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Wrocław, 10 February 2020

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## **SUMMARY OF THE DOCTORAL DISSERTATION**

The title and subject of my dissertation is *Conclusion and cessation of marriage under Japanese law*. The dissertation was prepared under the guidance of prof. Mirosław Sadowski.

My research findings presented in the doctoral thesis are the result of many years of research conducted at The Centre of Oriental Law Research at the Faculty of Law, Administration and Economics of the University of Wrocław on the institution of marriage in Japanese law.

Fragmentary I presented them at national and international conferences, as well as scientific publications.

The scope of my PhD thesis covers the scientific field, which is law. The subject of the doctoral thesis concerns on Japanese law and oscillates around family law, which is part of Japanese civil law - *Minpō*.

In the introduction to this doctoral thesis, I specified the substantive and temporal scope, sources used in the thesis, its goals, and at the same time I put forward the main thesis and seven accompanying detailed theses.

The main purpose of my dissertation was to present the issue of conclusion and cessation of marriage in Japan by recalling the content of legal acts regulating this institution over the centuries, but at the same time proving that their legal nature was and still is discriminatory against women. The structure of the doctoral thesis was subordinated to this goal.

I divided the dissertation into three parts corresponding to the periods in the history of Japanese law, during which the vision of the institution of marriage was created, and through its prism the division of gender roles and the evolution of women's rights in Japan.

The first of the periods studied was classical jurisprudence (around 600-1868), the second jurisprudence of Meiji Restoration (1868–1945), and the last jurisprudence of the modern Shōwa (legal regulations from 1945 to the present).

The first two classifications are discussed in the content of the first chapter of the doctoral dissertation, while the last period was divided into two chapters - the first of which concerns on conclusion a marriage (chapter II) and the second cessation of marriage (chapter III) based on the current Japanese Civil Code (jap. *Minpō*) and other legal provisions indicated directly in the text of the dissertation.

In the first chapter, I discussed the institution of marriage - from the first mentions in court chronicles, reception and improvement of legislation derived from China, through the reception of Western legal norms in the nineteenth century, to the period of World War II and modern legal reforms in Japan - thus describing the role of Japanese marriages as a legal, political and cultural-social institution over the centuries, but also showing how Japanese legislation evolving over the years maintains laws that discriminate against women.

In chapter two, I raised the issue of the definition of marriage in Japanese constitutions to indicate the differences between the pre-war and post-war Japanese Constitution (jap. *Nihon-koku Kenpō*). I cited and discussed the legal provisions constituting the legal essence of getting married in Japan. My comments concerned mainly the analysis of the premises for getting married in the Civil Code (jap. *Minpō*), as well as the legal requirements for the marriage notification procedure and their effects, which were included in the civil law cards and specific acts specifying the conditions of these legal procedures – e.g. Family Register Act (jap. *Kosekihō*).

I also discussed the case law of the Tokyo Supreme Court and statistical studies and social phenomena regarding marriage (sutsukon, jukunen rikon, genpatsu rikon, kateinai rikon, narita rikon).

In chapter three and at the same time, the last one, above all, discussed the reasons for cessation of marriage contained in the Civil Code. First, I presented the characteristics of the Japanese judiciary, because it is necessary to understand the scheme of the divorce proceedings and the process of divorce conciliation. Subsequently, I presented the legal characteristics of individual types of divorces and, similarly to Chapter II, statistical surveys and social phenomena directly related to the issue of cessation of marriage (makeinu, konkatsu, bankonka, naien, sotsukon, kokusai kekkon, matahara).

The dissertation is crowned with a summary, which contains conclusions constituting verification of the main thesis and detailed theses presented in my PhD dissertation.

Jelena Babarc  
Wrocław, 10.02.2020