

while procedures aimed at executing the security interests on immovables have also been improved.

4) Reform has been made for the purpose of protecting the obliger who has been subjected to execution. Provisions forbidding attachment have been rationalized to maintain the livelihood of the obliger, and a system designed to protect the obliger in the course of compulsory receivership has been created.

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4. Criminal Law and Procedure

[Trends of Legislation]

The outcome of the proposed revision of the Prison Act 1908 (as subsequently amended) is worthy of special attention in the recent trends of criminal legislation.

The committee of the Legal Council of the Justice Ministry in charge of the revision of the Prison Act, which had been studying the revision at the request of the Justice Minister since 1976, completed its "Outline Draft of the Gist of the Revision of the Prison Act" and submitted it to the general meeting of the Legal Council on December 7, 1979.

The outline draft is made up of six sections, namely, introduction, treatment of prisoners under sentence, treatment of convicted persons sentenced to penal detention, treatment of convicted persons sentenced to death and other inmates, criminal jails and punishment.

As is clear by such titles, the basic concept of the draft outline is projected to define the relations between inmates and the state in connection with rights and obligations, by classifying the regulations on their treatment in accordance with the type

of inmate. In the light that the existing Prison Act handles the convicts and persons sentenced to penal detention within the same concept, and that the operation in connection with those related with right is, in many cases, according to ministerial order and others, high expectations are placed on the proposed revision of the Act.

However, the proposal to retain the so-called "substitute prison" as a criminal jail will give rise to controversies in the future. In addition, the outline has taken into account the new current in criminal policies concerning treatment, but whether or not it is sufficient to meet requirements will have to be left to future discussions.

The following reports by the Justice Ministry official in charge will be most helpful in learning the details of the concept couched in the proposed draft outline:

"On Draft Outline of the Gist of the Revision of the Prison Act," by Yasuro Oshiba. (*Horitsu-no-Hiroba* Vol. 33, Nos. 3, 4, 5 and 6, 1980).

"Deliberative Situation of the Revision of the Prison Act," by Yasuro Oshiba. (*Horitsu-no-Hiroba*, Vol. 30, No. 3 — Vol. 33, No. 2, 1977–1980).

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5. Commercial Law

1. Japan's business corporation law (The Commercial Code, Book II, Chapter IV) has been revised many times since it was first enacted in 1899. The revisions of 1938 and 1950 were, particularly, of great scale viewed from their contents and the numbers of articles revised. As witnessed by the successive revisions of business corporation laws in many foreign countries