

PRIVATE INTERNATIONAL LAW TRAINING IN JAPAN

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In Japan the adoption of European laws was done in the second part of the Nineteenth Century. However Civil Code and Horei which was the «Law concerning the application of Law in General» were never put into force. The actual law on Private International Law in Japan is the work of two scholars Dr. Nobushige Hozumi and Dr. Saburo Yamada, the first was mainly responsible for the draft and the second worked as his assistant. They used the Comparative method, thus studied the legislations and theories of various foreign countries. This law is in force since 1898.

Private International Law School of Tokyo Imperial University, Prof. Toru Terao who was in charge of the course of Public International Law was elected as the professor to teach the Private International Law. Prof. Terao introduced theories developed in advanced states.

Second Professor to teach Private International Law was Prof. Saburo Yamada was appointed in 1901 the professor of Private International Law at the Law School of Tokyo Imperial University. He published many scholarly essays in the subject. Professor Teijoro Atobe of Kyoto Imperial University and Professor Koichi Yamaguchi of Tokyo Commercial University also contributed in the development of Private International Law in Japan with their many publications. Another contributor to the advancement of Private International Law in Japan was Prof. Kotaro Tanaka who was teaching Commercial Law at Tokyo University. He published in 1923-33 **A theory of World Law** where he claimed that Private International law forms a part of the world law system, thus he was basing Private International Law on the principle of universality. Later Professors Saneka Egawa and Orime contributed also to the science of Private International Law in Japan.

Nationality, legal status of aliens and conflict of laws are studied in Private International Law. Dr. Atobe and Dr. Yamada shared

the view that legal status of aliens was the very cause of the doctrine of conflict of laws. Jurisdiction and the recognition of foreign judgements are also studied. As to general principles in Private International law in Japan nationality and domicile, renvoi, classification, ordre public, Japan has the tradition of following the Continental way. This is so because the first modern Japanese laws are mainly adopted from German.

In Natural persons declaration of death and capacity are dealt with great length. In Japan nationality of juridical persons is not recognized according to the prevailing view.

In Conflict of laws the most popular area is the family relations.