

# LAW270 Civil Law (Family)

1st and 2nd quarters, Junior

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| <b>Instructor</b>        | IKOMA TOSHIHIDE |
| <b>Style of Class</b>    | Lecture         |
| <b>Number of Credits</b> | 2               |
| <b>Day and Period</b>    | To be advised   |

## Course Description

This course of the Civil Code (Relatives/Inheritance) covers family law and inheritance law in the Civil Code. The family law relates to marriage, divorce, parent and child, parental authority, guardianship, curatorship and assistance. While an overview will be explained on a comprehensive basis, various issues (in the area of parent-child relations, etc.) have become evident in contemporary society that were not expected at the time of establishment of the Civil Code due to such factors as development of assisted reproductive technology. Lectures also cover these new issues so as to foster a student interest in them. The inheritance law concerns the heir, effect of inheritance and will. As the family law is a law that relates to immediate matters in the individuals' lives, lectures aim at leading the students to understand the relevance of the law in their own lives. In an effort to facilitate understanding of the material at hand, a systematic exegesis will be supplemented by specific examples drawn from newspaper articles and other media materials.

## Course Objectives

- (1) To acquire understanding of the links between specific examples in everyday life and applicable laws.
- (2) To gain broad understanding of institutions such as marriage and divorce.

## Prerequisites

Civil Law (General Provisions) is recommended but not required.

## Class Materials

### Textbook

Sento Yozo, et al., *Purimeru Minpo 5* (Primer Civil Code 5), Horitsu Bunka Sha.

### Supplementary Materials

Motozawa Miyoko, et al., *Yokuwakaru kazokuho* (Easy Reference to Family Law), Minerva Shobo: For beginner level students.

Kubota Atsumi, *Kazoku ho* (Family Law), Yuhikaku: For students of intermediate level.

Ogawa Tomiyuki and Endo Takayuki (eds.), *Rodomappu minpo (5) – Shinzoku sozoku* (Road Map Civil Code (5) –Relatives and Inheritance-), Ichigakusha: For students of intermediate level.

Kajimura Taichi, et al., *Kazoku ho jitumu kougi* (Practical Lectures of Family Law), Yuhikaku: 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: Formation of Marriage**

Substantive and formal requirements of marriage.

**Week 3: Effect of Marriage**

Personal effect and proprietary effect arising from marriage.

**Week 4: Formation of Divorce**

Kinds of procedures of divorce, substantive and formal requirements of divorce.

**Week 5: Effect of Divorce**

Personal effect, proprietary effect and treatment of child after the divorce.

**Week 6: Parent and Child**

Legitimate child, illegitimate child, adopted child, parent-child relation arising from assisted reproductive technology.

**Week 7: Parental Authority**

Basics of parental authority, institution concerning loss of parental authority.

**Week 8: Guardianship**

Institutions of adult guardianship, curatorship and assistance.

**Week 9: Inheritance**

Significance of inheritance, recent issues concerning inheritance.

**Week 10: Heir and Shares in Inheritance**

Disqualification in inheritance, exclusion from inheritance, statutory shares in inheritance.

**Week 11: Partition of Estate, Acceptance and Renunciation of Inheritance**

Absolute acceptance, limited acceptance, renunciation of inheritance, etc.

**Week 12: Will and Bequest**

Kinds of wills, a will that states to “cause someone inherit.”

**Week 13: Legally Reserved Portion (1)**

Overview of the system for legally reserved portion.

**Week 14: Legally Reserved Portion (2)**

Arguments concerning the system to put aside legally reserved portion (based upon recent case laws).

**Week 15: Course Wrap-up**

**Preparation and Follow-up**

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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).