

different from that of his father or mother, he was not allowed to use the family name of his father or mother unless the family court permitted. This was criticized as being unnecessary unless there was some dispute among the parties.

Therefore, this amendment made it possible to change a child's family name to that of his father or mother by simply recording in the family register without court permission; however, this may be done only while the parents are married (Civil Code, Article 791). For example, if a spouse or spouses are to be an adoptee, the family name of the parents will be different from that of their child. In such a case, this amendment simplifies the procedure concerning the change of a child's family name.

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3. Criminal Law and Procedure

Criminal Law

An Act Partially Amending the Criminal Code, etc.

Promulgated on June 2, 1987. Ch. 52. Effective as of June 22, 1987.

[Background of the Legislation]

The revision was the first since 1980. The reasons for the revision and the central issues of the amendment were on the following two points:

(1) With the widespread use of computers, crimes related to the improper use of computers had increased rapidly. However, this kind of crime was difficult to punish as a forgery of documents, fraud, etc. as had been done in the past. Therefore, it was necessary to have

new legislations to cope with these crimes. (For instance, in a decision on November 24, 1983 (37 *Keishū* 1538), the Supreme Court punished the incorrect usage of the electromagnetic records of the automobile registration file as coming under the Criminal Code, Article 157, “the original of an authenticated deed.” However, there were a number of criticisms of the decision in scholarly commentaries.)

(2) In order to counter international terrorism, in cooperation with other countries, Japan was about to accede to and ratify “the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents,” and “the International Convention against the Taking of Hostages.” Taking this opportunity, in order to positively participate in the international trend in the future, Japan needed, and has made, a comprehensive provision which enables Japan to carry out future treaty obligations to punish any person who commits a crime outside the territory of Japan. (Criminal Code, Article 4.2.)

[Outline of the Amendment and Comment]

The following is a survey that is made of the concrete points of the amendment, specifically, regarding computer crimes.

A. Partially Amended Provisions.

(1) Criminal Code, Article 2 (v) as amended provides that a punishment may be inflicted upon any person who commits, outside the territory of Japan, the crime of making a false entry on the original of the electromagnetic records of an authenticated deed, the crime of dishonest preparation of official electromagnetic records, and the crime of usage and/or provision of the above-mentioned records.

(2) Criminal Code, Article 3 (iii) as amended provides that a punishment may be inflicted upon any Japanese national who commits, outside the territory of Japan, the crime of dishonest preparation of private electromagnetic records, and the crime of usage and/or provision of the above-mentioned records.

(3) Criminal Code, Articles 157 (1) and 158 (1) as amended provide for protection of electromagnetic records which have the same

function as the original of an authenticated deed.

(4) Criminal Code, Articles 258 and 259 as amended provide for protection of electromagnetic records as well as written documents from destruction.

B. New Provisions.

(1) Criminal Code, Article 7.2 [The definition of electromagnetic records].

In this provision, there are two requirements for records to be considered electromagnetic records: the records are ① records which are produced by humanly imperceptible methods such as those of electromagnetics and magnetics, and ② records which are used with data processing by electronic computers.

(2) Criminal Code, Article 161.2 [Crimes of dishonest preparation of electromagnetic records, etc.].

Paragraph 1 provides that a punishment may be inflicted upon any person who commits the crime of dishonest preparation of private electromagnetic records.

Paragraph 2 provides that a punishment may be inflicted upon any person who commits the crime of dishonest preparation of electromagnetic records which have the same function as official documents.

Paragraph 3 provides that a punishment may be inflicted upon any person who uses and/or provides electromagnetic records which are produced dishonestly.

Paragraph 4 provides that a punishment may be inflicted upon any person who attempts to commit the crimes mentioned in Paragraph 3.

(3) Criminal Code, Article 234.2 [Crimes of interfering with business by means of the destruction of electronic computers, etc.].

This Article provides that a punishment may be inflicted upon any person who interferes with business by disturbing the usage of electronic computers for business use through ① destroying the computers, ② putting false information and improper instruction into the computers, or other unlawful acts.

(4) Criminal Code, Article 246.2 [Crimes of fraud using electronic computers].

This Article provides that a punishment may be inflicted upon any person who obtains profit unlawfully by putting false information and incorrect instruction into electronic computers.

Whether such provisions regarding computer crimes efficiently function to meet the expectations of the legislators may be determined only through the evaluation of many future judicial decisions.

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4. Labor Law

Partial Amendment of the Labor Standards Act.

Promulgated on September 26, 1987. Effective as of April 1, 1988.

[Outline of the Amendment]

1. Normal working hours are set at 8 hours a day and 40 hours a week (46 hours a week for an unspecified period). For certain kinds and sizes of enterprises, normal working hours are 48 hours a week effective until March 31, 1991. Regarding more limited kinds of enterprises, the hours are as follows: For an enterprise employing fewer than 10 workers, normal hours are 48 hours a week; for an enterprise employing not more than 4 workers, normal hours are 54 hours a week effective until March 31, 1991.

2. If an employer makes work rules which provide that the working hours shall not exceed the legal hours (see above, para. 1), averaged for a period of a month or less, the employer may extend the working hours beyond the legal hours on the days or weeks specified in the work rules.

3. If an employer and the trade union or person that represents a majority of the employees of an establishment reach an agreement which provides that the working hours shall not exceed 40 hours a