

Private International Law in Japan - Exploring Cross-Border Legal Matters



法 CUHK LAW THE CHINESE UNIVERSITY OF HONG KONG 香港中文大學

Centre for Comparative and Transnational Law
Private International Law Group

CROSS-BORDER LEGAL ISSUES
DIALOGUE Seminar Series

Latest Development of Hague Conference
on Private International Law and the
Hague Judgments Convention

by
Prof. Yun Zhao
Henry Cheng Professor in International Law and
Head of Department of Law, HKU



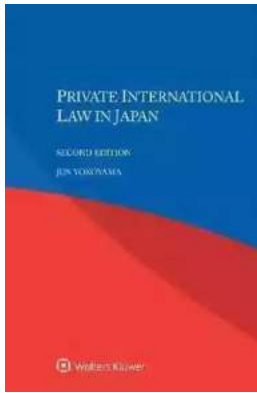
CPD event
The Law Society of Hong Kong has awarded this seminar 1.5 Continuing Professional Development (CPD) points.

25 March 2021 (Thursday), 12:30 - 2:00 pm
online seminar

Private international law plays a crucial role in today's globalized world, facilitating legal matters that involve international transactions, cross-border disputes, and foreign relationships. Understanding the private international law framework in different countries is essential for businesses, individuals, and legal professionals working in an international context.

The Development of Private International Law in Japan

Japan has a rich legal history, and its approach to private international law has evolved over time. The legal system in Japan, heavily influenced by civil law, has established a set of rules and principles to address cross-border legal matters.



Private International Law in Japan

by Helen Joyce(2nd Edition, Kindle Edition)

★★★★☆ 4.7 out of 5

Language : English
File size : 618 KB
Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 218 pages



Private international law, often referred to as conflict of laws, in Japan is primarily governed by the Act on General Rules for Application of Laws. This act provides a framework for determining which jurisdiction's laws should apply when dealing with international cases in Japan.

One crucial aspect of private international law is the determination of the applicable law to contractual relationships, torts, and other civil matters. The Japanese legal system follows the principle of *lex loci contractus*, meaning that the law of the place where the contract was concluded governs the legal relationship.

In cases involving torts, such as personal injury or defamation, the Japanese legal system applies the principle of *lex loci delicti commissi*. This principle determines the applicable law based on the place where the tortious act occurred.

Key Elements of Private International Law in Japan

Choice of Law

The principle of party autonomy is central to private international law in Japan. Parties involved in cross-border transactions or disputes are allowed to select the applicable law explicitly. However, certain limitations exist, especially in cases of mandatory rules or public policy concerns.

Jurisdiction

The Japanese legal system also determines the jurisdiction of its courts in cross-border cases. The focus is mainly on the individuals involved or the location of the dispute. Japan follows the principle of territorial jurisdiction, meaning that its courts have jurisdiction in matters that have a substantial connection to the country.

Recognition and Enforcement of Foreign Judgments

Recognizing and enforcing foreign judgments is an essential aspect of private international law. Japan has adopted the principle of reciprocity, meaning foreign

judgments from countries that have a reciprocal agreement with Japan can be recognized and enforced in its courts.



The recognition and enforcement of foreign judgments in Japan involve various procedural requirements, including submitting certified copies of the judgment and complying with time limits.

Recent Developments and Challenges

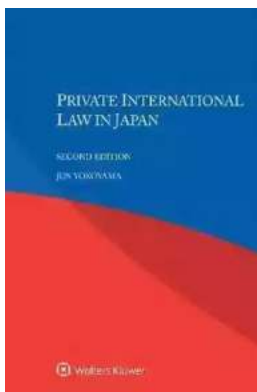
Private international law continues to evolve in Japan, with recent developments focusing on international jurisdiction, online transactions, and intellectual property rights. The increasing number of cross-border disputes and the complexities of

the digital age present challenges that require adaptation and modernization of the legal framework.

Efforts are being made to enhance international cooperation and promote the use of alternative dispute resolution methods, such as mediation and arbitration, to address cross-border legal matters.

Private international law in Japan plays a crucial role in providing clarity and stability when dealing with cross-border legal matters. Understanding the key principles and developments in private international law are essential for individuals and businesses operating in Japan or engaging in international transactions with Japanese entities.

As the world becomes increasingly interconnected, having a solid understanding of private international law in different countries, including Japan, enables effective legal planning, risk mitigation, and successful resolution of cross-border disputes.



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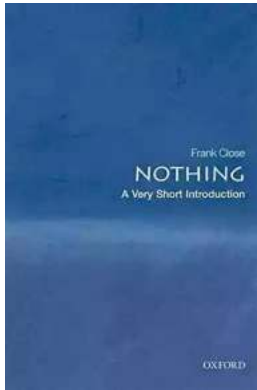
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Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides ready access to the law applied to cases involving cross border issues in Japan. It offers every lawyer dealing with questions of conflict of laws much-needed access to these conflict rules, presented clearly and concisely by a local expert.

Beginning with a general , the monograph goes on to discuss the choice of law technique, sources of private international law, and the relevant connection with other laws. Then follows clear description and analysis of the rules of choice of law on natural and legal persons, contractual and non-contractual obligations, movable and immovable property, intangible property rights, company law, family law (marriage, cohabitation, registered partnerships, matrimonial property, maintenance, child law),and succession law (including testamentary dispositions). The presentation concludes with an overview of relevant civil procedure, examining lex fori and issues of national and international jurisdiction, acceptability and enforcement of foreign judgements, and international arbitration.

Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for lawyers handling cases in Japan. Academics and researchers, as well as judges, notaries public, marriage registrars, youth welfare officers, teachers, students, and local and public authorities will welcome this very useful guide, and will appreciate its value in the study of private international law from a comparative perspective.



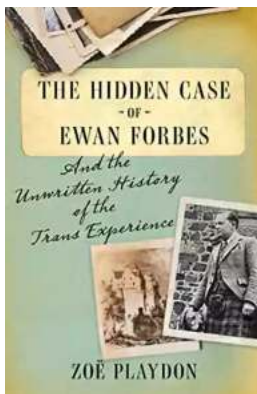
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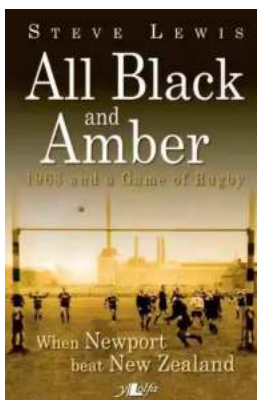
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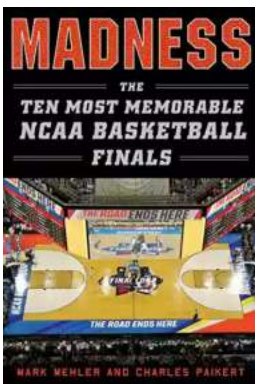
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