
MAJOR LEGISLATION

Jan. — Dec., 1989

1. Constitutional and Administrative Law

a. Constitutional Law

The 1989 Revision of the Public Office Election Act.

Promulgated on December 19, 1989. Ch. 81. Effective as of February 1, 1990.

[The Original Act and its Revisions]

The original Public Office Election Act, passed by the Diet in 1950, prohibited in Article 199 any gift regarding elections, cash or in kind, by candidates for public office to voters in their constituencies.

The 1954 revision. (a) Not only candidates for public office but also would-be candidates and those who hold public office become subject to the Act. (b) Any gift beyond a customary seasonal gift is regarded as a gift concerning elections, which is prohibited by the Act.

The 1958 revision. Any gift by candidates' organizations to voters in their constituencies shall be prohibited.

The 1962 revision. Any gift by candidates' election committees shall be covered by the Act.

The 1975 revision. Any gift by candidates, regarding elections or not, shall be prohibited.

As stated above, the coverage of the Act's prohibition of gifts by candidates has been constantly expanded from the original enactment.

[Background of the 1989 Revision]

The *Recruit Co.* bribery case, which surfaced in 1988, caused public distrust of politicians. Politicians reconfirmed the urgent need of political reform. Three bills revising the Public Office Election Act (expanding the prohibition of political gifts) were submitted to the Diet. These bills were merged into a single measure and unanimously passed by both Houses of the Diet.

[Main Points of the 1989 Revision]

The revised Act imposes a fine of up to ¥200,000 or a prison sentence of up to one year on politicians who violate the Act's prohibition of gifts. Violators of the Act shall also be subject to a five-year suspension of their political rights if they are found guilty by a court.

Candidates' greetings to voters in their constituencies, over the air, in print, or by mail, shall be prohibited. Violation is subject to criminal sanction.

[Comment]

Giving cash gifts at weddings and funerals is one of the long established traditions of Japanese society. Japanese politicians have traditionally given cash gifts at weddings and funerals to voters of their constituencies in expectation of their vote. This practice constitutes a major part of politicians' activities. According to statistics, a junior member of the House of Representative spent ¥189,000,000 on political activities in 1987, ¥22,300,000, or 12%, of which were cash gifts to voters at weddings and funerals (the *Asahi Shimbun*, March 4, 1989). After attending a speech by Michio Watanabe, senior member of the House, before the Foreign Cor-

respondents Club, a foreign correspondent commented that Japanese politicians did not get votes by their policy proposals but literally bought the votes (the *Asahi Shimbun*, December 17, 1988). Furthermore, the ruling Liberal Democratic Party and most of the LDP politicians are funded by big business. In the long run, big business buys the politics, and buys the votes.

Indicating the width and depth of “money politics,” the *Recruit Co.* bribery scandal has triggered serious criticism and public distrust of Japanese politicians. Politicians have been forced to respond to this protest; the 1989 revision of the Public Office Election Act is one of the responses. Article 199 of the Public Office Election Act has prohibited politicians’ gifts with criminal sanction. But so far this provision has never been invoked and there has been not a single case of indictment. Thus, the effectiveness of the 1989 revision, the expansion of the prohibition and the reinforcement of the criminal sanction, is uncertain.

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b. Administrative Law

The Basic Land Law Act.

Promulgated on December 22, 1989. Ch. 84. Effective as of December 22, 1989.

[Background of the Legislation]

The Government began to prepare measures in response to skyrocketing land prices in Tokyo, and in 1989 submitted the Basic Land Law Bill to the Diet. After substantial debate and several revisions by the Oppositions, the Bill passed both Houses of the Diet. It can be said that the Bill is the embodiment of the national consensus on land policies.