garantie des droits fondamentaux. Ce que l' on désigne sous le vocable « droits de l' homme » exige en fait la liberté et le libre disposition due l' individu indépendant. Nous faisons des recherches sur les droits de la femme, qui doivent être, sur la base de l' étude comparative.
Project Name	L' étude du régime parlementaire au point de vue du droit comparatif
Led by	UENO Mamiko
Research Object	Nous avons pour but d' élucider l' aspect commun et l' aspect particulier du régime parlementaire de chaque pays et d' ouvrir de nouvelles perspectives du régime parlementaire. Nous faisons des recherches sur la définition de la loi, la procédure d' élaboration de la loi, le droit d' amendement et etc. en vue de l' étude comparative.

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Project Name	Modern U.S. Commercial Transactions Law
Led by	HIRAIZUMI Takashi
Research Object	This project aims to clarify the significance and the character of the modern transformation of the U.S. commercial transactions law.
Project Name	Moderne Veränderungen der Familie und Familienrecht
Led by	NOZAWA Norimasa
Research Object	Das Projekt zielt, die Reformen des Familienrechts in verschiedenen Ländern im Zusammenhang mit jeweiligen gesellschaftlichen Veränderungen rechtsvergleichend zu forschen.
Project Name	Comparative Study on Financial Transaction
Led by	ITO Hisaei
Research Object	The recent rapid and drastic development of globalization and financial technology has increased a variety of financial products and transaction thereof and produced a number of disputes that have never emerged in the past. Through comparative study, therefore, the study focuses on reform to the current legal system to solve the disputes and a possible design to create new principles and rules for contract management.
Project Name	Comprehensive Study on The Law of Electronic Commerce and Payment (Study Group on The Law of E-Commerce and Payment)
Led by	FUKUHARA Tadahiko
Research Object	We recognize new law due to the generation and development of e-commerce and electronic payments under the name of "The Law of E-commerce and Payment" and go doing interdisciplinary and comprehensive studies of that field, especially the comparative legal study, per examination and analysis of the problems in this area with international exchange and cooperation.
Project Name	Study on the Uniform Commercial Code in the US
Led by	ITO Hisaei
Research Object	UCC, as the role of model law, shows not only a useful reference to how to harmonize diversified business interests in the domestic jurisdiction but also a possible way to harmonize or unify rules for international transaction. The study aims at surveying recent development of UCC rules and its impact on international conventions.
Project Name	Modern Development of Industrial Relations and Labour Law
Led by	YAMADA Syozo
Research Object	We will consider the transition of the individual Labour Law system due to the changes in the industrial relations in Western Countries and Japan.
Project Name	Rechte und Rechtslehre/Rights and legal theory
Led by	MATSUBARA Mitsuhiro
Research Object	Der Begriff der „Rechte“ gehört bekanntermaßen zu einem der wichtigsten und schwierigsten Begriffe in der Rechtsphilosophie, juristischen Auslegung und Moralphilosophie. Die Forschungsgruppe versucht, aus der rechtsphilosophischen und -vergleichenden Perspektive Licht in den Begriff zu bringen.
Project Name	法オントロジーの研究
Led by	TSUNO Guido
Research Object	
Project Name	Corporate Governance toward 21st Century
Led by	MARUYAMA Shuhei
Research Object	From our experience of the period of Structural Recession and scandals, how should we make our proposal for the best valuable legal framework for enterprises in Japan toward 21th century?
Project Name	Comparative Study on Juvenile Law
Led by	OGISO Ryo
Research Object	We will make researches about Juvenile Legislature of America, Britain, France, Germany, Korea, Taiwan, etc ...
Project Name	Research in Legal Process of International Law
Led by	KITAMURA Yasuzo
Research Object	Research in legal process of international law through comprehensive studies of the dynamic process of international customary law and treaties, which involve administrative, legislative, and judicial aspects of specific rules, from the aspects of domestic and external dimensions.
Project Name	A Comparative Study of the Law of Damages
Led by	KITAI Tatsuya
Research Object	The purpose of this study is to examine the historical background and the theoretical structure of the damages in contract law. The function of the damages, the contract interests to be protected and the rules on foreseeability are examined from a comparative perspective.
Project Name	Comparative Environmental Law and Policy
Led by	USHIJIMA Hitoshi
Research Object	This project will examine environmental law and policy issues from comparative perspectives. It will start with comparative studies on OECD member-countries, such as Japan, United States, and European Union member-countries, and will extend its scope as far as ASEAN countries.

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Project Name	Recht und Bioethik
Led by	TADAKI Makoto
Research Object	Biorecht, Bioethik, insbesondere Sterbehilfe, einwilligung des patienten und Recht der Forschung am Menschen.
Project Name	The Comparative Study of the Criminal Justice Systems in Japan and the Republic of Korea
Led by	YANAGAWA Shigeki
Research Object	The aim of our study is to compare the criminal Justice System in Japan with one in the Republic of Korea overall, and to research on the recent legislations and case law in both countries.
Project Name	Comparative Studies of Public Law in Japan and China
Led by	TORIYAMA Shoji
Research Object	We comparatively study Chinese and Japanese Public Law.
Project Name	Study of Legal Relations between Plural Parties
Led by	ENDO Kenichiro
Research Object	To analyze legal relations between plural parties is very important for modern society. We make comparative study about guarantee, joint and several obligation, assignment of obligation, reflex effect of contract on third party, etc. Through the analyzing we will search for the important issue for Japanese legislation and legal interpretation.
Project Name	Die gegenwärtige Probleme des anwaltliche Berufsrechts
Led by	MORI Isamu
Research Object	Die Rechtsanwaltschaft steht im wandel; so muss das anwaltliche Berufsrecht auch im Wandel stehen. Die gesellschaftliche Entwicklung zwingt auch angesichts der Globalisierung notwendigerweise der Rechtsanwaltschaft, sich auf die neue gesellschaftliche Anforderung zu richten. Die Freiheit der Berufsausübung soll auch für den Rechtsanwalt garantiert werden. Dabei darf man aber nicht übersehen, dass der Rechtsanwalt zur Wahrung der rechtsstaatlichkeit unerlässliche Funktion ausübt. Wenn man "law" einfach "as Business" betrachtet, würde diese Funktion nicht erfüllt werden. Die Arbeitsgemeinschaft sucht auch aus dem Sicht der Rechtsvergleichung, wie das anwaltliche Berufsrecht gestalten werden soll um diese unübersehbare Tendenz entgegenzukommen, damit die Schutzmur für die Rechtsstaatlichkeit Japans aufrechtzuerhalten.
Project Name	Comparative Research on Anglo-American-Commonwealth Public Law and Japanese Law (Research Group on Anglo-American Public Law)
Led by	SATO Nobuyuki
Research Object	The group, based on members' individual research, aims to study current realities of public law in common law jurisdictions from the viewpoints of historical developments of them and their impacts on Japanese law. For this purpose, the group explores the modern development of constitutional laws in the U.S as well as common wealth jurisdictions including UK, Canada and Australia, and we contribute to develop comparative studies in this field.
Project Name	Study on Legal Dictionary of Japanese Law in English for Globalizing Japanese Legal Wisdom (Research Group on Legal Dictionary of Japanese Law in English)
Led by	SATO Nobuyuki
Research Object	For delivering Japanese law and it wisdom to the world, it is truly important to make basic dictionaries which support to translate basic Japanese legal words and concepts into foreign languages. The government of Japan has already started to make basic Japanese-English legal dictionary. However, it is designed only for translating statutes. On the other side, there is a global project launched by a UK company to make multi-lingual online legal dictionary in which English is used as inter-mediate language. This research group aim to join the latter global project by making Japanese-English basic legal dictionary which covers non-statutory legal words and concepts.
Project Name	A Comparative Study of the Worldwide Higher Education Legal System
Led by	HAYATA Yukimasa
Research Object	This project aims to study formal evaluation structures and accreditation criteria to assure higher education in the globalizing world. Initially, this study gives an overview of the higher education legal system and indicates how "Certified Evaluation and Accreditation CEA" can serve higher education quality assurance in Japan. Then this study reviews the characteristics of the American accreditation system from the perspective of institutional evaluation and specialized evaluation. Furthermore, this study inspects the practices of transnational higher education in the Asian-Pacific and EU in terms of "learning outcome assessment" including the use of the "Higher Education Qualifications Framework". Based on the above considerations, this study anticipates the future image of the Japanese higher education quality assurance system in relation to the globalized learning outcome assessment.
Project Name	Universalization of Access to Justice
Led by	OMURA Masahiko
Research Object	We will explore "Access to Justice" in major jurisdictions from theoretical and practical viewpoints regarding the systems of civil procedure, ADR and legal profession as well as their recent reform movements. This research will cover the USA, Great Britain, Canada, Australia, Germany, France, China, Korea, Singapore, Thailand and some other countries. Through these research activities, we hope to discover the universal developments characteristic to the era of 2000s which might be crucial suggestions to Japanese legal system, since there seems to be some common changes in many jurisdictions that reflect the demands of the new era.

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Project Name Comparative Study on Austrian law and Japanese law
Led by SUZUKI Hirohito
Research Object We have already a lot of research on German law system. But it isn't enough to research on Austrian law system in Japan. Austrian law system has a lot of different factors from German law system, though Austria belongs to German-speaking sphere. We will do comprehensive research on Austrian law system including private- and public law. With our researches we can get a lot of information on Austrian law system and compare it with Japanese law system.

Project Name Comparative Study on Law of Intellectual Property and Information
Led by HORIE Aiko
Research Object Traditionally, legal system on intellectual property has been developed by each state law and/or international law including international treaties. However, today's rapid progress of "ICT" and "informatization" creates new problems which are beyond the traditional concept of IP law and rights. The research group studies these new problems from the comparative viewpoints of IP law and Information law. We aim to develop the Japanese legal system in this area.

Project Name Study on Legal Diversity in Asia and Establishing Rule of Law
Led by ITO Hisaei
Research Object By development of globalization, Asian market has been increasingly the center of economic prosperity. However, due to its diversity of legal culture, many commentators, business industries and practitioners are apprehensive that it may cause rise of transaction cost and harm to the market success. Therefore, the study focus on understanding the diversity and how to design a possible harmonization to establish commercial rule of law.

Project Name Research Project on cybersecurity
Led by NAKANOME Yoshinori
Research Object This research project intends to survey appropriate approach to cope with cybercrime, including appropriate approach to such issues as jurisdiction, network search and substantive criminalization. Nowadays, there are several obstacles for coping with cybercrime which hinder effective proactive approach, which is indispensable to make cyberspace safe. By comparing several systems struggling to cope with cybercrime issues, including their strategies, ways to handle cross-border issues, and proactive approach, the research project is going to find appropriate direction to where we should move. The comparative study would cover approach taken by the United States, UK, Australia, EU, Germany, Korea, and Interpol. It will focus on domestic approaches as well as approach taken in international fields.

Project Name Comparative Study on Consumer Contract Law
Led by MIYASHITA Shuichi
Research Object In the recent globalization, it is true that consumer transactions have been increasingly dealt beyond the border and have produced international disputes as well. In this regard, the Consumer Contract Law in Japan faces with on-going debate on reform to its regulatory framework to respond to the trend. Therefore, the study is to aim at doing a variety of research in a comparative perspective and proposing an appropriate design for regulatory infrastructure of consumer contract law.

Project Name The Comparative Studies on Japanese Law and Spanish Speaking Countries Law
Led by MEGATA Shuichiro
Research Object The economic relationship between Japan and Mexico which has the largest Spanish speaking population in the world, has recently become more close and conspicuous. In response to the growing interest in the Japanese Law in the Spanish speaking countries, especially Mexico, "Instituto de Investigaciones Juridicas" of the National Autonomous University of Mexico has proposed to conduct a joint project of comparative studies of Japanese and Mexican law. Accepting this proposal, we decided as the first step, to work on the general introduction of Japanese law. The final product of this work is intended to compile a book containing the commentary on the history and the characteristic of Japanese law, Constitution, Civil Code, Criminal Code, Commercial Law, Code of Civil Procedure, Code of Criminal Procedure Administrative Law, laws related to economic activities such as environment, intellectual property rights, and labor, and State practice and interpretation of international law in Japan as well as a certain comparative study on the Mexican law as a representative example of the Spanish-speaking countries law.