

## 2024 Research Projects at the Institute of Comparative Law in Japan

- Project Name:** Study on Criminal Case Law in US  
**Led by:** Kazumichi Tsutsumi  
**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:** Ko Shikata  
**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:** Takeshi Tsuchiya  
**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:** Recent Problem with German and Japanese Corporate Law  
**Led by:** Yasutake Komiya  
**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 focus 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 reason why we started our project in 1985.
- Project Name:** Study on Criminal Case Law in Germany  
**Led by:** Osamu Magata  
**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:** Kazuhiko Niwa  
**Research Object:** It's the global trend in modern society that the civil disputes are diversified increasingly. Therefore, we need to consider what type of dispute do we have to make the subject of civil proceeding and what kind of preparations do we have to do to settle newness type of dispute. And, continuously we have to survey the more appropriate proceeding to settle traditional type of dispute. On the viewpoints, this project intends to research and study the civil proceedings and alternative dispute resolutions of foreign countries widely.
- Project Name:** L' étude du régime parlementaire au point de vue du droit comparatif  
**Led by:** Nobuyuki Sato  
**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.
- Project Name:** Moderne Veränderungen der Familie und Familienrecht  
**Led by:** Hirohito Suzuki  
**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:** Hisaei Ito  
**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.

## 2024 Research Projects at the Institute of Comparative Law in Japan

**Project Name:** Comprehensive Study on The Law of Electronic Commerce and Payment (Study Group on The Law of E-Commerce and Payment)  
**Led by:** Nobuhiko Sugiura  
**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:** Modern Development of Industrial Relations and Labour Law  
**Led by:** Takashi Yonezu  
**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 Rechtstheorie/Rights and legal theory  
**Led by:** Mitsuhiro Matsubara  
**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:** Hikaru Mori  
**Research Object:**

**Project Name:** Corporate Governance toward 21st Century  
**Led by:** Kenichi Osugi  
**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 21st century?

**Project Name:** Comparative Study on Juvenile Law  
**Led by:** Shigeki Yanagawa  
**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:** Hirokazu Miyano  
**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:** Comparative Environmental Law and Policy  
**Led by:** Hitoshi Ushijima  
**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.

**Project Name:** Recht und Bioethik  
**Led by:** Makoto Tadaki  
**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:** Shigeki Yanagawa  
**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:** Shoji Toriyama  
**Research Object:** We comparatively study Chinese and Japanese Public Law.

**Project Name:** Study of Legal Relations between Plural Parties  
**Led by:** Kenichiro Endo  
**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:** Comparative Research on Anglo-American-Commonwealth Public Law and Japanese Law (Research Group on Anglo-American Public Law)  
**Led by:** Nobuyuki Sato  
**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.

## 2024 Research Projects at the Institute of Comparative Law in Japan

**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:** Nobuyuki Sato  
**Research Object:** For delivering Japanese law and its 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 an intermediate language. This research group aims 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:** Nobuyuki Sato  
**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:** Comparative Study on Austrian law and Japanese law  
**Led by:** Hirohito Suzuki  
**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:** Aiko Horie  
**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:** Hisaei Ito  
**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 focuses 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:** Ko Shikata  
**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:** Shuichi Miyashita  
**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:** A Study on the Influence of Global Expansion of Corporate Legislation on Japanese Law  
**Led by:** Osamu Miura  
**Research Object:** The purpose of this research is a study on the acceptance of Anglo-American corporate law system in the Asian / European countries, and the influence of Global Expansion of corporate legislation on Japanese law.

## 2024 Research Projects at the Institute of Comparative Law in Japan

**Project Name:** L'analyse historique et la méthode des recherches comparatives du droit administratif  
**Led by:** Hirotaka Tokumoto  
**Research Object:** Nous voudrions montrer d'abord comment le droit administratif japonais a accepté les influences du droit des pays occidentaux, ensuite comment il a élaboré ses caractères propres. Nous allons ainsi montrer les valeurs des recherches comparatives du droit administratif.

**Project Name:** Rechtsvergleich zwischen der vom deutschen Strafrecht geprägten Ländern  
**Led by:** Makoto Takizawa  
**Research Object:** Während in Japan der Vergleich mit deutschem Strafrecht populär ist, ist selten der Vergleich der Rechtsordnungen, die durch das deutsche Strafrecht geprägt werden. Wir beabsichtigen die Rechtslage der Länder wie Deutschland, Japan, China, Südkorea, Taiwan usw. miteinander zu vergleichen.

**Project Name:** Studies of basic problems on International Relations Law (Private Law aspects)  
**Led by:** Midori Narazaki  
**Research Object:** The conflicts of practical- and legal rules having different cultural backgrounds can be obstacles to the way the dispute between private parties, and private- and public entities can be settled in court and extra-judicial action. This study is aimed at examining the traditional understandings and the latest solution in Private International Law to accommodate international relations by looking for the closest connecting link between that subject matter, the competent court and the related rules.

**Project Name:** Study on Criminal Jurisprudence in Southeast Asian Countries  
**Led by:** Osamu Magata  
**Research Object:** A broader and more multifaceted approach is needed to further the development of criminal jurisprudence in Japan. Accordingly, in this research group, we are turning our attention to the actual state of criminal jurisprudence in various Southeast Asian countries which have received little attention in the past, as we attempt to explore legislation and theory which may contribute to development of criminal jurisprudence in Japan. At the same time, we will consider whether Japanese criminal jurisprudence could be useful for the Southeast Asian countries. The basis of legal theory and the operation of law rests on the culture of the country itself, so we will be looking at the societal culture and the legal culture of the different Southeast Asian countries as we explore the kind of relationship that might exist between criminal jurisprudence in those countries and criminal jurisprudence in Japan.

**Project Name:** Technology and law in dispute resolution  
**Led by:** Manabu Kobayashi  
**Research Object:** IT (Information Technology) in the market and IT in the areas of administration and judiciary are progressing. The purpose of this research group is to consider the issues related to "technology and law" in the dispute resolution from a comparative law perspective.

**Project Name:** Research Project on theoretical basis of geographical indication systems  
**Led by:** Keita Sato  
**Research Object:** We will propose an ideal model of geographical indication system which makes the system effective. Especially, our team focuses, 1) Impact assessment for stopped quality competition of GI registered product within registered area, 2) feasibility of GI registration for purely industrial products, and others.

**Project Name:** US-Japan Comparative study on the right of publicity  
**Led by:** Keita Sato  
**Research Object:** We will propose interpretation details on the right of publicity from analysis of US-Japan comparative study. In Japan, such right has been established by the Supreme Court decision "PinkLady", however, several problems are not clear. So we will propose new interpretations with help of experiences of US major state laws such as NY, California etc.(since US has no federal law on the right of publicity), and we introduce information on the new NY (and other) state law on the right of publicity.

**Project Name:** Legal Education on Legal Theory, Legal History and Comparative Law  
**Led by:** Tomoyoshi Ito  
**Research Object:** With the progress of the Reform of the Judicial System, the study of legal theory/legal history would be deeply affected in the Faculty of Law and the graduate School of Law. The purpose of this research group is to examine significance of subjects on legal theory and legal history for legal education from the perspective of comparative law.

**Project Name:** Research on environmental damage compensation systems in Japan and China  
**Led by:** Tsuyoshi Harada  
**Research Object:** The purpose of this research is to study the interpretation and legislation of the system of compensation for damages to the environment, especially from the perspective of civil law, by comparing the Chinese Civil Code, where the construction of the system is progressing.

**Project Name:** Comparative Legal Research on Marital Equality and Ensuring the Welfare of Children in Divorce  
**Led by:** Hirohito Suzuki  
**Research Object:** Comparative legal research will be conducted on divorce benefits and child custody in Japan, Germany, China, Korea, and Australia. With the exception of Japan, each country has a post-divorce joint custody law, but the success or failure of such laws differs from country to country. We will clarify how each country ensures the equality of spouses and the welfare of children in the event of divorce.

## 2024 Research Projects at the Institute of Comparative Law in Japan

- Project Name:** Comparative Criminal Justice  
**Led by:** Kazumichi Tsutsumi  
**Research Object:** Comparative law research on the principles of the criminal law and the legal policy on crime. Thinking about the rationales of punishment, the legal principles such as demand of justice and liberty, and legal policy on crime reduction such as crime prevention and an offender's reintegration.
- Project Name:** Comparative studies on voting rights and civic participation  
**Led by:** Motohiro Hashimoto  
**Research Object:** Malapportionment cases in Japanese Constitutional law have been debated and decided at Supreme Court. But they not argue some substantial viewpoint. It must be argued in terms of voting right and political participation of citizens. This study group will discuss some possibility of voting rights and participation from comparative perspective of constitutional law. We are going to explore this study's achievement at Comparative Law Review and symposium.
- Project Name:** Aktueller Stand der theoretischen Strafrechtswissenschaft  
**Led by:** Makoto Tadaki  
**Research Object:** Den aktuellen Stand des theoretischen Strafrechts in unserem Land sowie den aktuellen Stand des deutschen theoretischen Strafrechts, das unser Strafrecht stets beeinflusst hat, zu ermitteln. Dabei werden wir den Entwicklungsprozess beider erkennen und die Themen der aktuellen Debatte identifizieren und untersuchen, um zur Weiterentwicklung der Strafrechtshermeneutik und -praxis in beiden Ländern in der Zukunft beizutragen.
- Project Name:** Vergleichende rechtshistorische Studie zur Methodenlehre der Rechtswissenschaft  
**Led by:** Kiyotaka Nishimura  
**Research Object:** Ziel der Forschungsarbeiten der Gruppe ist es, die Methodenlehre der Rechtswissenschaft (bzw. Der Rechtsauslegung) auf der Grundlage verschiedener Studien in Europa und den USA zu untersuchen und den Zweck und die Merkmale der Rechtswissenschaft bzw. Der Rechtsauslegung zu klären.
- Project Name:** Project on Updating Japanese Copyright Law  
**Led by:** Keita Sato  
**Research Object:** In Japanese copyright Law, measures to improve copyright laws in line with advances in IT technology have been progressing little by little. It seems that the current situation is that we are far behind in various aspects such as Performers' rights, especially meta-verse related matter, AI related matter. This group will take up issues on an ad hoc basis and explore new directions for Japanese digital related copyright law.