

Chapter 17

Government System

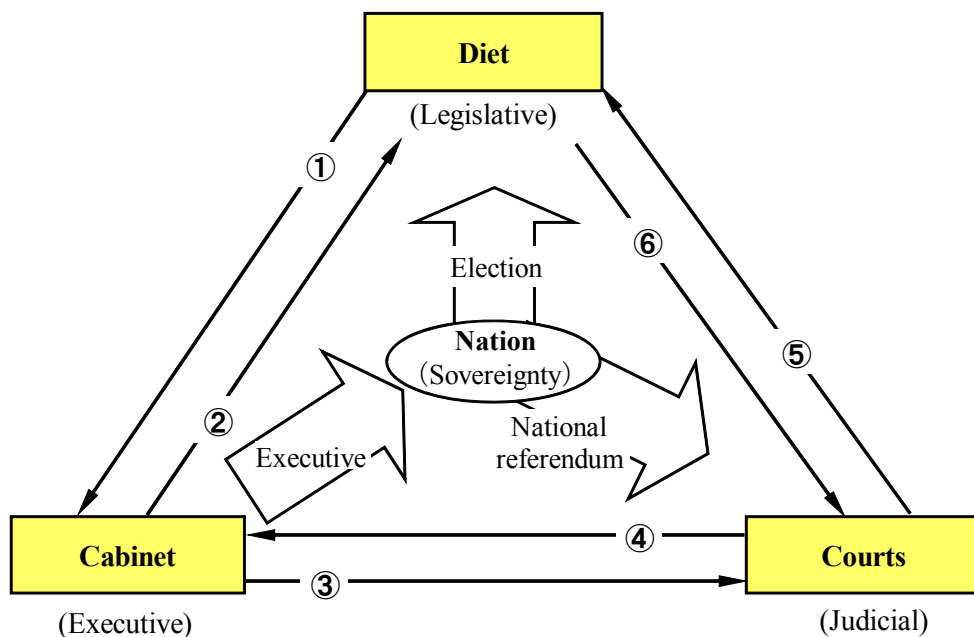


The clock tower, completed in July 1960 during the construction of the Ozaki Memorial Hall (now the Parliamentary Museum) as part of the complex. The tower stands 31.5 meters high, with its three facades forming the shape of a star that symbolizes the *trias politica* principle, which refers to the separation of legislative, executive and judicial powers. It chimes four times a day: at the opening hours of sessions of the House of Representatives and House of Councillors, the office closing hour, and the close of the day.

1. Division of Powers

The Japanese Constitution, which went into effect on May 3, 1947, is based on three core principles: sovereignty of the people, respect for fundamental human rights and pacifism. To control governmental power effectively through checks and balances, governmental power is separated into three independent branches: legislative, executive and judicial, and each contains a separate set of agencies and personnel.

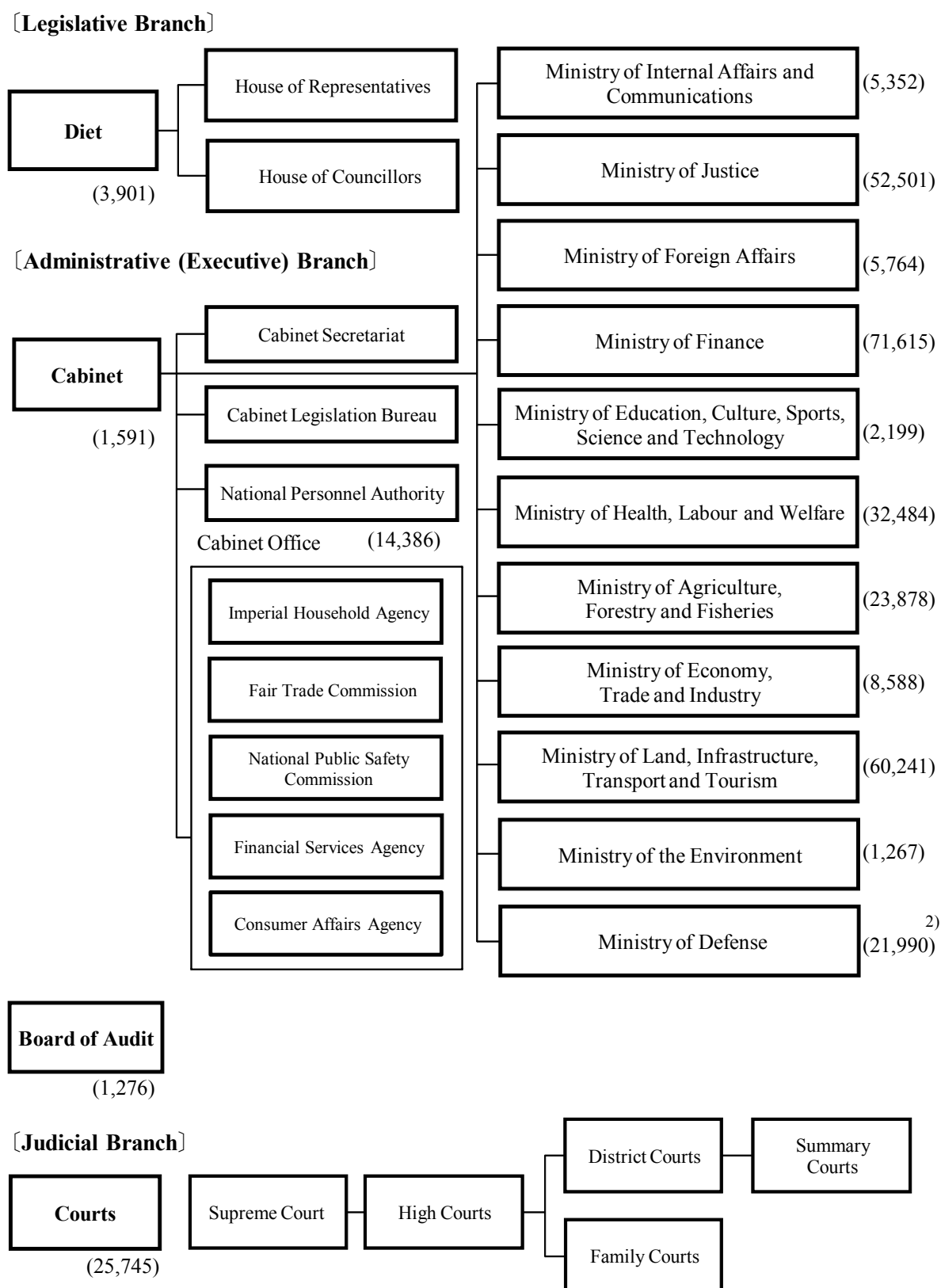
Figure 17.1
Separation of the Three Branches of Government
under the Japanese Constitution



- ① Designation of the Prime Minister
Vote of non-confidence to the Cabinet
- ② Convocation of the Diet
Dissolution of the House of Representatives
- ③ Designation of the Chief Justice of the Supreme Court and
appointment of other judges
- ④ Judgment on cabinet orders, regulations or administrative actions
- ⑤ Judgment of the constitutionality of laws
- ⑥ Impeachment to judges

Source: Prime Minister's Official Residence.

Figure 17.2
Government Organization of Japan ¹⁾ (FY2011)



1) Figures in parentheses refer to budgetary fixed number of national government employees.

2) Excluding the number of the personnel of the Self-Defense Forces.

Source: Ministry of Internal Affairs and Communications; Ministry of Finance.

2. The Legislative Branch

The Diet is the highest organ of state power, and is the sole law-making organ of the State.

The Diet consists of the House of Representatives and the House of Councillors. Both Houses consist of elected members, representative of all the people.

The most important responsibility of the Diet is to enact legislation. The Diet also has the authority to fulfill a number of additional functions, including the deliberation and passage of the budget and other matters of fiscal importance, the approval of treaties, the designation of the Prime Minister and the initiation of motions to amend the Constitution. Each House may conduct investigations relating to the government, and demand the presence and testimony of witnesses, and the production of records. For the Diet to pass a resolution, the agreement of both Houses of the Diet is necessary. However, when the two Houses differ in their resolutions regarding legislative bills, draft budgets, the approval of treaties or the designation of the Prime Minister, under the terms of the Constitution, decision of the House of Representatives overrides that of the House of Councillors.

The term of office for Diet members is set by the Constitution. Members of the House of Representatives serve a four-year term, while members of the House of Councillors, six years. Elections for the latter are held every three years, so that one half of the seats are contested in each election.

The House of Representatives has 480 members. Of these, 300 are elected under a single-representative constituency system, while 180 are elected under a proportional representation system in which the nation is divided into 11 regions. The last general election was held in August 2009. The House of Councillors has 242 members, of whom 96 are elected through proportional representation, and 146 are elected as representatives from the nation's 47 electoral districts, i.e. prefectures. The last regular election was held in July 2010.

All Japanese citizens, both men and women, aged 20 years or older, have the right to vote in elections for both Houses of the Diet. Furthermore, both men and women above the qualifying age are eligible to run in elections. The qualifying age for members of the House of Representatives

is 25 years or older, while the qualifying age for members of the House of Councillors is 30 years or older.

Table 17.1
Members of the Diet by Political Group

House of Representatives (As of June 3, 2011)		House of Councillors (As of May 8, 2011)	
Name	Number ¹⁾	Name	Number ¹⁾
Membership	480	Membership	242
Incumbents	479 (52)	Incumbents	242 (44)
The Democratic Party of Japan, and Club of Independents	303 (38)	The Democratic Party of Japan, and The Shin-Ryokufukai.....	106 (20)
Liberal Democratic Party	118 (8)	Liberal Democratic Party	83 (15)
New Komeito	21 (3)	New Komeito	19 (3)
Japanese Communist Party	9 (1)	Your Party.....	11 (0)
Social Democratic Party	6 (1)	Japanese Communist Party	6 (2)
Your Party.....	5 (0)	The Sunrise Party of Japan and New Renaissance Party.....	5 (1)
The People's New Party, and New Party Nippon.....	4 (0)	Social Democratic Party	4 (1)
The Sunrise Party of Japan	2 (0)	The People's New Party.....	3 (1)
Group for upholding the interest and life of the nation.....	2 (0)	Independents	5 (1)
Independents	9 (1)	Vacancies	0
Vacancies	1		

1) Figures in parentheses refer to women only.

Source: House of Representatives; House of Councillors.

3. The Executive Branch

The Cabinet exercises its executive power on the basis of the laws and budgets adopted by the Diet. The Cabinet, composed of the Prime Minister and other Ministers of State, is collectively responsible to the Diet, regarding the exercise of the executive power. The Prime Minister is elected in the Diet from among its members. The majority of the ministers of state to be appointed by the Prime Minister must be Diet members. Thus, Japan adopts the parliamentary Cabinet system, in which the organization and existence of the Cabinet rest on the confidence in the Diet.

The Cabinet's powers include the following: (i) implementing laws; (ii) engaging in foreign diplomacy; (iii) signing treaties; (iv) overseeing the operational affairs of public officers; (v) formulating a budget and submitting it to the Diet; (vi) enacting Cabinet orders; and (vii) deciding amnesty. In addition, the Cabinet powers also include naming the Chief Justice of the Supreme Court and appointing other judges. The Cabinet

also gives advice and approval to the Emperor in matters of state, and bears the responsibility for this.

Table 17.2
Successive Prime Ministers

Date ¹⁾	Name	Date ¹⁾	Name
Jun. 8, 2010	Kan, Naoto	Jul. 30, 1998	Obuchi, Keizo
Sep. 16, 2009	Hatoyama, Yukio	Jan. 11, 1996	Hashimoto, Ryutaro
Sep. 24, 2008	Aso, Taro	Jun. 30, 1994	Murayama, Tomiichi
Sep. 26, 2007	Fukuda, Yasuo	Apr. 28, 1994	Hata, Tsutomu
Sep. 26, 2006	Abe, Shinzo	Aug. 9, 1993	Hosokawa, Morihiro
Apr. 26, 2001	Koizumi, Junichiro	Nov. 5, 1991	Miyazawa, Kiichi
Apr. 5, 2000	Mori, Yoshiro	Aug. 10, 1989	Kaifu, Toshiki

1) Date of initial cabinet formation.

Source: Prime Minister's Official Residence.

4. The Judicial Branch

Judicial power resides in the courts and is independent from the executive branch and the legislative branch.

The Constitution provides for the establishment of the Supreme Court as the highest court with final judgment, while the Court Organization Law provides for four lower-level courts (High Court, District Court, Family Court and Summary Court). At present, there are eight High Courts, 50 District Courts, 50 Family Courts and 438 Summary Courts throughout the nation.

To ensure fair judgments, the Japanese judicial system allows a case to be heard and ruled on up to three times in principle, should either party involved in the case so desire. The first courts in the court hierarchy are the District Courts, the second being the High Courts and the highest court being the Supreme Court. The Summary Courts and Family Courts handle simple cases, domestic relations and cases involving juveniles as first instances.

The Supreme Court has the authority to deliver the final judgment on the legitimacy of any law, ordinance, regulation, or disposition. It is chaired by the Chief Justice and 14 judges.

A new *saiban-in* (lay judge) system began in May 2009. This is a system under which citizens participate in criminal trials as judges to determine,

together with professional judges, whether the defendant is guilty or not and, if found guilty, what sentence should apply. What is hoped for is that the public's participation in criminal trials will make citizens feel more involved in the justice process and make the trials easier to understand, thus leading to the public's greater trust in the justice system. A total of 1,506 people were tried in *saiban-in* trials held in 2010.

Table 17.3
Judicial Cases Newly Accepted, Settled and Pending (All courts)

Year	(Thousands)					
	Civil and administrative cases			Criminal cases ¹⁾		
	Accepted	Settled	Pending	Accepted	Settled	Pending
1995	2,411	2,390	697	1,555	1,555	31
2000	3,052	3,062	780	1,638	1,636	43
2005	2,713	2,827	576	1,568	1,572	47
2008	2,252	2,219	547	1,239	1,240	38
2009	2,409	2,357	599	1,215	1,214	39

Year	Domestic cases			Juvenile cases ¹⁾		
	Accepted	Settled	Pending	Accepted	Settled	Pending
	1995	412	414	66	296	299
2000	561	555	78	286	288	49
2005	718	713	99	237	238	32
2008	766	764	104	176	176	26
2009	800	797	106	174	172	28

1) Persons involved.

Source: Supreme Court.

5. Local Governments

The affairs of local governments are conducted on two levels in Japan: by the prefectures and by the municipalities within each prefecture. As of April 1, 2011, Japan has 47 prefectures, within which there are 1,724 municipalities, plus the 23 wards (*ku*) in metropolitan Tokyo. In order to strengthen the administrative and fiscal foundation of the municipalities, municipal mergers were promoted by law. As a result, the number of municipalities was reduced to 1,724 in April 2011, from 3,232 at the end of March 1999.

Municipalities that satisfy certain population criteria (i.e., 500,000 people or more) are eligible for designation as "Cabinet-Order designated cities." This designation gives them administrative and fiscal authority equivalent to those of prefectures. With the addition of four cities (Niigata-*shi*,

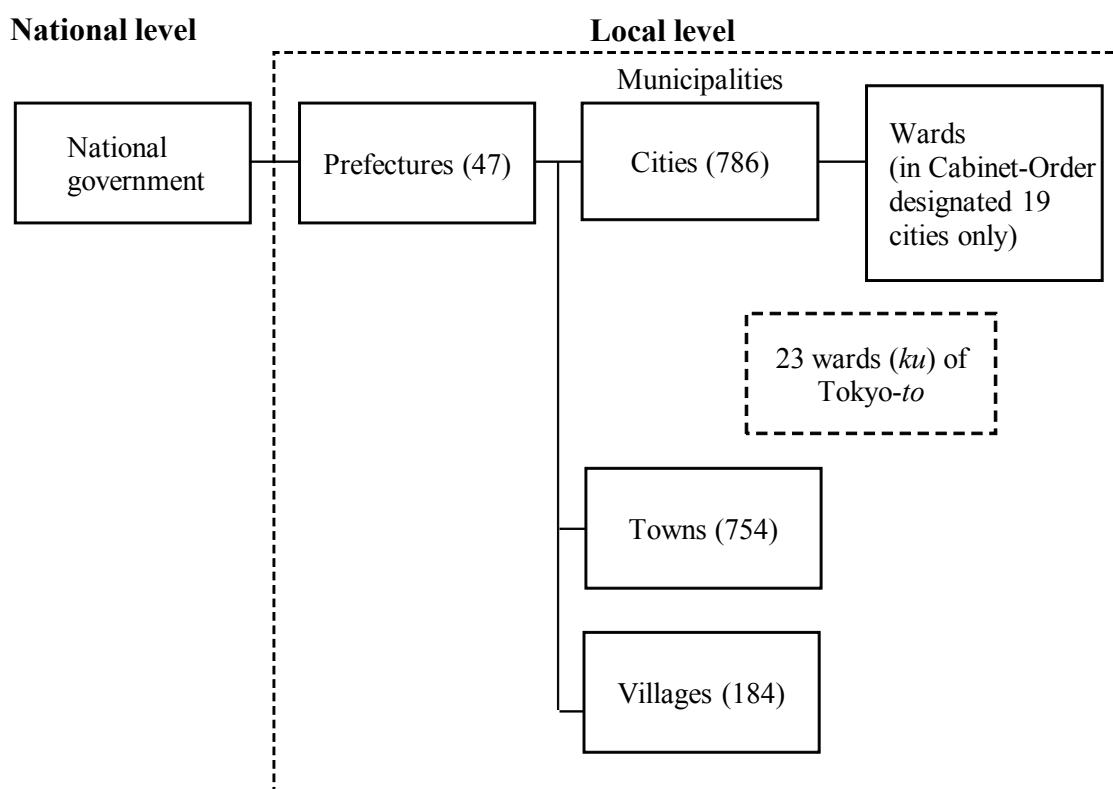
Hamamatsu-*shi* both in April 2007, Okayama-*shi* in April 2009, and Sagamihara-*shi* in April 2010), there are presently 19 cities that have earned this designation. (See the map on the inside back cover.)

Table 17.4
Local Government Employees by Type of Administrative Services
 (As of April 1, 2010)

Type of Services	Number
Total	2,813,875
Education	1,064,320
General administrative services	559,785
Social welfare and public hygiene	377,166
Police	281,309
Fire service	157,754
Public enterprise account sector	373,541
Hospitals	204,181
Water and sewerage	79,456
Transportation	27,313

Source: Ministry of Internal Affairs and Communications.

Figure 17.3
Government System by Level ¹⁾ (As of April 1, 2011)



1) Figures in parentheses indicate number.

Source: Ministry of Internal Affairs and Communications.