

88-690

JAPAN

The commencement of a civil action is governed in Japan by the Code of Civil Procedure of 1890 ^{1/} (arts. 223-256). The enforcement of domestic judgments is governed by articles 737-747 and 755-763-2 of this Code and by the Civil Execution Law of 1980 ^{2/} (in 198 articles). The Civil Execution Law superseded 222 of 266 articles on the enforcement of domestic judgments in Book VI of the Code of Civil Procedure; the remaining 44 articles of the Code are concerned with provisional attachments and provisional dispositions. Article 20 of the Civil Execution Law provides that where the Law lacks a definite rule to be applied in a particular situation, the Code of Civil Procedure will remain applicable.

Little has been written in English on the above two subjects. The following materials are presently available in the Law Library's collection:

The Code of Civil Procedure (Book IV) (Tokyo, Eibun-Horeisha, 1972) (see the attached).

The Supreme Court of Japan. Outline of Civil Trial in Japan (Tokyo, 1975). 29 p. (see the attached).

^{1/} Law No. 29, Apr. 21, 1890, as last amended by Law No. 83, Aug. 24, 1982.

^{2/} Law No. 4, Mar. 30, 1979; effective Oct. 1, 1980.

"Adjudicatory Process in the Court of First Instance," in Hattori, Takaaki and Dan Penno Henderson, Civil Procedure in Japan 67.01 (New York, Matthew Bender, 1983) (see the attached).

"Enforcement of Judgments," id. at §11.01 (see the attached).

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