

LAW200 Civil Law (General Provisions)

1st and 2nd quarters, Sophomore

Instructor	IKOMA TOSHIHIDE
Style of Class	Lecture
Number of Credits	2
Day and Period	Wednesday, period 2

Course Description

This course covers Part I (General Provisions) of the Civil Code of Japan. The body of this Part of the Civil Code defines rules and regulations common to rights in rem/claims and relatives/inheritances. As such, the course aims at preparing students for further studies in the Civil Code by equipping them with fundamentals. It will also cover topics such as “the adult guardian system” and “legal implications of legal actions by minors” as part of the curriculum of this faculty at large. Lectures will include case studies accessible and thus interesting to students. Students are expected to learn to think proactively.

Course Objectives

- (1) To understand the system of the Civil Code.
- (2) To understand the generic contents of the general provisions as fundamental matters for future study of the Civil Code.

Prerequisites

Introduction to Contemporary Japanese Law is recommended but not required.

Class Materials

Textbook

Nagata Shinzaburo, et al., *Minpo nyumon/sosoku* (Introduction to Civil Code/General Provisions), Yuhikaku.

Supplementary Materials

Yamada Takao, et a., *Minpo (1) Sosoku* (Civil Code (1) General Provisions), Yuhikaku, S Series: For students of intermediate level.

Uchida Takashi, *Minpo I* (Civil Code I), University of Tokyo Press: For students of advanced level.

Course Method

Lecture, supplemented by further explanations written on the blackboard.

Student participation will be encouraged as needed, depending on the contents of the lecture.

Evaluation/Assessment

The evaluation will be based upon the final examination.

Grading

100% Final examination

Course Schedule

Week 1: Introduction and Organization

Explanation of course schedule, content and format of the class.

Week 2: What is the Civil Code (1)

Basics of the Civil Law, including its perimeters

Week 3: What is the Civil Code (2)

Basics of the Civil Law, including general principles.

Week 4: Private Rights/Persons

Classification of private rights, general principle of the Civil Code and individual persons as right-bearing subject.

Week 5: Judicial Persons/Things

Judicial persons as rights-bearing subject in matters concerning movables and real estates.

Week 6: Juristic Acts and Manifestation of Intention (1)

Fundamental matters concerning relation between juristic acts and manifestation of intention.

Week 7: Juristic Acts and Manifestation of Intention (2)

Defective manifestation of intent, *i.e.*, manifestation of intent lacking in intent to give effect or manifestation of intention that was not freely formed.

Week 8: Freedom of and Restriction on Juristic Acts

Case studies about restrictions on juristic actions.

Week 9: Nullity and Rescission

Nullification, cancellation and the difference between them.

Week 10: Conditions/Time Limit

Conditions and time limit.

Week 11: Agency (1)

Fundamental mechanisms of agency.

Week 12: Agency (2)

Unauthorized agency and apparent authority.

Week 13: Period

Period and method of calculation.

Week 14: Prescription

Acquisitive prescription, extinctive prescription and purpose of prescription system, etc.

Week 15: Course Wrap-up

Preparation and Follow-up

Preparation: Students are expected to finish reading of the assigned chapter in the textbook before class (30 minutes).

Review: Review lecture notes and identify in writing questions after reviewing the assigned readings of textbook and supplementary materials (1 hour).