

LAW250 Local Self-government Law

3rd and 4th quarters, Sophomore

Instructor	SHIMIZU YASUYUKI
Style of Class	Lecture
Number of Credits	2
Day and Period	Tuesday, period 5

Course Description

The Local Autonomy Act is a body of laws that define mechanisms of local government (at the prefectural, municipal, town and village levels) and the rights and responsibility of residents. It is also a subfield of the Administrative Law. Japan's local government system is provided for in Article 92 *et seq.* of the Constitution and the Local Autonomy Act.

This course seeks to foster student understanding of how the concept of local government, as provided for in the Constitution, is embodied in local governments, institutions of government most immediate to citizenry. It will also examine characteristics of local government, the relationship between the national and local governments, and the rights and responsibilities of residents.

Course Objectives

Local governments provide a variety of services for their residents (providing water, garbage collection, police and fire fighting). They also provide diverse rights (national health insurance, elder care insurance, etc.). At the same time, they enforce various regulations (pet registration, requirement for pet vaccination, approval of restaurants and lodging facilities).

These services deeply embedded in our everyday life are rarely provided by the national government and they are generally local government's bailiwick. The role of the local government is important. This course aims to helping students learn the legal bases of services provided by local governments. It also seeks to help students understand their rights and responsibilities as citizens through everyday examples.

Prerequisites

Administrative Law I (General Remarks) and Administrative Law II (Remedies) are recommended but not required.

Class Materials

Textbook

Kawasaki Masaji, *Chihoujichiho kihon kaisetsu dai 6 han* (Local Autonomy Law, 6th edition), Hogakushoin, 2015.

Supplementary Materials

The students need bring their *Roppo Zensho* (a compendium of laws) of the latest year's version. That includes the Local Autonomy Law.

Isobe Tsutomu and Obata Junko (eds.), *Chiho jichi hanrei hyakusen dai 4 han* (A hundred court cases of local self-government), Yuhikaku, 2013.

Course Method

The course will be in a lecture style, using the outline prepared by the instructor handed out in the class for each session together with the textbook.

Evaluation/Assessment

The evaluation will be based upon the final examination (written examination).

Grading

Grading solely by the scores of the final examination.

Course Schedule

Week 1: Legal Principle of Local Self-governance

Significance of local self-governance system prescribed in the Constitution of Japan.

Week 2: Significance and History of Local Self-governance

Comparison with the centralized administrative system and historical development of concept of local self-governance.

Week 3: Types of Local Self-governments

Kinds of local governments prescribed in the Constitution of Japan and the Local Autonomy Acts.

Week 4: Parliamentary System of Local Assembly and Position of its Members

Authority of prefectural, municipal, town and village assemblies and position of the member of local assemblies and method of election.

Week 5: Position and Authority of Head of Local Self-governance

Position, role and authority of the head of a local self-governance and its relation with the local assembly.

Week 6: Executive Organs and Administrative Organization

Concept of pluralism of the executive organs and the structures of the executive organs.

Week 7: Administrative Committee System

Significance of the administrative committee and its relationship with the head of the local self-governance.

Week 8: Rights and Obligations of Local Residents

Status and the rights and obligations of a local resident.

Week 9: Decision-making and Direct Request System

Significance of the direct request system prescribed in the Local Autonomy Act while the indirect democracy is the general principle.

Week 10: Local Resident Audit Request to Local Authority

Request by the local residents for an audit of the local authority as a system for the local residents to check the administrative works of the local self-government.

Week 11: Local Residents' Suits against Local Self-governments

Local residents' suits as a system for the local residents to check the administrative works of the local self-government.

Week 12: Significance of Ordinances

Significance of ordinances as regional legislation and the relationship with laws and ordinances.

Week 13: Framework of Local Government Finance

Accounting systems of the local self-governments and the financial relevance of national government and local self-governments.

Week 14: Public Facilities

Rights of local residents to use the public facilities established by the local self-government.

Week 15: Concerned Legal Framework/Dispute Resolution Procedure

Types of administrative matters handled by the local self-governments and procedure to self disputes between the national government and a local self-government.

Preparation and Follow-up

Read the relevant chapters of the textbook to prepare for the class. For review, organize lecture notes soon after the class. Read the textbook and supplementary materials, outline key points of the lecture and identify questions you may have. Come to the next class prepared to ask those remaining questions.