

**A SOCIOLOGICAL STUDY OF JUVENILE CRIMES IN JAPAN,
2000-2014**

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DECLARATION

I declare that the dissertation entitled "A Sociological Study of Juvenile Crimes in Japan, 2000-2014" submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

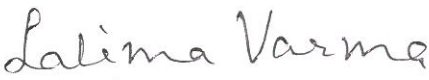

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Dedicated to my Mother,

My Sisters and

Brothers

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GLOSSARY-1
JAPANESE TERMS

List of the Japanese terms used in this dissertation.

Japanese terms	Meaning in English
Chuzaisho/Koban	Police Boxes in urban and rural areas
Fukoku Kyohei	Rich Country, Strong Army
Garureki Shakai	an Educational Credential Society
Hansei Shukai	Reflection Meeting
Hikikomori	Withdrawal
Hogoshis	Volunteer Parole-probation officer
Ijime	Bullying
Juku	Cram School
Tokokyohi/ Futokosei	School Truancy
Yutori Kyoiku	Relaxed/ Flexible hours
Zaibatsu	Japanese Business Conglomerate

GLOSSARY-2

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CHAPTER ONE

INTRODUCTION

Introduction to the Juvenile Law

The development of laws and court for the juvenile who have violated the laws occurred over hundred years ago. Most of the time, the development of the juvenile law happened because of the social changes like industrialisation and urbanisation.¹ The concept of the reformatory school for deviant youth was first suggested by Pope Clement XI in 1704 and taking from Pope's idea, one of the first reformatory schools was built in 1876 when Reformatory School Act was passed. The first juvenile court was established in 1899, Cook County, Illinois. Soon after in New York and Chicago, juveniles were housed separately from the adult criminals. The first juvenile court in Britain was established in 1905. The juvenile court and its process aimed to rehabilitate the juvenile, not to punish them. Since then, the juvenile law had developed over the years, each country contributing a unique element while formulating the law and also the rights of the juveniles in the Juvenile Law revised over the years.

The juvenile is the word derived from Latin word "Juvenis" meaning young. The Juvenile Law gives special provisions to juveniles. The crimes committed by the juveniles are known as juvenile delinquency. Juvenile delinquency is Juvenile's participation in the unlawful act(s) against the law. Since the juveniles law is applied to children under age of Eighteen (most common), some of the behaviour or acts practised by the adults is considered as a delinquent behaviour if committed by the juveniles. For example smoking cigarettes, truancy or running away from home. The juvenile law is guided by the principle of *Parens Patriae*², which means that the state has the power to act on the behalf children for their protection and welfare, as a parent.

¹ Donald J. Shoemaker, Juvenile Delinquency, 2009.

² Parens Patriae is a Latin word meaning parents of the country. The concept was first used by King of England. It referred King as father of nation. It establishes Kings their right to intervene in the lives of the children, who are of direct concern to monarch.

Development of Juvenile Law in Japan

In Japan, there are two laws regarding the regulation of the Juveniles. These are Child Welfare Law of 1947 (*Jido-Fukushi-Ho*) and Juvenile Law of 1949 (*Shohen-Ho*). Before the Juvenile Law of 1949 was enacted; there were some other laws which gave special provision to Juveniles since the 6th century. *Yoro-Ritsu* of 718 was one of them. It was heavily influenced by Confucianism. The *Yoro-Ritsu* describes the three types of juveniles. The first type of juveniles include those under age of seven, who doesn't know the difference between right and wrong, therefore, will be exempt from any criminal responsibility. The second type of juveniles refers to children between the age of 7 and 9. For them, there will be no criminal responsibility except for offence like murder, body injury and treason. The last type of juvenile include children from age 10 to 15, they will be treated same as an adult and will be given death penalty according to the nature of the crimes. The code of *Yoro-Ritsu* was considered bit conservative, but it was still in effect until the Nineteen century.

The Juvenile Justice system in Japan reached a new stage after the Nineteen century. It shed away the Confucian influence on the criminal policy and seeks new ideas from West.³ In 1872, Prison Rule with an illustration of prison was drafted. The Prison Rule (*Kangoku Soku*) mentioned about the treatment of juvenile and provided for the establishment of Disciplinary Prison (*Choji Kan*) for the juvenile under age of 21. This reformatory prison system was modelled after Hong Kong and Singapore. The intention of the reformatory prison was to educate the children, but the lack of resources made it impossible. As mentioned, around the Nineteen century, Japanese criminal code showed the influence of Western elements. France was one of the countries to have developed a legal system when Japan was searching for new ideas from the west. Therefore, the Penal Code of 1880 (*Kei Ho*) was the first penal code in Japan with European influence. It was prepared by Prof. Gustave Boissonade of the University of Paris.

³ Nobuhito Yoshinaka, Historical analysis of juvenile justice system in Japan, 1997.

Like *Yoro-Ritsu*, the 1880 Penal Code also divided the juveniles into three types. No criminal punishment was given to juvenile under 12 year of age. Juveniles between ages 12-15, who cannot distinguish between right and wrong, will not be held criminally responsible. When juvenile (between 16-19 years) committed an offence, their offence will be lowered by one grade. The 1880 penal code also provided for the establishment of Disciplinary Institution (*Choji Jyo*) for separate accommodation of juveniles. After adoption of the 1880 Penal code, there were three major laws laid the foundation for the Current Juvenile law in Japan. These three major laws are:

- 1900 Reformatory Law (*Kanka-Ho*)
- 1922 Juvenile Law
- 1948 Juvenile Law (*Shonen-Ho*)

Japanese Juvenile Law has shown its consistency in giving priority to the welfare of the children, protecting them rather than punishing them. Their justice systems do not treat the juvenile who committed an offence in isolation from their school, family and communities. Instead, the juvenile court and other institution concerned with juvenile justice seek to help them. The communities, schools and families help in treatment and reconciliation of the juvenile.⁴ But in extremely rare cases, juveniles are treated outside social context and in correctional facilities, even in that case, the environment inside the correctional facilities was made similar to home and community while giving them education and training.

1. 1900 Reformatory Law: (*Kanka-Ho*)

The reason for the adoption of 1900 Reformatory Law is:

- The 1880 Penal Code provided for the establishment of the Disciplinary institution (*Choji Jyo*), but the nature of the treatment was leaning more towards punishing them. Therefore, it was noticed that there was a need for new reformatory school.

⁴ Stephan M. Salzberg, a century of juvenile law in Japan, 2003, p-168.

- Before the adoption of the 1900 Reformatory Law, some private reformatory school were built. One of the first private reformatory schools was established in 1883 by a female priest of a Shinto shrine. Later, more private reformatories schools were established in Osaka, Tokyo, Chiba, Okayama and Mie. Because of the strong support for the private reformatories, the government enacted a law to establish a reformation school formally.
- Japan was inspired by the Western's way of juvenile's protection and treatment given to them.

The reformatory schools were built following the adoption of 1900 law. These schools were modelled after Western ideas. According to the law, juveniles from 8-15 years old who do not have parents or guardian and are at the risk of committing a crimes in future, who participate in the deviant act and earlier admitted to *Choji Jyo* were admitted in the reformatory school (*Kanka-In*). While discussing on the reformatory school, it was accepted that two teachers would have to handle fifty juveniles, preferably if these two teachers are a couple. This was done with the intention to provide a more family-like environment to the juveniles. By 1908, five reformatory schools were established. The *Kanka-Ho* was accepted as law and publically applied, but the law never forced the prefectures to build the reformatory schools. Therefore, an amendment was made in 1908, in which the government decides to pay subsidies to the reform school hence encouraging the building of more reform school.

The reformatory law was abolished in 1933 when Law concerning the Education and Protection for Juvenile (*Shonen-Kyogo-Ho*) was adopted. The law was established for the protection and the classification of the juveniles. Many of the former *Kanka-In* became Children Education and Training Homes.

2. 1922 Juvenile Law

The reformatory school and the treatment plans pictured under the 1900 Reformatory Law were never fully developed. In some of the prefectures, the public reform school was never set up, nor the private ones. Due to the failure of the reformatory law and the rise of juvenile crimes and pre-delinquents in Japan after the First World War, there was

a debate going on about the need for a law concerning juveniles as well as pre-delinquents. The debate started after the adoption of the Juvenile court in Chicago and Denver in 1899. Right after that, Prof. Hozumi Norishige of Tokyo Imperial University's Faculty of Law gave a detailed lecture on the theory and practices of the Juvenile Courts in US. Since then, the debate on the need for the Juvenile law in Japan continued. Shigero Ogawa, who was a primary contributor to the reformatory law, said that unlike the US, Japan doesn't need Juvenile Law and Juvenile Court. He was more concentrated on rebuilding the reformatory school. While on the other side, Hanai Takuza, a legal scholar supported the idea of establishing a juvenile court in Japan.

In 1922, the Juvenile law was finally framed and enacted. The jurisdiction over the system in the juvenile law was handed to Ministry of Justice from Home Ministry. The Law Concerning the House of Correction (*Kyosei-in-Ho*) was adopted along with the 1922 Juvenile Law. Some of the features of the Juvenile law were:

- The Juvenile Law was applied to juveniles under 17 years old and also to the pre-delinquents (children who are liable to commit crimes in the future).
- The Law contained special provisions for a juvenile in the field of punishment and criminal proceedings like restriction on the death penalty, life imprisonment and detention.
- The juvenile law gave protective measures to the juvenile and also mentioned about the community-based treatment. The treatment of the juveniles was personalised to the need of the juvenile.
- Juvenile Determination Office (*Shonen Shimpan-Sho*) was established in each judicial district nation-wide. The main function of the office was not the determination of guilt of but the protection of juveniles. The officials working in the office were known as Juvenile Protection Officials (*Shonen-Hogoshi*). The Juvenile Protection official was also responsible for researching on juvenile's character, their career, physical and mental condition.
- The Juvenile Determination office had jurisdiction over the juveniles sent by a criminal court and public prosecutor, after they decided that juveniles shouldn't be necessarily punished for their crimes. But for juveniles (above 16 years) who

committed a serious crimes, Juvenile Determination Office doesn't have jurisdiction over them.

- The juvenile law also determined the way of an investigation into juvenile's life, to the best interest of the juvenile.

The proceedings of the cases were strictly confidential and attended only by parents/guardian, juvenile, clerk, Juvenile Determination Officials and Juvenile Protection Officials, if necessary. In some cases, parent of the juvenile or Juvenile Protection Officer would be allowed to speak in the absence of the child. The decision of the proceedings can go two ways: the juvenile would be left in the protection of family, guardian, church, hospital, institution or Juvenile protection officer and if there is no choice left, the juvenile will be placed in the correctional or reformatory facilities. Looking at the characteristics of the Juvenile Law of 1922, it is clear that the legislation is "quasi-criminal law for juvenile"⁵. The reason is that the protective measures for the juveniles listed in the juvenile law were not applicable for the juvenile who was charged with a penalty by a criminal court. The measures of the protection were only for the juveniles whose cases were disposed of by the criminal court and the public prosecutor. These drawbacks of the 1922 Juveniles Law needs to be revised since the protection should be given to the juveniles but even more to those who are facing punishment. These concerns were addressed in the 1948 Juvenile Law of Japan.

3. 1948 Juvenile Law (*Shonen-Ho*)

The 1948 Juvenile Law had the most foreign influence among the three Laws. Since it has been more than half a century when juvenile justice system was adopted in the US, they helped Japan with the formulating a new Juvenile Law. While formulating the Juvenile Law of 1948, the US occupation authorities kept in their minds the participatory nature of the Japanese society. Even before the introduction of the law, Japanese society had always came together when solving a problem or guiding a

⁵ Nobuhito Yoshinaka, Historical analysis of juvenile justice system in Japan, 1997.

“wayward juvenile”. These elements were inserted while envisioning a new Juvenile Law. This resulted in the introduction of 1948 Juvenile Law and Family Court.⁶ The primary objective of the Law was to protect juvenile and do what's best for them. Hence, as stated in the Art. 1 of Juvenile Law of Japan:

“The purpose of this Act is to subject delinquent Juveniles to protective measures to correct their personality traits and modify their environment, and To implement special measures for juvenile criminal cases, for the purpose of *Juvenile's sound development.*”⁷

There were three elements to the purpose of the Juvenile law. First, the Juvenile Law showed its departure from the pre-war criminal trial of the juvenile. It stressed about the respect for juvenile (as written in Article 13 of the Constitution⁸) and provided assistance to achieve the self-development. Second, welfare and the justice for juvenile were the main aims of the family court. Lastly, the Juvenile law sought to prevent delinquency rather than punish the juvenile for their crimes. This shows the forward-looking nature of the law.⁹ The nature and the objective of the Juvenile Law that prioritised reintegration over punishment is what make juvenile law different from the criminal law. The Article 24 (1) of the juvenile law mentioned that juveniles would be placed under the protective and treatment measures in one of the following, Probation; committing the juvenile to a Home for Dependent Children or a Home to Support Children's Independence, and referring juveniles to juvenile training schools. All these measures were intended to rehabilitate juvenile and reintegrate them back into the society.

⁶ Stephan M. Salzberg, a century of Juvenile Law in Japan, 2003.

⁷ Article 1 of the 1948 Japanese Juvenile Law.

⁸ Article 13 states: “All of the people shall be respected as individuals. Their right to life, liberty and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.” Constitution of Japan 1946.

⁹ Trevor Ryan, Creating ‘Problem Kids’: Juvenile Crimes in Japan and Revisions to the Juvenile Act, 2004.

According to the Article 3 of the Juvenile Law, the family court has jurisdiction over the following types of the juvenile:

1. Any juvenile who is alleged to have committed an offence;
2. Any juvenile under 14 years of age who is alleged to have violated any criminal law or ordinance;
3. Any juvenile who is prone to commit a crimes or violate a criminal law or ordinance given his character or environments, because of the existence of the following reasons:
 - (a) That he habitually does not subject himself to the reasonable control of his guardian;
 - (b) That he stays away from his home without good reasons
 - (c) That he associates with a person of criminal propensity or of immoral character or frequents places of evil reputation
 - (d) That he has the propensity to commit acts harmful to his moral character or that of others.

Juvenile in this reference, is applicable to the person who is under 20 years of age. Family courts have the jurisdiction over the all three types of a juvenile, but the type of juvenile mentioned in point two and three who are under 14 years of age will be tried in family court only when prefectural governor or Child Guidance Centre's director referred them.¹⁰ The juvenile law also extended the reach of protection of juvenile under family court. Before the formation of the juvenile law, the juvenile determination office¹¹ had authority over the juveniles sent by the court or public prosecutor. The makers of the juvenile law made family court similar to Juvenile determination office, with regards to its method, function and purpose. The only difference is the amount of the power the family court has. All the juveniles mentioned in Article 3 were under the jurisdiction of the family court. Even if the juvenile was to commit a life-threatening

¹⁰ Article 3 (2) of Japanese Juvenile Law, 1948.

¹¹ Under 1922 act, juvenile determination office has power similar to the current family court.

crimes, the decision to send the juvenile to criminal court rest on the family court.¹² The police referred the majority of the cases to family court, but the common people also have the same right.¹³ The police also have the right to give guidance to juveniles, in cases where the offence is minor, this kind of cases will not be reported to the family court.

One of the central figures in the family court is the family court investigator (*chosakan*). They are crucial to the functioning of the family court since they investigate about the case and the condition of the juvenile. The family court judges decide the juvenile case based on the investigative report produced by the family court investigator. The *chosakan* are well educated in the fields of psychology, sociology, social work or education. They are selected among many candidates and went through intensive training in the supreme court of Japan's Research and Training Institute for Family Court Probation Officers (established in 1957).

The proceedings in the family court are informal and closed to the public. The setting of the family court is made to give friendly environment. Even the seating arrangements in the family court do not show any signs of authority (all the participants in equal seating). The trial is attended by the judge, investigator, court clerk, the juvenile and their families. One of the drawbacks of the family court hearing (which became one of the reasons of reform) was the right of the victim's family. The victim of the crimes or their family did not have right to attend the proceedings nor do they get any information about the result of the hearing. To protect the juvenile from negative stigmatisation, the information regarding the juveniles are not disclosed to public and media is not allowed to publish any regarding the juvenile.¹⁴ All of the measures in the juvenile law are for protecting the juvenile. The decisions taken by the family court judges are absolute and

¹² Article 20 of Japanese juvenile law, 1948.

¹³ Police, families, common people and the prosecution officer has the power to refer juvenile cases to the family court.

¹⁴ Article 61 of 1948 Juvenile law.

in rare cases, can be contested. The right to contestation of the family court ruling can be done by the juvenile, his legal representative or his attendant.¹⁵

Reform of the Juvenile Law

Soon after the family court and juvenile law were well established in the country, there was already the talk about the need for reform. It was just after 20 years since juvenile law and the family court were established in Japan when there was a sudden change in nature of juvenile justice system in the US. This was due to the rulings in the *In re Gault* case of 1967.¹⁶ The decades of protective paternalism was ended and replaced by an adversarial mode of process in the US.

The law academics and lawyers in Japan who were aware of the changes in US juvenile justice system pressed for the reform of the juvenile law in Japan. They asked for the greater use of legal counsel for juvenile and some lawyers even attacked the “*parens patriae*” nature of the law. The need for reform was also brought up by the Ministry of Justice since they believed that the lenient policy of the family court leads to more juvenile crimes in Japan.¹⁷ Therefore in 1966, Ministry of Justice and Public Prosecution Office published a reform proposal containing four elements within the juvenile justice system that needed some changes:

- The age of the juvenile should be lowered to 18 years old from 20 years old. A new age category for those between 18-23 years old should be formed.
- Public prosecutor should have more part in the proceeding of family court, with the right to appeal to High Court.¹⁸

¹⁵ Article 32 of Juvenile law, 1948.

¹⁶ During the proceedings of the case, the juveniles was not given range of due process protection (like right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel that was usually afforded to the criminal defendants.) for more details refer: 387 U.S. 1, 1967.

¹⁷ Christian Schwarzenegger, The debate about the reform of the juvenile law in Japan, 2003.

¹⁸ Minoru Yokoyama, Juvenile Justice and Juvenile Crimes: An Overview of Japan, 2015.

- The family court should handle juvenile cases, but in cases of a young-adult juvenile, public prosecutor should decide if the case should be sent to family court or not.

Supreme Court, Lawyer, members of the labour party and opposition party rejected those reforms since they wanted to preserve the welfare characteristics of the juvenile law. Since the reform proposal published by the MOJ and Public prosecutor in 1966, Japan saw the rise of juvenile crimes in 1980's, but at that time there wasn't any demand for reform. In the 1990s, one of the public prosecutors sat in as an attendant for the trial in family court under false charges. The 1948 juvenile law did not laid down the proper procedure for the fact-finding of the case, and while the trial was going on there was no confrontation between defendant and prosecutor. Even if a juvenile was innocent, there was no legal way to prove it since the 1948 law aimed at quick decision and rehabilitation. The public prosecutor office wanted to bring change in juvenile law without endangering the welfare model of the law and at the same time, giving the juvenile full criminal procedural rights. Therefore, MOJ, Supreme Court and Japan Federation of Bar Association began debating on possible reform of the juvenile law. The discussion for change in juvenile law had oscillated between the two sides where one is Pro-public security while other is pro-child protection.

In November 2000, the Japanese diet passed the *Act Revising part of the Juvenile Act and other law ("Revision Act")* effective from 1 April 2001.¹⁹ There were many factors which led to the adoption of reform of the juvenile law in 2000. These were:

- Number of serious crimes committed by very young juveniles
- Movement for rights of the victim
- Influence of mass media: over emphasis on the crimes committed by young juveniles
- Need for a formalised judicial process for juvenile including due process guarantees.

¹⁹ Trevor Ryan, Creating 'Problem Kids': Juvenile Crimes in Japan and Revisions to the Juvenile Act, *Ritsumeikan Law Review*, 2004, p-5.

The number of violent crimes committed by young juveniles started to increase around 1998 to 2000. The total number of violent offence recorded by police during that period accounts to 22 offences, among them 16 of these cases were homicides, and 12 of the offences were committed by juveniles younger than 16 years old.²⁰ But one of the gruesome crimes committed by a young juvenile is 1997 Kobe killings. Media extensively covered this story. In 1997, a severed head of Jun Hase was found at the school gate (*Tomogaoka Junior High School*) with the message stuffed inside the mouth of the victim. “Well, this is the beginning of the game. Stupid police, stop me if you can. It’s great fun for me to kill people,” this was the message written by the perpetrator of the crimes, Seito Sakakibara²¹ who was 14 years old. Along with the beheaded victim, he injured other three victims and killed one more. The family of the victims never got any information regarding the juvenile from the family court. All they got was compensation of Hundred Million Yen which they won from civil suit.²²

Another account of a crimes committed by the young offender is “*Yamagata mat case*”. In 1993, a 13-year-old boy was found dead in rolled up mat in Junior High School Gymnasium of *Shinjo, Yamagata*. Several days after the boy was found dead, seven suspects were taken into custody. Six of them were taken to family court where the court determined that three of them were innocent while other three were sent to reform school. The three juveniles took the case to high court and Supreme Court, but the High Court ruled that the entire suspect were found guilty. The ruling of the High Court undermines the authority of Family Court. The high court also criticised the procedure taken by the police and family court for fact finding and discrepancies in the decision taken between the district court and family court.²³ The Yamagata mat incident shows that if severe and violent cases were left in the hands of the family court, the rulings would be unfair and the process of investigation wouldn’t be precise since many suspects in the case were

²⁰ Christian Schwarzenegger, The debate about the reform of the juvenile law in Japan, 2003.

²¹ Pseudo name given.

²² Japan Times, Kobe child-killer, parents ordered to pay ¥100 million, 12 March 1999.

²³ Trevor Ryan, Creating ‘Problem Kids’: Juvenile Crimes in Japan and Revisions to the Juvenile Act, *Ritsumeikan Law Review*, 2004, p-6.

uncooperative.²⁴ The Yamagata mat incident drew large audience criticising the workings of the juvenile court in Japan and their fact-finding system. The system also undermines the right of the victims and their family.

From above case, it can be seen that the Juvenile law provides much-needed rights and the protection to the offender but ignores the right of the victim and their family. From the example of the Yamagata mat case, the father of the victim filed complaint against all the seven municipal government since he was unable to gain any information regarding the person responsible for the crimes committed against his child. There were many cases like the father of the Yamagata mat incident where the victim's family could not get any information. Consequently, a group was formed known as "Group of persons affected by juvenile crimes" (*Shônen Hanzai Higai Tôjisha no Kai*). This group fought actively against the one sided approach to juvenile law and debated the need for reform in the Juvenile Law. They also published a list of reforms the government needed to adopt in juvenile law. Some of these reforms are:

- Disclosure of facts found during investigation and inquiry of juvenile in family court to the families of the victim or the victim.
- Victims or their families should be allowed to voice their opinion during an inquiry or the proceeding in the family court.
- More participation of the public prosecutor in family court
- Families of the offender should take responsibility for their children's wrongdoings.

The movement for the right of the victim had gained a lot of momentum and over the years, not only the families of the victim, but legal scholars and practitioners have also supported the call for the right of the victim. Soon the movement got stronger, and it listed more demands like financial support, counselling or support system for the victims.²⁵ The government adopted many of the provisions contained in the published document in the reformed juvenile law.

²⁴ Kajimoto, Tetsushi (2000): Tougher Juvenile Law Best Remedy? Move to Increase Youth Offenders' Accountability both Criticized, Japan Times, November 24, 2000.

²⁵ Nihon Higaisha Gakkai, 10 Year Memorial Symposium [with contributions by Koichi Miyazawa). Higaishagaku Kenkyû, No. 10, 2000, pp. 20–101.

Ever since the case of Yamagata Mat incident, the media coverage of the crimes committed by juveniles was covered out of proportion. The media has changed the opinion of the public. In a survey conducted by the Office of Prime Minister in 1998²⁶, more than 90% of minor and adult think that juvenile delinquency is on the rise. The opinion in the favour of the tougher juvenile law increased. After the Juvenile Reform was adopted 91% of the people supported the change.²⁷

The Japan Federation of Bar Associations (JFBA) took a different approach toward the reform of the juvenile law. They pointed out the lack of rights for the juvenile offender. The law does not provide the right to appeal even if his/her case was strong. The juvenile law which functioned on the principle of the “*parens patriae*” hinders the right of the children guaranteed in the UN Child Convention.²⁸ Because of these reasons stated above, the 1948 juvenile law was reformed in 2000. The revised juvenile law was effective from April 2001. Some of the clauses in the reformed Juvenile law were:

- According to the Juvenile Law of 1948, “In cases where the offence is punishable by death or imprisonment, the Family Court must remit the case to the public prosecutor's office who operates within the jurisdiction of a district court only when it is accepted that criminal disposition would be proper considering the results of a Family Court investigation and the quality and nature of the offence. However, when the juvenile is below the age of 16 a decision to remit to a public prosecutor cannot be made”.²⁹ However, after the 2000 reform, a juvenile from 14 years old and above can be sent to public prosecutor depending upon the nature of the crimes committed. This change was specifically brought as there were many middle school offenders like Kobe incident. This shows that the law is getting “tough” on the juvenile crimes.³⁰

²⁶ 3,000 minors between 13 and 19 years, 3000 adults over age 20. Response rate: 65% minors, 70% adults

²⁷ Asahi Newspaper, morning edition, 4th august 2001.

²⁸ Japan became ratified member of United Nations Convention on the Rights of the Child (20/11/1989) on 22/4/1994.

²⁹ Article 20 of the juvenile law 1948.

³⁰ Hiroyuki Kuzuno, Juvenile Diversion and the Get-Tough Movement in Japan, *Ritsumeikan Law Review*, 2005, p-11.

- The old Juvenile Law fact finding procedure was not efficient. In cases where juvenile dismisses the charges against him/her or in highly complicated cases, a public prosecutor/ defence lawyer was allowed during fact finding hearing.³¹ In cases where the offence committed by the juvenile was serious and needs the opinion of more than one judge, three judges were allowed to sit. Before the reform was introduced, the maximum number of days juvenile was authorised to stay in Juvenile Classification Home before the hearing commenced was four weeks, now it has been extended to eight weeks.³² Finally, the public prosecutor (who participated in the hearing) can take an appeal to the higher court if family court ignored the facts in the case or did not agree with the decision of the family court.
- The victims and their families were given information regarding the court proceeding and even allowed to check documents.³³ The families were notified about any important decisions that were made. With the aim of “encouraging a deeper level of reflection by the juvenile of his or her actions to assist rehabilitation,” the victims or their family can share their opinion in juvenile hearings. The mother of a homicide victim was allowed to speak during the court hearing at Otsu Family Court for the first time in May 2001.³⁴
- When a juvenile is in the court for trial, all the participants in the court are expected to make juvenile reflect about his/her offence. The parents/guardian of the juvenile is also asked to take responsibility for the wrong doing of their custodian. The family court also gave warning to the parent. Though the practice existed informally. The revised law made it one of their objectives.

The revised law faced lots of criticism from family court lawyers and other social workers. They believed that the 2000 law was more focused on punishment and accountability. The aim of previous law which was based on welfare model has now been

³¹ Article 22-2 of the revised Juvenile Law, 2000.

³² Article 17-3 of the revised Juvenile law, 2000.

³³ Article 5-2, paragraph 1 of the revised Juvenile law, 2000.

³⁴ Japan Times, May 17, 2001.

discarded. The revised law was criticised for paying more attention to the offence rather than the environmental conditions which contributed to the behaviour. The changes made in the fact finding system and waiver process shows that juvenile law has more crimes-control features and deviated from its primary objective of “sound upbringing”³⁵ of the juvenile.

Revisions of Juvenile Law in 2007, 2008 and 2014:

Since the revised juvenile law was introduced in 2000, the people fighting for the welfare system of the juvenile law are overshadowed by the voices of the people asking for the further criminalization of the juvenile.³⁶ Few years after the revised law was implemented, the Supreme Court carried out a study on the practices of the revised juvenile law.³⁷ The opinion regarding the revised law was still divided, while the conservative thinker supports the criminalization of young offender above 14 years old, many members of the Labour Committee³⁸ wanted to revive the old system. When the law was first revised in 2000, it was decided that the law would be revised every five years. In 2007, the juvenile law was revised, and new elements were added. The reason for the additional reform was because of crimes committed by “Law-breaking children”.

The first case after the 2000 law was adopted happened in Nagasaki City on July 2003 where a 13-year-old boy pushed four year old boy from the roof of the building. The boy didn't survive the fall. In 2004, a 11-year-old girl stabbed her classmate to death. In both the cases, the law-breaking children were sent to Child Guidance Centre (after police guidance) since they were below 14 years of age. The centre sent both of the cases to family court. The family court decided that the children would spend time in Home to Support Children's Independence operated under the Child Welfare Law. Many people criticised the verdict for being too lenient.

³⁵ Mentioned in the Article 1 of the Juvenile Act as the objective of the juvenile law.

³⁶ Minoru Yokoyama, *Juvenile Justice and Juvenile Crimes: An Overview of Japan*, 2015, p-187.

³⁷ From September 2002 to March 2006, Supreme Court compiled the data on the working of revised juvenile law for six times between those years.

³⁸ Many member of the union are the worker is in the family court like family court investigators who believes welfare model of the juvenile law is better suited for the children.

Taking these two cases as an example, the police asked for jurisdiction for researching on the case of law breaking children since Child Guidance Centre didn't have enough resources.³⁹ By expanding the jurisdiction, the family of the victims will have better chances of getting information. Therefore, in May 2007 Ministry of Justice revised the law regarding the treatment of law breaking children.⁴⁰ Under the new paragraph 1 of the Article 6-2 of the revised Juvenile Law, police were given the power to research in the crimes committed by the children. After the police have done its research, the report will be submitted to the Child Guidance Centre. The reform introduced in the treatment of law breaking was lowering the age of children that can be sent to Juvenile Training school. After deliberation in Diet, the age for treatment of juvenile in training school had been dropped from 14 to 12. Another reform in juvenile law also adopted in 2007. When the juveniles were released from the training school or prison, they were placed on parole or probation. During their probation days, the juveniles have to accept and act accordingly to the rules laid down by the parole-probation officer, failing to comply with the terms; the reform law grants the officer power to refer juveniles back to family court.

The 2008 revision of the juvenile law gave more rights to the victim of the crimes. In some serious cases, the victims of the crimes are given right to listen to adjudication, sometimes the decision of the case was explained to the victim in a closed room. The member of the Group of persons affected by juvenile crimes has continuously advocated for the tougher punishment for the juvenile above 14 years old. It can be seen that more people are now supporting the victim's side, in 2014; a new reform in the juvenile law was added without any strong opposition. From April 2014, the scope of the cases a public prosecutor can attend has expanded from what was determined in 2000 revised law.

³⁹ The worker in the centre were not equipped to deal with specialized cases also, their work was more focused on stopping the child abuse since it was becoming a problem.

⁴⁰ Minoru Yokoyama, how has the revised juvenile law functioned since 2001 in Japan in current problem of the penal law and criminology, p-697

Causes of Juvenile Crime

The crimes committed by a juvenile cannot be looked as a separate entity from society. The reasons for the juvenile to commit crimes are embedded in the society. By studying these cases, measures can be taken to reduce the juvenile crimes in Japan. The causes of the juvenile crimes are divided into two. One is the social causes, and other is economic causes.

The economic causes of the juvenile include the economic condition of Japan after the Second World War. In the article “*The problems of Juvenile Delinquency in post war Japan*” by Yoshihiru Shimizu explains post war economic condition and fall of the social structure as causes of juvenile crimes. The article studies about the juvenile crimes in immediate post war Japan. The industrialisation and urbanisation in Japan have also contributed to the rise of juvenile crimes in Japan.

The article by Yonekawa Shigenobu titled, “*Inequality in family background as reason for juvenile delinquency*” lists inequality in family background as one of the reason for juvenile crimes. The article says that the juvenile were mostly from poor families, parents have little educational background or parents with blue collar jobs. By studying the juvenile crimes in the third wave, it can be said that family background doesn’t count as much as a factor for juvenile delinquency. Since the third wave, juvenile were mostly from good family background and both parents having good educational background. Education can also be counted as one of the causes of juvenile crimes in Japan. The pressure to get good grades and get admission into good university puts many students on the edge. There is a phenomenon in Japan known as “*shiken jigoku*” meaning exam hell. The children are put under tremendous pressure during the university entrance exam. The admission into Japanese University is determined by the result of the entrance exam conducted by the University. The youth in the Japanese society has to pass many hurdles to succeed in life. Many youngsters who cannot handle the pressure, chose to rebel.

The research on **“Sociological studies of juvenile crimes in Japan, 2000-2014”** will study about the times when Japan witnessed the sudden rise in the juvenile crimes. The research will focus on the causes leading to the rise of juvenile crimes and how the rise in criminal activity has forced Japan to change its half-a-century law. It will study the unique characteristics of the Japanese society and culture that contributed to the low crimes rate including the juvenile crimes. One of the unique character of the Japanese society is the participatory nature of community in crimes prevention activities and also in treatment measures for the juveniles.

The research will answer the question like how has the nature of the juvenile crimes changed over the years. Does adoption of reform Juvenile Law helped combating the juvenile crimes in Japan? The study will also approach the question regarding the nature of new juvenile law, if it has maintained the same characteristic before and after the reform. How is education considered as one of the major causes for juvenile crimes in modern Japan? Taking these questions into consideration, the research will test following hypothesis: the initial cause of the juvenile crimes in Japan is due to the economic reasons but later on social causes became the primary cause of juvenile crimes. The decline in the birthrate is not only the reason for juvenile crimes in Japan.

The study would take a general premise to reach a certain conclusion. It will use deductive method in research. By studying different juvenile law of Japan with the statistics, it will reach a conclusion: if the law really helped in lessening the crimes of juvenile. The research will use primary and secondary resources. Primary resources mainly include white paper on crimes and on police, sources from Ministry of justice and official documents. The secondary resource will include published works in the form of books, academic journals, articles, and newspapers, publication of think tanks, NGOs and Internet source.

There are five chapters in this research starting with Chapter I i.e. “introduction”. The first chapter will give a detailed explanation about the history of juvenile law in Japan. The chapter will also study the mechanism for dealing with juvenile criminals before the

juvenile law was officially introduced and about the three juvenile laws in Japan that were introduced over the course of history. Most importantly, the study will deal with the 2000 reform of the Juvenile Law since this reform of juvenile law marked the first change in fifty years.

The second chapter will talk about the economic causes of juvenile crimes in Japan. The economic causes mainly include the economic condition of the Japan after Second World War which led to the one the first juvenile crimes wave in Japan. It will also discuss how industrialisation and urbanisation cause the juvenile crimes. Finally, the inequality in economic conditions as one the causes.

The third chapter is “*social causes of the juvenile crimes*”, will discuss the social causes in Japan. The social element as the causes of juvenile crimes came when Japan started industrialising. The social causes of the juvenile crimes will include education, family, peers and culture of the Japanese society and how the changes and the conditions of these elements led to the rise of juvenile crimes.

The fourth chapter “*treatment measures and reform*” will discuss the treatment measures that Japan had adopted over the years. It will discuss the how the reform law of 2000 has changed the process of treatment measures of the juveniles. If the change has brought any positive result like decrease in the number of juvenile crimes. It will study how the rehabilitation in the treatment measures has changed over the years

The fifth chapter “*conclusion*” will summarise the findings and conclude the research.

CHAPTER TWO

ECONOMIC CAUSES OF JUVENILE CRIMES

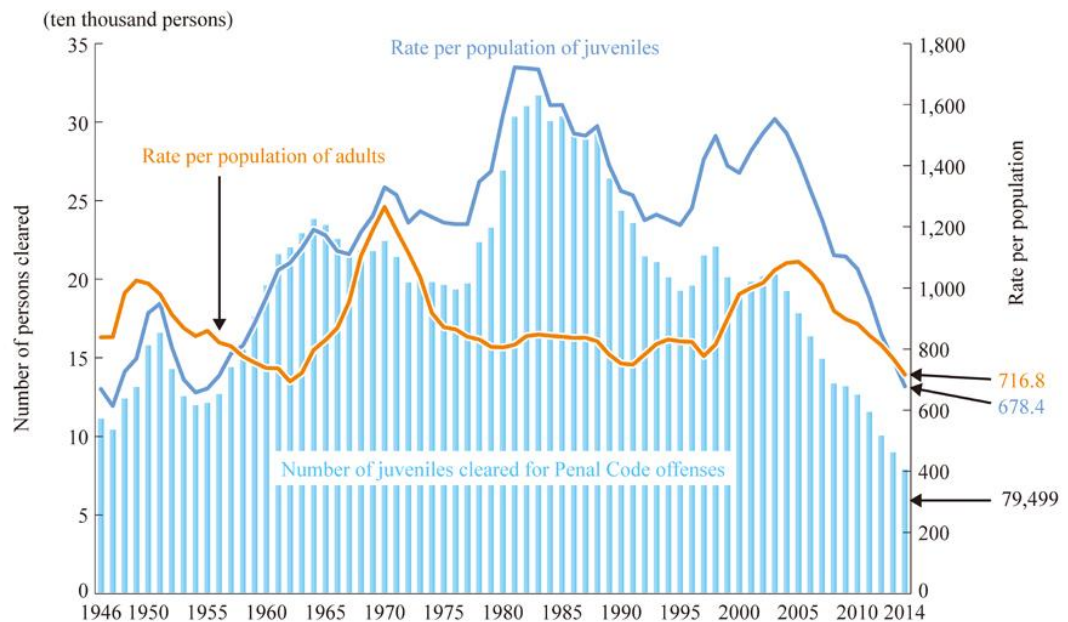
Juvenile delinquency is often associated with the conduct problems of youths. The behaviours of juvenile delinquent are often the representation of youth handling the unknown circumstances, but these behaviours are generally against the law. The nature of these crimes ranges from robbery, theft, violent offence to non-violent offence. In order to take measures against the rising problem of juvenile delinquency, one has to study the nature of these crimes and learn the causes behind them. Only by thoroughly studying the causes of these crimes, one can aim to stop or lessen the number of crimes from happening. The study of causes of juvenile delinquency is a very wide ranging. For every delinquent, there are different reasons for them to commit the offence. These wide-ranging reasons can be generically categorised into economic, psychological, peer pressure and family problems. By studying them, it came down to two causes: Economic and Social causes. This chapter will study about the economic cause juvenile delinquency of Japan.

Youth are the future of the nation. All the countries in the world invest heavily in educating them. Educated, well behaved and responsible youth provide a good base economic and political prosperity. In a country like Japan where the birth rate is low, the working population of the country is slowly declining. This indicates that the economy of the country will also be declining. Therefore it is more necessary for Japan to keep its younger population away from the criminal path. Japan was one of the first countries from Asia to get recognised as developed country. It has transformed from being in feudalistic conservative and isolated society to be one of the economically accomplished countries in the world. The journey from rebuilding the nation from the destruction of the Second World War to economic superpower was remarkable.

Looking at past data, we see specific period where juvenile crimes had reached its peak, which were referred as a juvenile crimes wave. By studying the figure 1, we see 3

juvenile crimes waves in Japan; the first wave happened on 1951, second on 1964 and third on 1983. During the first juvenile crimes peak, the rate juvenile penal code offender (including law-breaking children) was 9.5 per 1000 population. The rate of juvenile penal offender increased during second crimes wave to 11.9 per 1000 population. The third wave saw highest number of offender i.e. 17.1 per 1000 population.¹ The increase in the number of juvenile during third wave might be of the “net-widening” activities by the police and communities.²

Figure 1: Penal code offences: number of juveniles cleared, 1946-2014



Source: White Paper on crimes, 2015.

The causes for the rise of crimes during these periods are different; ranging from economic, social and modernization. The first juvenile crimes wave in Japan happened in 1951, i.e. right after Second World War. The cessation of the Second World War was followed by sharp hike in juvenile as well as adult crimes. This accelerating trend

¹ Minoru Yokoyama, juvenile justice and juvenile crimes: an over view of Japan, 2015, p-188.

² Two types of net widening were practiced during late 1970s and early 1980s. These were net-widening of guidance activity for juvenile which led to higher rate of juvenile delinquencies. And the second type of net widening was deeper involvement within the juvenile justice system.

continued till 1951 and slowed thereafter.³ To trace the economic causes of first wave, we look briefly look at the history of economic development.

Economic Condition of Japan: Meiji Era (1868-1912)

The era of the Meiji period is known for modernization and industrialisation of Japan. Many changes were implemented and adopted during that period which still has its influence. The period is recognised for industrialisation, opening the doors to the outside world and adoption of the new constitution. Before Meiji period, Japan was under the Tokugawa Regime (1603-1858). During their rule, the Japan remained isolated and rarely has any connection with outside world. Japan abandoned its isolationist policy with the arrival of Commodore Perry. In 1853, Commodore Matthew Perry arrived in Tokyo harbour with four “Black Ships” (also known as military ships) demanding Japan to establish a trade relationship with the United States. Eventually, the regime bends to the wishes of United States and enter into a treaty⁴. This was followed by the arrival of other Western powers like France, Britain, Russia and Holland. The regime of time had no choice but to sign the treaty with other nations⁵ which allowed foreigner into designated areas and ports.

The Meiji government which was established in 1868 learned new things from Western powers instead of rejecting them. It was only during interacting with the western countries, Japan realise that it was far behind the western power in science, technology and other areas. The leaders of the Meiji government set their goals and objectives during the start of their governance and did everything gain success.

³Hideo Fujiki, Recent trends of juvenile crimes in Japan, Journal of Criminal Law and Criminology, 1962, p-219.

⁴ The convention of Kanagawa was signed on 1854 was first treaty signed between USA and Tokugawa Shogunate. The treaty asked Japan to abandon it 220 year old seclusion policy and open the Shimoda and Hakodate ports.

⁵ Ansei treaty is series of treaties signed in 1855 between US, UK, France, Russia and Netherland. The treaty contains provision asking Japan to open its ports namely Edo, Kobe, Yokohama and Nagasaki for foreign trade and place for foreigner to live. The treaty deprive Japanese government the control over foreign trade and unable to protect its domestic industries.

The objectives set by the Meiji government were:

- Rapid industrialisation and modernization. (economic modernization)
- Embracing Westernisation while maintaining its core values and culture.
- Expansion of Japan influence and territory (military modernization)
- Introduction of constitution and parliament (political modernization)

Industrialisation during the Meiji period:

In the aim of pursuing of economic development via industrialisation, the Meiji government feared that country would fell under influence of western power. In order to strengthen their defence against a foreign power, they planned to expand their sphere of influence and strengthen the army. The term “*fukoku kyohei*”⁶ was phrased in keeping that objective. The phrase *fukoku kyohei* means “rich country, strong army”. Every policy and reform in the country were made with aim of accomplishing that objective. Iwakura mission was one of the programs where the government sent around 100 students to foreign countries to study about western technology and system. The mission was initiated on 1871 and lasted for 2 years. The primary purpose of the mission was to renegotiate the unequal treaties that were signed during Tokugawa Shogunate. The study of western technology and system was secondary purpose. Although the primary was failed but the secondary purpose was achieved to some extent.

The Meiji government aim of achieving rapid industrialisation was achieved through three different means:

- i. Initiation from the private sector.
- ii. Simultaneous development of the modern and indigenious mode of production.
- iii. Encouraging import substitution

⁶ The term *Fukoku Kyohei* is a pharse from ancient Chinese historical work. This term became the national slogan of the Meiji Japan, replacing the earlier slogan “

Initiation from the private sector

When the government failed in some business ventures, private sectors were helpful in achieving the goal of rapid industrialisation. Many of the State-Owned Enterprises (SOEs) were commercially unsuccessful but these SOEs were sold to private sector. When these enterprises were taken by the private sector, many of the businesses were successful. Eventually, these big business starts to form a group which can be known as zaibatsu. Some of the examples of zaibatsu are Sumitomo and Matsui (from Tokugawa period) and Mitsubishi, Furukawa and Asano (from the Meiji period). Many of the zaibatsus are still prevalent today. It should be noted that private sector played important role in making Japan an industrialised nation.

Simultaneous development of the modern and indigenous mode of production

In many cases when a country is going through the process of modernisation and industrialisation, the traditional method of production take a back seat and eventually gets overtaken by modern technology. But in the case of Meiji Japan, the country witnessed a parallel development between modern and traditional mode of production. One reason is that while the modern industries produce the goods to be exported, indigenously produced goods were sold domestically

Encouraging import substitution:

In order to have a self-reliant position in trade and not to depend too much on other countries for the raw material, the government constantly encourages the import substitution. Before the Japanese can produce their own cotton yard, they used to import it. Therefore, the government established SOEs to make their own cotton yard by importing only importing raw cotton, hence the import substitution.

Soon after, the government was controlled by the military. Against this economic background, Japan went to into war with different countries starting with China (1894-1895) and eventually into the Second World War.

The Economic Causes of Juvenile Delinquency

- The effects of Second World War
- Industrialisation and Urbanisation
- Inequality in economic conditions
- Unemployment

1. The Effects of Second World War

The Second World War started from 1939, but the Japan was already engaging itself in a war with China from 1937. Since then till 1945, Japan was constantly fighting in a war. During this period, an Act named Military Need Company Act was passed. This Act placed the majority of the industry was placed under military control during the war, including the private ones. They were forced to produce military goods. Also one of the leading industries, the textile industry was almost eliminated during the war. Many of the industry which made Japan an economically developed were nearly eliminated. The trade with foreign countries were all stopped, which made the situation worse. Everything was disoriented and in chaos which brought out lots of uncertainty and disruptive influences to the people. There has been "a decline in the moral concept of the people in the apathy and broken-heartedness caused by defeat which removed all ethical controls and power of self-reflection from the minds of the people."⁷

The effects of the Second World War created an economic condition which lead to the first juvenile crimes wave in Japan. When Japan was defeated, the economic condition of the country was a dire state. There was massive destruction of properties and infrastructure. During the war, US had specifically targeted the sea lanes near Japan in order to stop the transportation of the materials. The road and railways were also destroyed. The damages not only include the property but also the lives of Japanese citizens (military personnel and also civilians). The aftermath of Second World War, there was not many farmable lands left to cultivate due to the bombings. People had to cut down bamboo trees near river bank to make more farmable land. As a result, it causes

⁷ Walter A. Lunden, Juvenile Delinquency in Japan. Pre-War, War and Post-War Years, The Journal of Criminal Law, Criminology, and Police Science, 1953, p-431.

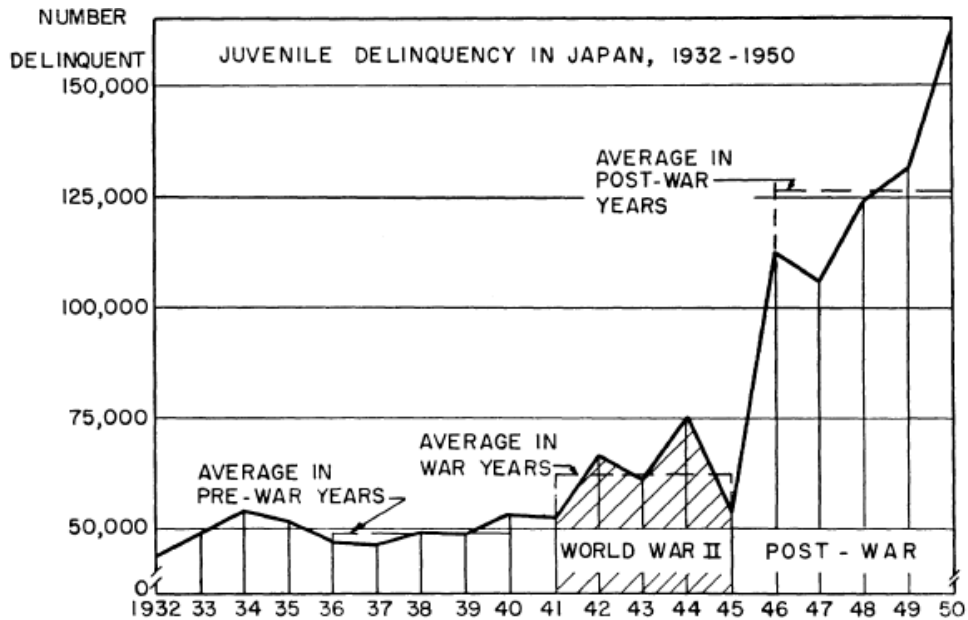
floods when it rains heavily. The general lack of farmable land and food causes starvation among people and lead to spreading of many diseases including tuberculosis. There was massive in-migration of Japanese soldiers and civilians returning from war, which could potentially lead to a large number of unemployment. The situation got worst in 1946, it was year Japan saw a most severe shortage of resources and living condition. The control of the government over the resource distribution was getting weaker while the influence of black market became stronger. Due to the shortages, people would sell their expensive *kimonos* and other jewel to get food. The scarcity of the resources got very bad resulting in inflation. The inflation started after the war and continues to rise where it reached its peak in 1946. In order to tackle with the Japanese government attempted deposit blockade⁸ but the policy proved unsuccessful.

The government didn't have enough financial resources to fund the law enforcement agencies properly. The fact that there were not many law enforcement agencies to police the crimes, its lacking disadvantages encouraged more criminals into boldly committing crimes without having to bear the consequences therefore the crimes rate paced on a daily basis during the particular period of the Second World War.

The post-war environment makes it very hard for people to find work and food. These conditions make it people to live in "survival of fittest" environment. In order to survive, people were prepared to cross their moral values. Therefore right after the war, there was a rising number of crimes in general and juvenile crimes in particular. The figure 2 shows the number of juveniles arrested before the war and after the war. Most of the youngster, especially the orphans of the war had no choice but to earn their food and clothing by any means which includes petty offence. These petty crimes increased over the period of time. For example, before Second World War (1936-1940) the average number of the juvenile arrest was 48, 558 during which the highest number of arrest was 54,023 made during 1934. The war period saw an increase in the average number of juvenile arrest i.e. 62, 153 (increase of 28%).

⁸ The deposit blockade was policy framed by the government in 1946 to check inflation. People had an upper limit of 500 yen per month for the withdrawal of bank deposits and also annulled the existing paper note unless they were deposited at the bank. People kept their money in the bank and government was able to slow the inflation temporarily.

Figure 2: Number of juvenile arrests (1932-1950)



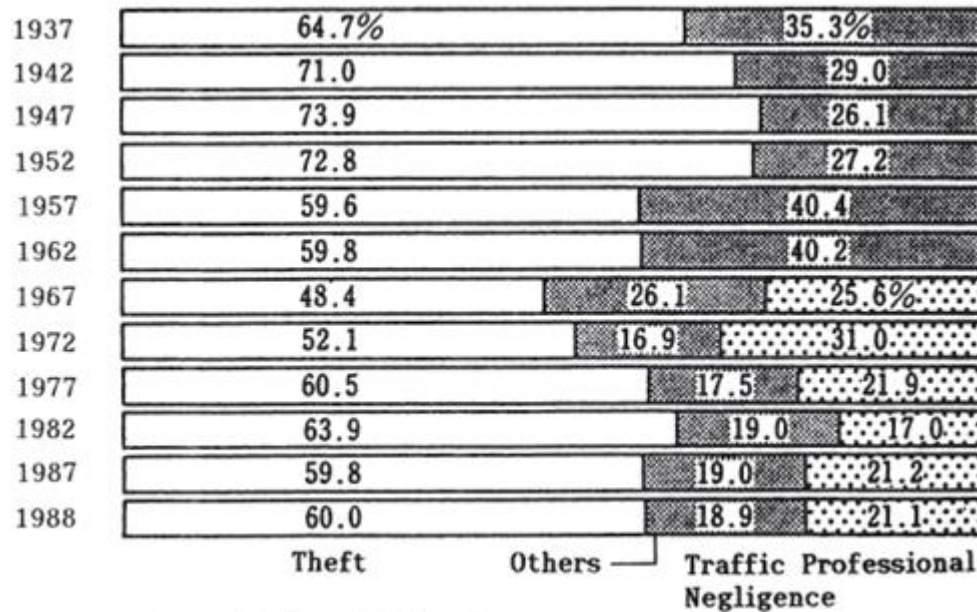
Source: Walter A. Lunden, 1954; 429

After the Second World War (1945-1950), the highest number of juvenile arrest in 1950's was 158, 424 (increase of 160%). The number of juveniles with "lesser offence" received by the Juvenile Protection Office has also increased over the years. In pre war period, the average number of arrest was 8386 (highest: 41, 932), after Second World War the average number of arrest is 21, 585 (highest: 107, 924). Upon studying the number it is determined that period after Second World War is also the first juvenile crimes wave in Japan.⁹

The majority of the crimes committed by the juveniles during the post-war period was robbery and theft. The number of thefts by a juvenile during post-war period (1946-1950) was 461, 145 as compared to 156, 444 in the pre-war period. In 1952, more than 70% of the offence was theft in the juvenile record. While there was increase in the robberies and theft, the number of embezzlement crimes declined by 35%, the reason may be the changes in the monetary system.

⁹ Walter A. Lunden, Juvenile Delinquency in Japan. Pre-War, War and Post-War Years, The Journal of Criminal Law, Criminology, and Police Science, 1953, p-428.

Figure 3: Percentage of Juvenile Penal Code offender cleared, by offence



Source: Minoru Shikita 1992; 238

During the first crimes wave, Japan was under Allied occupation (1949 to 1952) led by the USA. The General Mac Arthur oversaw the rebuilding of Japan. The SCAP brought about changes in land reform, dismantled zaibatsu and reduce the power of rich landowners. Their policies also helped in checking the inflation. After many failed policies, they adopted Priority Production System; this policy gave priority to the industry which is more crucial for economic rebuilding like Steel, oil, rubber and coal industry. After much deliberation, the General Macarthur allowed import of heavy oil and some machinery.¹⁰ This policy helped the Japanese economies to take a step forward. The US also helped Japan by giving Humanitarian and Economic aid of \$ 1.95 billion over the course of occupation period. The Korean War gave Japan its much-needed break to catapult its economy. During the Korean War, there was a sharp increase in the external demand, the recession ended and the economy started to grow.

¹⁰ There was debate among SCAP whether to allow Japan to import the heavy oil since there was a shortage of it globally. But the General Macarthur allowed it on the term that Japan would produce 30 million tons of coal in exchange. Japan was allowed to import and Prof. Ariwasa who proposed the idea of coal became the chairman of the committee responsible for producing 30 million ton of coal.

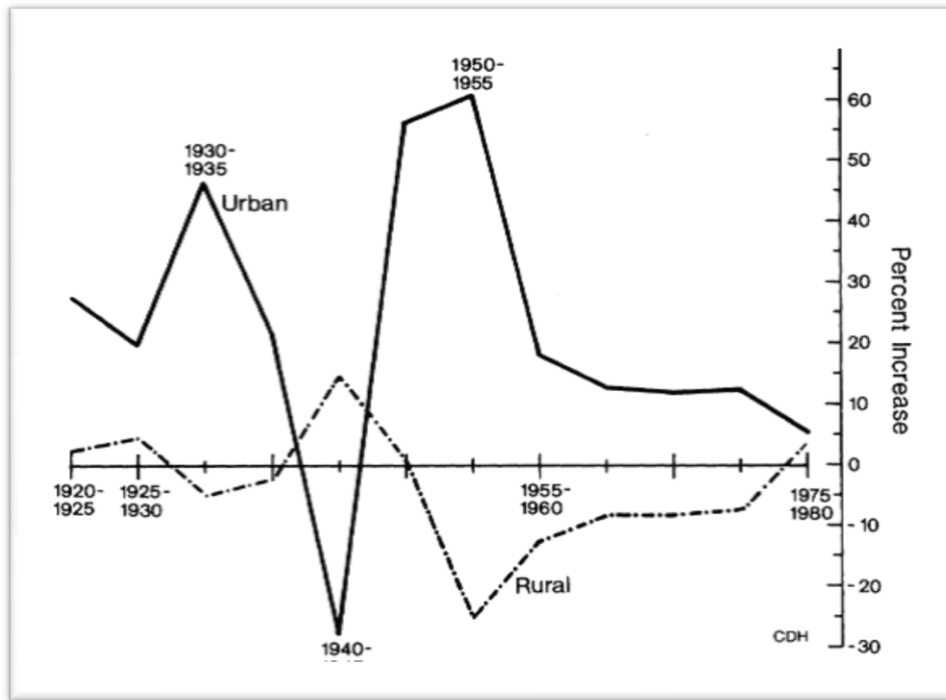
After the recovery period, the Japanese economy experienced high growth rate from the 1950s till 1970s. Japan regained its independence from the Allied power in 1951 after signing of San Francisco peace treaty. Since then, Japan has been following its own policy to pursue economic development. Japan became a member World Bank in 1952 and started lending money from them. The borrowed money was used to build power plants, trains and highways. The steel industry was becoming successful, it was improving its production quality by investing new machinery and technology. Over the years, the economic development of Japan has changed the nature of crimes. The delinquent commit crimes for reasons other than economic.

2. Industrialization and Urbanization

Industrialisation refers to shifting of individual manual labour to machine-based mass production. It also refers to a process in which a society changes from agrarian to industrialised society. The effects of industrialization includes change in daily lifestyle, class structure and population distribution. More people can be found around industrialised areas since there are more jobs. Initially, industrialised areas attract the people who come in search of jobs in industries. Over the time, it attracts people of another profession like teachers, doctors and shopkeepers. They provide the services to working people and earn their livelihood. Eventually, the areas around the industrialised land become the hub of activities, trades and vibrant market. When the process of industrialisation began, more people started living in the industrial space in search of jobs and better livelihood. This process is known as urbanisation.

Japan is considered as one of the most urbanised countries in the world. By 2000, more than 78% of the population is living in urban areas. The urbanisation process had first started around 1868 and has been growing steadily since. Around 1870, the urban population was less than 30%. The continued economic development of Japan leads to massive out-migration of the population from rural areas to urban areas in 1950's and 1960s (as shown in figure 4). Between 1920 and 1980, the population of people living in urban cities shifted from 10 million to 89 million, this indicates the rise of urban population from 18% to 78%.

Figure 4: Percentage increase of urban and rural population in Japan (1920-1980)



Source: The urban and industrial transformation of Japan, Chauncy D. Harris, Jan 1982.

The graph (fig. 5) shows a shift in migration pattern around 1935-1945, which falls during the Second World War. The population shifted from urban to rural areas. The reason behind the shift was due to the bombing of buildings and infrastructure in the major cities.

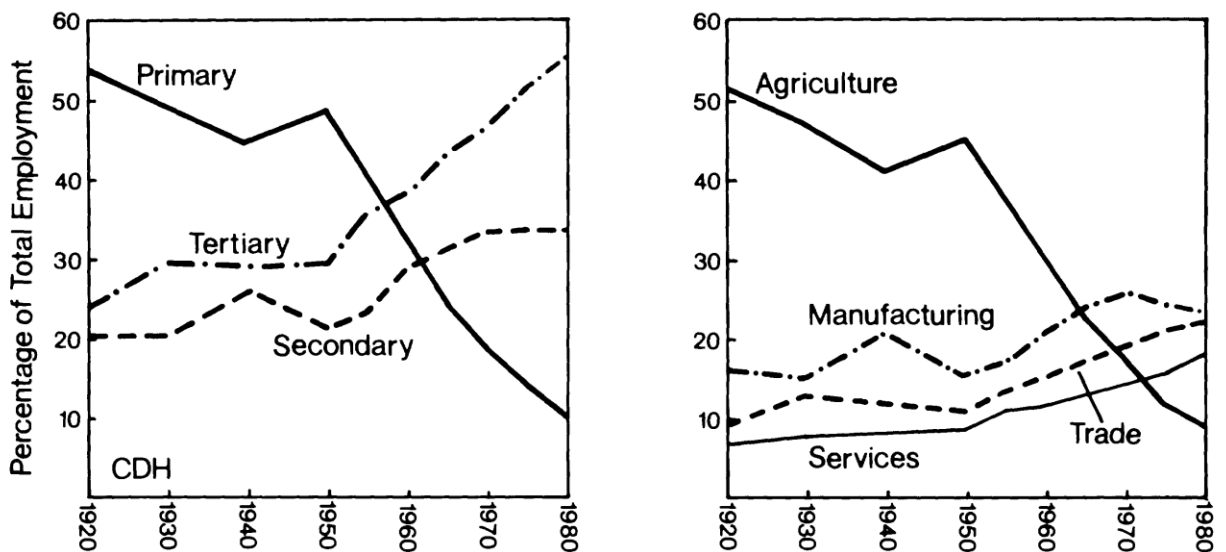
The heaviest migration in Japan happened during 1930's and 1950's. The outflow of the population was mainly towards Tokyo, Osaka and Nagoya. Among these three, Tokyo has the average number 83.2 thousand inflow of population annually. Over the years, the urbanisation has reached its highest peaks, the areas around the major also witnessed inflow of population. For example, the prefectures near Tokyo- Chiba, Saitama, Ibaraki and Kanagawa and two prefectures near Osaka- Nara and Shiga had a large inflow of migration which accounts for 87% of net in-migration during 1970-1980.

The growth of cities is related to both demographic and economic factors. Demographic factors determined the reservoir of potential inhabitants of cities. Economic factors affect the occupational structure and industrial growth and thus play a role in establishing the

proportion of the population that will be located primarily in cities as well as the direction and the strength of migration flows to the cities.¹¹ The demographic factor mainly includes the birth rate and the death rate of the Japanese population. The increase in birth rate contributed to the increase of population in urban and rural areas. In 1947 all time the high birth rate was recorded and since there was a steady decline.

The economic factor in relation to urbanisation refers to the change in occupational structure which in turn brought changes in economy, society, way of living, culture and education. The change in occupational structure refers to the change in nature of work among the labour. In the 1920s the majority (53.8%) of the working population (15 years and above) were employed in the primary sector. In secondary sector it was 20.5% and tertiary sector included 23.7% of the working population.

Figure 5: Percentage of total employed population by major activities (1920-1980)



Source: 1975 Population Census Summary, pp. 334-337; and Japan Statistical Yearbook 1981, pp. 60-61.

The figure 5 shows the shift in the nature of work of labour forces. In 1920, more than 50% of the labour force was employed in the primary sector. The shift in the work of

¹¹ The urban and industrial transformation of Japan, Chauncy D. Harris, Jan 1982.

labour force happens after the high growth era. In 1980, there is only 10.9% of labour force in the primary sector and 33.5% and 55.4% in the secondary and tertiary sector. From 1980 the majority of the people were working in the shipbuilding industry, automobile industry, railroad, mechanical and chemical industries. Japan became one of the leading exporters of goods like automobile, television sets, motorcycle, radios and tape.

The jobs were mainly concentrated around industrial cities which had developed over the time and became urban cities. Naturally more people will be drawn to the big cities. The development of industries has also influenced the migration pattern between the cities. Many of the youngsters living in rural areas migrate to urban areas in search of jobs, better income, seek the excitement of urban life and rise in social status. Also working in factories pay more than primary jobs. In 1920 to 1935, there was out-migration from 40 out of 47 prefectures. This out-migration was mainly concentrated to 7 prefectures namely Tokyo, Kanagawa, Kyoto, Hyogo, Osaka, Aichi and Fukuoka. Among seven, Tokyo in-migration is around 111.9 thousand per year and 78.2 thousand in Osaka. Combining these 2 prefecture in-migrations, it accounts to 76% of net in-migration.

Japan experienced its one of the highest migration in between 1950 to 1975. During this period, Tokyo, Osaka and Nagoya prefecture received highest number of in-migration. The Tokyo Prefecture received 83.2 thousand per year, areas around Tokyo like Kanagawa and Yokohama's in migration was 93.7 thousand and in Chiba, it was 46 thousand. The Osaka Prefecture in-migration was 88.7 thousand per year and Nagoya was 39.7 thousand. Unlike in 1920, the Fukuoka prefecture experienced out-migration because of the decline in coal mining business. In total, 38 prefectures out-migrate to other prefecture.

From 1976 to 1980, the pattern of migration changed. Tokyo and Osaka, earlier a magnet for in-migration experienced out-migration. The reason for this shift may be attributed to the crowded, unsanitary and expensive livelihood in the city. The out-migrating population from these two cities moved to nearby prefecture like Chiba, Saitama, Kanagawa, Ibaraki, Nara and Shiga. These 6 cities account for 87% net in-migration between 1976-1980. The demographic indicators show that the urban transformation in

the Japan is complete. The rate of increasing population in the urban areas has slowed down and remained constant since then.

Table 1: the percentage of the urban population in Japan (by year)

Year	Urban population	Urban population in %
2016	126,323,715	94.1 %
2015	126,573,481	93.7 %
2010	127,319,802	90.5 %
2005	126,978,754	86 %
2000	125,714,674	78.6 %

Source: World Bank, Trading Economics

The urbanisation in Japan has reached an advanced stage i.e. the rise in the population of other cities nearing the central cities and within the commuting range. The urban population in Japan has reached its stabilised state since 2000.

In the field of comparative criminology, there is theoretical approach known as “Durkheimian-Modernization” perspective, which explains “crimes rates in terms of industrialisation, urbanisation, division of the labour, social disorganisation, anomie, modern values, and cultural heterogeneity”.¹² It means that crimes rate is expected to be low in homogenous and primitive society. In a heterogeneous society created rapid industrialisation and urbanisation, the crimes rates are higher since the people are less likely to accept group values. In accordance with this theory, it should be easily drawn that urbanisation and industrialisation have created the rise of crimes in Japan. However,

¹² Masahiro Tsushima, Economic Structure and crimes: The case of Japan, 1996.

comparing with the other industrialised countries, it is noticed that the crimes rate hasn't increased since the Second World War. This may be attributed to the fact that Japan is considered to be homogenous society and have high group dependency. In the words of Westermann and Burfeind who describe Japanese society as follows:

“In Japan, the core values of group-relatedness, respect for tradition, harmony, and hierarchy have led to very strong form of informal social control. The ethnically homogeneous Japanese stress conformity to group norms and individuals prize the approval of the groups that monitor their behaviours and give them their identity. As a consequence, there is a relatively little crimes, and the structures of formal social control operate with effectiveness.”¹³

Ever since the rapid economic growth, there has been decline in the adult crimes whereas an increase in juvenile crimes.¹⁴ The increase in juvenile crimes during rapid growth period (of industrialisation and urbanisation) is known as Second Juvenile crimes wave in Japan. The simple reason for a number of crimes in urban areas is because of the larger population in urban areas. Tokyo, Yokohama, Kyoto, Osaka, Kobe and Hiroshima are some if places with high population density. These areas have more juvenile offenders than others. The areas surrounding them also have experienced more juvenile offence than other cities. Furthermore, the high residential mobility in the urban areas causing neighbourhood instability may also contribute to the crimes. Individuals decide to commit a criminal offense only when they perceive that the chances for success outweigh expectations of risks. High residential mobility and large urban settings create anonymity as well as autonomy, which is more likely to encourage individuals or groups to commit crimes.¹⁵

During the second crimes wave in Japan, 238,830 juveniles violated the criminal code. The majority of the offences by the juvenile were mainly theft and non-violent offence such as theft (of bicycles, motorbikes and cars) and shoplifting. Since there was decline

¹³ Westermann, T. D., & Burfeind, J. W. Crimes and justice in two societies, 1996 (149)

¹⁴ Tokoshikuni Murai, 1988; 6.

¹⁵ Masahiro Tsushima, economic structure and crimes: the case of Japan, Journal of Socio-Economics, 1996

in the violent type crimes, police were more concentrated on the petty crimes committed by young students who do it for fun and thrills. But the studies later found that these play-time juveniles were more likely to commit crimes in later life. Therefore they are called “incipient type”.

Also, urbanisation is often associated with the formal structure of courts, social control and bureaucratisation. Crimes committed in the urban areas are more likely to get reported to the law enforcement agency. In urban areas like Tokyo, there are more police and other law enforcement officials since more resources are distributed to them. The adjudication of juveniles in urban areas is more process oriented and less lenient. In rural areas, because of the closed-knit nature of the society, any crimes or offences committed by youth are solved between families or decided by the village head. In a closed-knit society like rural areas, children are less likely to commit crimes.

Birth rate of Japan

In 1947-1948, Japan had experienced a baby boom. There is more number of youngsters present during that time than before. The post-Second World War baby boom is also one of the reasons for the second juvenile crimes wave. These in-migrant youth come alone to the city to experience new urban life and face lots of problems adjusting to city life. They don't have support from the family, lack of language skills and lack of monetary problems. The lack of support and guidance that children received back home are absent in cities. In order to feel included and not alone, some youngsters socialise with deviant groups. Therefore many of urban immigrants commit the offense. The children living in urban areas also felt negligence from parents since many of the families living in urban areas have working parents or single parents. The absence of any parental or guardian supervision of juveniles, they are more prone and willing to commit unlawful behaviours.

3. Inequality of Economic Conditions

The growth in economic is always accompanied by the crisis in some aspects. The economic development only seems to benefit the wealthier population and rich seem to get richer while poor poorer. In the case of Japan, the benefits of postwar economic boom were equally distributed. The post-war economic boom leads to increase in consumption of consumer goods and better living standards. The increase in the quality of living standard was proven by the 3 signs of affluence in post-war. These three were television, refrigerator and washing machine. By 1964, 90% of the household had these items. Years later, people can also afford to buy luxury items. Blue collar worker was starting to get bonus and lifetime employment package. There was also a considerable shift in working population from blue collar to white collar.

The economic inequality was very little in Japan but it was present. Economic inequality is represented by the number of rich as well as number of poor people. When economic inequality is stressed, the emphasis is on relative deprivation in a social context, rather than the living conditions of the least privileged people.¹⁶ The difference in economic condition between families influenced children in both positive and negative ways. While this difference may encourage children to work harder than others, the same reason of economic inequality may induce an inferiority complex in the minds of children. This is psychologically very tormenting to the children. When in school, students with economically well off brings latest gadgets and wears fashionable clothes, students from poor economic background feel left out of crowd and isolated. Even they have the desire to possess the things that are in the trend, but unable to buy because of their economic condition. When the sense of inferiority complex is met with bullying (issue of bullying will be dealt in social cause of juvenile delinquency), it may drove children to commit the various offence.

The inequality of economic condition can be related to the nature of jobs the head of the family has. There is income inequality between blue collar worker and white collar worker, permanent employee and a temporary employee. Usually, people with good

¹⁶ Masahiro Tsushima, Economic structure and crimes: the case of Japan, journal of socio-economics, p-501.

economic background tend to settle in good parts of town with better housing and resources, while the families with low income lived in a different kind of neighbourhood. In an article by Robert S. Yoder¹⁷, he studied two societies in Japan and how the quality of living condition, education and economic condition between the two societies influence the delinquent behaviour among youth.

The study was done on two communities, “Minami”¹⁸ and “Hoku”, within the Kanagawa prefecture, with the travelling distance of 30 minutes by the train between two places. Though both of the society is in the same prefecture, the difference in the living condition was shocking. Minami was one of those working class communities, with low-quality housing and tough neighbourhood. It had many locally owned family shops and businesses. The neighbourhood was noisy and residents were from different walks of life. The environment of “Hoku” community was totally different from Minami. The community of Hoku mainly includes people with economically well off, upper-middle class families. The community is clean, secure and had much better housing condition. The neighbourhood was spacious and located in mountains and surrounded by temples. The study was conducted on the youth aged between 14-20 of these two communities. Among the youths of Minami, 20% of them were from single parent families while there was only 5% them single parent in Hoku. The father of Minami mostly did blue collar works while the Hoku families had white collar jobs.

The schools located in the Minami had mediocre quality education. The students of Minami can't learn quality education and their families can't afford to pay for “juku”. Most of the students from Minami did not get admission into prestigious high school because of their educational background. The status and name of the high school the children attends were considered very essential since paves the road for better university and colleges. Many of these students gave up midway and ditch the school since there is no prospect for the future. The situation is completely opposite in Hoku community. Their children were educated in resourceful, private school and given the best education.

¹⁷ Robert S. Yoder, *Youth Deviant Behaviour, Conflict, and Later Consequences: Comparison of Working and Middle Class Communities in Japan*, 2003.

¹⁸ The names of the community “Minami” and “hoku” were given by the author. The original name of the community in which the author conducted the study is changed.

The parents even spent huge resources to help them in learning like extra tuition and expensive books. Because of the extra care and education was given to the youth from Hoku background, they seldom faced juvenile problems. In the case of Minami community, children of age 15-16 engaged in delinquent behaviour. Many of these students faces problems within the family also, their parents were usually less concerned about the children education. The children from the Minami community had more police contact since there areas under the delinquency control.

The author did follow up on those youth also. He found that only 10% (2 out of 17) of the students from Minami communities had pursued further studies (high school) whereas 80% (30 out of 47) students from Hoku community attended high ranking high school. These students also attended college (90% of students). The students from Minami community's work were usually low-level jobs, unlike Hoku youths. Because of the difference in the economic condition, the low income families have limited access to the education. Since the *juvenile* couldn't achieve their dream though education are more likely to resort to illegal. The many of the juvenile delinquents are from a family of a poor background. This fact is also proven by Shigenobu Yonekawa¹⁹. In his article, he wrote that in 1998, 18.1% of the juveniles in Juvenile classification home had suffered poverty. In 1999 the 21.1% of a juvenile in reform and training school were from poverty-stricken family. Poverty here this context refers to people who can't meet their own basic need or household on welfare relief. There are 4.9% higher chance of juveniles coming from poverty background than normal family. When faced with extreme situations, economic independence is more in important than moral standards. The issue of poverty leading to crimes is discussed in above factor i.e. conditions after 2nd World War. Unlike other countries, Japan doesn't have major poverty issue nowadays. In other countries, the majority of the juvenile offence was committed by homeless children and children living in slum areas. The unique characteristics in Japan is that majority of the cities don't have slum areas.

¹⁹ Shingenobu Yonekawa, inequality based on family background as reason for Juvenile Delinquency, 2003.

4. Unemployment

The definition of unemployment is “when a person is laid off by employers, those who have been fired or have quit and are looking for other work, and those who are just entering or reentering the labor force but have not found jobs as yet”.²⁰ Being unemployed not only deprives the person from economics opportunities but also from building a social relationship. Often the unemployed are called as “social failure” or a “second class citizens”. Therefore, the unemployed section of population often suffers from discouragement and frustration. In country like Japan, most of the people are known for having work ethics and often associate their identity to the place of work and encourages group participation in achieving common goal. Despite the economic hardships that Japan has suffered through, its unemployment rate has remained very less (3.6% rate of unemployment in 2014 and 2.8% in 2017)²¹.

It is often considered that unemployment causes the rise of crimes. This is associated with the fact that unemployment leads to poverty, hence the crimes. But there are many views regarding the relationship between the unemployment and juvenile delinquency. According to Glaser and Rice²² there is an inverse relationship between Juvenile crimes and unemployment which means the rate of juvenile crimes is high when there low unemployment and vice versa. The reason given is that if parents are unemployed, the children are under supervision. Ehrlich²³ describes that there is no relationship between unemployment and juvenile crimes of male aged 14-24. Singell and Fleische (1967)²⁴ wrote that unemployment does affect the juvenile crimes. The high rate of unemployment causes an increase in juvenile delinquency. The expenditures in cities are expensive, so when people are laid off from their jobs, they will move to a cheaper place. These places are usually a hub for the crimes and illegal activities and the children growing up in that area usually commit to that kind of life.

²⁰ Ehrenberg, R. G., & Smith. R. S., modern labour economics, 1991.

²¹ Japan Times, 31 March 2017.

²² As mentioned in Haiyan Xiong, Urban Crimes and Social Disorganization in China: A Case Study of Three Communities in Guangzhou, Springer, 2015, p-43.

²³ Ibid.,

²⁴ Ibid.,

In Japan, youth from age-group 14-24 usually gets employed part-time only. There are very less number of students who get employed full time. For example, in 2012 the employment rate of the Junior High School graduate is 0.4% while it is 16.7% for the High School graduate. The young part-time employees in Japan are known as Freeters. There are three types of people who fall under Freeters:

- 1) Employees who are classified as “part-time workers” at their workplace,
- 2) Unemployed people who are looking for a part-time job, or
- 3) Those who have not been offered employment and want to have a part-time job

In Japan, 2.3% of the population between ages of 15 to 34 were unemployed. Among them 90 thousand of young people aged 15-19 were unemployed. Also, the 6.6% of population between people aged 15-34 were Freeters, which account for 1, 800, 000 people. From the total number of Freeters, 6.2% of the people are between the age of 15 to 24. The youths who were unemployed or has free time job had insecurity about their financial problems. Majority of the problem are solved by asking money from their parents but those who did not have other source of income join deviant gangs and commit groups crimes (more details in chapter 3 group delinquency).

The evolution of the juvenile crimes in Japan is an interesting one. Initially, all the offences were committed because of the economic reason. Soon the economy of the Japan continues to rise, and the majority of the citizens were economically content. The juvenile offence started to decline. However, new series of a heinous crimes committed by the juveniles proved that there are reasons other than economic. These crimes happened during and after the rapid economic growth. Due to a large number of crimes committed by the juveniles, they are referred and second and third juvenile crimes wave. The rapid growth of Japan has also brought change in nature of Japanese society and its values. The social causes of the juvenile delinquency will be discussed in next chapter.

CHAPTER THREE

SOCIAL CAUSES OF JUVENILE CRIMES

It is known that juvenile delinquency is a social problem, caused by social and economic elements. The previous chapter discussed the economic reasons, this section will focus on the social causes of the juvenile crimes which include a relationship with the family, nature of the society and peer influence. Children and youth's interaction with family and peers influence their behaviour. Therefore it is important for children to grow in a healthy social environment. Japan has recorded the highest number of juvenile offence while it was being developed. Over a period, Japan has slowly recovered from the damages caused during Second World War with the help of the Allied powers (mainly USA). The changes during the occupation period also influenced the social and democratic values. Modernization resulted in a growing emphasis on individual freedom and clash between the Japaneseness and western value system, dominated by youth and associated with the consumption of expensive foods and designer clothes.

In modern Japan, the leading social causes of juvenile crimes are:

- Education system
- Peer influence
- Family background
- Changing values of society
- Influence of Mass Media

This chapter will give a detailed description on how these attributes have contributed to juvenile problems in Japan.

1. Education

Education serves as one of the key element in shaping the mind of children. Without proper education, the country cannot progress. The education system in Japan is one of the best in the world, and even before the advent of modernization (i.e. Tokugawa era), a

large number of its citizens were literate. It was studied and adopted by many different countries. Before describing the link between the rise of juvenile crimes and education in Japan, It is important to take a look at how the education system in Japan had evolved over the years. The education system of Japan had gone through three major changes.

1.1. Reform in Education System

First reform in education system came during of the Meiji period. Prior to the Meiji government, the system of educating the commoner and samurai was different. After opening its nation to the world, the people realised that education must be given to all. Therefore, the government introduced centralised and compulsory education for its entire citizen regardless of their social standing. The Meiji government established a modern education system modelled after American and European education system.¹ Initially, the compulsory education was only for primary school. Because of this policy, there was an increase in attendance of student up to 69%. Later in 1907, the compulsory education was extended up to 6 years. Many students who proved their capability in school were sent to study abroad. The Meiji government also built a School of Western Studies and Medical Institute which developed into the University of Tokyo. In 1871, the Ministry of Education was established. The education policy of the government aimed to realise two objectives. These were:

- Modernizing Japan
- Spiritual unity of people by strengthening their national moral.

The second objective was realised with the help of Imperial Rescript on Education of 1890.² It was the basis for the formulation of education policy during the Meiji period. Mori Arinori who was Education Minister from 1885-1889 knew that educating its youth and people were one of the ways to instil nationalism among its people. The Imperial rescript on education laid down some rules and behaviours expected from Japanese

¹ Hidenori Fujita, Education reform and experience in Japan, 2004.

² Yasuo Saito, Education in Japan: Past and Present, 2014.

people. It sets virtues of patriotism and loyalty to the emperor. These virtues and education system led to the rise of ultra-nationalism among its citizens. The textbooks and teachings were all aimed to promote nationalism and supremacy of Japan. The Imperial rescript remains a major influence on education policy in Japan till the end of Second World War.

The second education reform was adopted during the occupation period (1945-1952). The pre-war education system was replaced by 1947 Fundamental Law of Education based on the democratic and equal education opportunity in Japan. Some of the implemented reforms were:

- Change in compulsory education from 6 years to 9 years.
- The unitary education system of Meiji government replaced by the dual education system. The unitary system of education includes six years of elementary school, three years of junior high school, three years of senior school and four years in university.
- Establishing co-ed schools.
- More autonomy to teacher and introduction of the board of education.

The standard of education in Japan is recognised worldwide for producing people who excel in matters of science and math. On the other hand, it is criticised for its strict and uniform method where children didn't have personal space for growth.

Before third reform was implemented, Central Council for Education (CCE), an advisory body for Ministry of Education put forward a proposal called "a fundamental policy for the comprehensive expansion of Japan's education system." In 1971.³ But the attempt to comprehensively expand and restructure all levels of education from kindergarten through university the education system failed due to opposition from Japan Teachers Union and budgetary cutback from 1973 oil crisis. Instead of application of large-scale reform in the education system, Japanese government drafted a law which aims to bring

³ Saito Yasuo, the modernization and development of education in Japan, 2004, JICA, p-31

talented people in the field of teaching. This law is known as “Law Concerning Special Measures for Securing Capable Educational Personnel in Compulsory Education Schools for the Maintenance and Enhancement of School Education Standards”. The new law increased the salaries of teachers to recruit more talented people. As a result, teaching became one of the most sought jobs among young people. The third reform in the education system of Japan was done in three stages. It started in the 1980s and continued till late 1990s. The reform was adopted due to growing concerns among parents regarding their children’s education and behaviour. Many students faced bullying in school, to the extent that some students didn’t attend school, some committed suicide or engage in deviant behaviours. The school system was also criticised for its rigid method and long studying hours. Below are the elements within the education system that lead to rising juvenile offence and followed by reforms implemented.

One of the first interactions of children outside their family happens in school. Due to the compulsory education system (elementary and lower secondary level) of Japan, youngster to spend the majority of their time in school, studying and participating in school activities. Therefore the experience of a student in school can affect both positively and negatively. Poor school performance can alienate students that can be associated with the increasing rate of school dropouts, truancy and delinquency.⁴ There are many different elements in school which can lead children to commit a crime.

The first and most important element in the school is Teachers. Teachers are a window to outside world and pool of knowledge to the children. They are the guiding lamp by which child can navigate through their school life. The education system in Japan is such that teachers are more involved in a student's life. They monitor not only the academic performance of the students but also their daily activities. Therefore an influence of a good teacher is very important in everybody’s life. By looking at school record of the juvenile’s, it seems that majority of juveniles usually bunk school or didn’t participate in school activities which showed ignorance from teacher’s side. The students often replicate the behaviour and enthusiasm of teachers. If we take an example of bullying in a

⁴ Charles R, Fenwick, the Juvenile delinquency problem in Japan: Application of role model relationship, international journal of comparative and applied criminal justice, 1983, p-183.

school, many teachers even though they are aware of them don't do much to stop it. In fact, there are cases where the teacher participated in the bullying⁵. This kind of action by the teacher encourages not only bullying but other offence as well.

Kyoiku mama is term used in Japan often refers to a mother who is obsessed with educating their children. They do everything from sharpening the pencil, cooking, checking different cram school and even attending classes where their children are lacking. The *kyoiku Mama* presents two kinds of the face, one where the mother is concerned about her children education and helps in every way she can to see her child success. However, there is pressure on the children due to their mother constant attention. The *kyoiku mama* always hovers around her children giving them any private space. "Since a housewife's status in Japan is determined by her success in leading her son to "win" the race, the mother steers her son through massive competition to enter a "good" university that produces a few winners and millions of losers".⁶ Children are constantly burdened by pressure to succeed and to enter into good university. In the case of *kyoiku mama*, many of the student's careers are decided by their mother or parents. The pressure and restriction of the freedom are daunting to the children. They hardly have any free time for themselves; after school, many students attend cram school (*juku*) also. This kind of life is a reality for many Japanese students. These pressure lead to stress which in turn leads them to act unusually or commit the offence.

Japanese society is known as "*gakureki shakai*"⁷ (an educational credential society). The society which places great importance on getting into the prestigious educational institution. The education of person determines their social status. In Japan, students from the age of ten knows from their grade reports whether he has a chance of getting on the

⁵ An incident happened in 1986 where a 13 year-old boy was constantly bullied at the school. It became worse when children an even teacher from his class participated in mock funeral held for him. This eventually led him to commit suicide where he hanged himself in shopping centre toilet.

⁶ Yuko Yamamiya , Juvenile Delinquency in Japan, Journal of Prevention & Intervention in the Community, 2008. P-39

⁷ The term, "educational credential society" (*gakureki shakai*) became popular in the 1960s. During this period of high economic growth (1953-1973), a large number of farmer's sons obtained the high school and college degrees, and enjoyed upward mobility into white-collar jobs through their educational credentials. Educational credentials became an indicator of a "social birth," a lifetime achievement (Kariya: 1995)

college bound track.⁸ Getting into good middle school is an important transition in a student's life in Japan. Middle school is a foundation via which one student can attend good high school, hence good university. The grading system in middle school not only involves student's academic performance but also their behaviour at home. Therefore students are under tremendous pressure of being constantly watched by someone. Those who cannot handle the pressure, drop out of school and commits crimes. Juveniles blame their school friend, grading system and teachers for their crimes. When the relationship between time to start delinquency and academic failure are divided into three groups—failure before delinquency, delinquency before failure, and simultaneous occurrence of failure and delinquency— the majority fall in the first group, suggesting that academic failure typically precedes delinquency.⁹

The first stage of the third reform in the education is known as “Yutori Kyoiku”, the literal transition means “relaxed education or “relaxed or flexible hours”. This reform was adopted in 1980 as a response to growing school violence, vandalism, school refusal and bullying and juvenile crimes in general. Many critics blamed the school for the rise in the juvenile offence. The “school stress theory” was proposed to explain the problem and politician blamed the education system in general and public school in particular. The reform proposed a revision of course of study, reduction in the content of the major course, the introduction of relaxed hours and creates a school environment free of pressure. The second stage of the reform was implemented at the start of the 1990s, includes five-day a week school day. Initially, one Saturday in a month was considered as a holiday in 1992. Over the time, two Saturday a month was off in 1995, and finally, from 2002, all Saturday was off. The five days school week had mixed response. Many parents were worried about the increase in free time their children had a chance to engage in different unnecessary activities resulting in a decline of scholastic ability. On the other hand, some parents were happy that their children got leisure time. Another reform was decreasing lesson hour and less content in subjects like math and science. Also the

⁸ As mentioned by Prof. Takeuchi in Charles R, Fenwick, the Juvenile delinquency problem in Japan: Application of role model relationship, international journal of comparative and applied criminal justice, 1983, p-124.

⁹ Yuko Yamamiya , Juvenile Delinquency in Japan, Journal of Prevention & Intervention in the Community, 2008. P-41

introduction of combined junior and senior high school. The third stage in the education reform started in the late 1990s. The reform was implemented because of the business recession caused by the collapse of so-called “bubble economy”. To survive the financial crisis, the government ordered nationwide structural reform in government offices, hospital, industries and school towards liberalisation, privatisation and decentralisation. Including the reform from second stages, the reforms of third stages were:

- The policies to raise academic levels in two ways: by introducing a uniform test organised by the local board and differentiate the students by their learning ability.
- Reform in school management and governance in collaboration with the board of education, parents and local people.
- The different system of the assessment of schools and teachers.

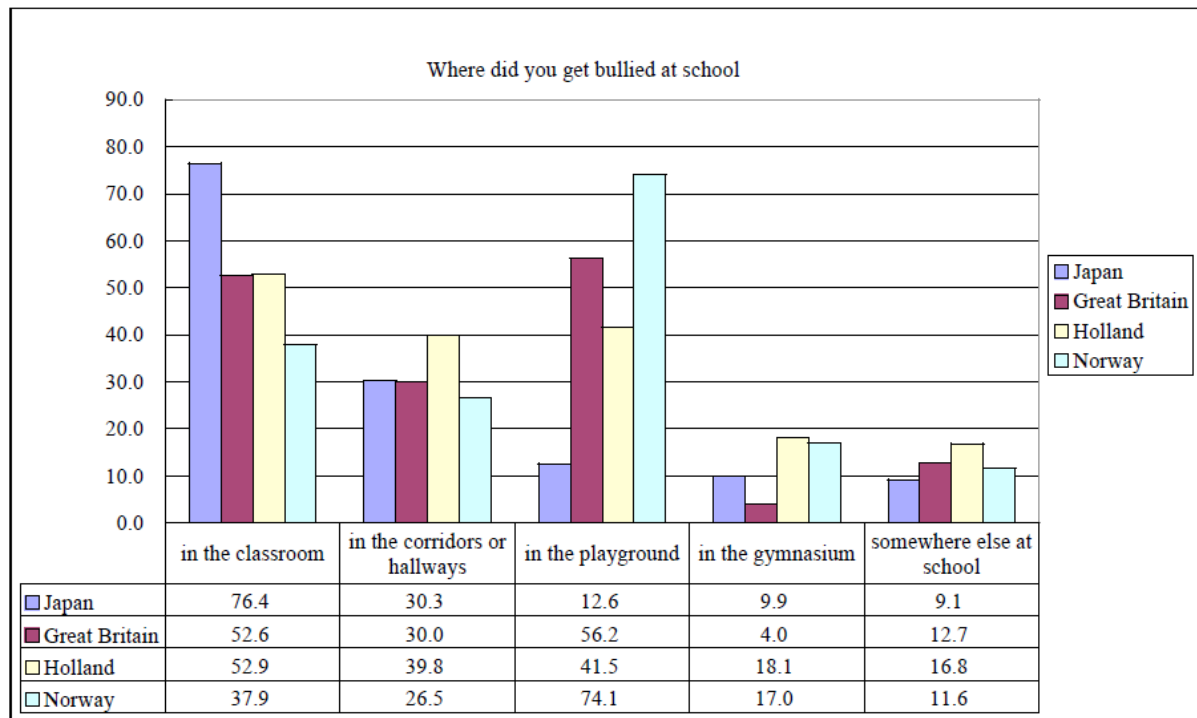
These reforms introduced by the government are done in the interest of its students. There have been many debates over the system of “Yutori Kyoiku”, while it is good for students to have free time but it also lowers the academic performance of the students. According to many professors of science and mathematics, there has a considerable decline in knowledge of science and math comparing to the previous generation. As mentioned, one of the reasons for the introduction of education reform was growing number of juvenile offenders. Bullying was one of the results of the education system of Japan.

1.2. Bullying

The word for bullying in Japanese is *ijime*. Bullying as defined by the Ministry of Education is a particular form of aggression, physical or psychological, which is carried out unilaterally and continuously against someone weaker than the perpetrator/s, which the victim him/herself finds detrimental. In another definition, “an individual who diverges from the ‘average’ or the ‘majority’, in other words, who does not conform to the group norm, is targeted by a group of peers. Japanese students accord high respect to

those who can foster group harmony.¹⁰ In an article by Mitsuru Taki¹¹, he told the difference between how Japanese *ijime* is different from Western bullying. In countries other than Japan¹², he found that bullying mainly occurs in the school playground, corridors and hallways (As shown in the figure below).

Figure 1: Rate of places where student get bullied at school



Source: Mitsuru Taki 2001; 7.

In case of Japan, *ijime* mainly occurs within the classroom, and the bullies were mostly normal student. *Ijime* can happen anytime, anywhere and in any place. Therefore the western way of checking the playground and corridor for stopping the bullies doesn't seem to work. Bullying as 'rite-of-passage' experience is not unique to Japan. Strong child or group initiate bullying against their classmate. Bullying usually includes teasing, ostracising, ridiculing, stealing or hiding personal belongings. The issue was not given

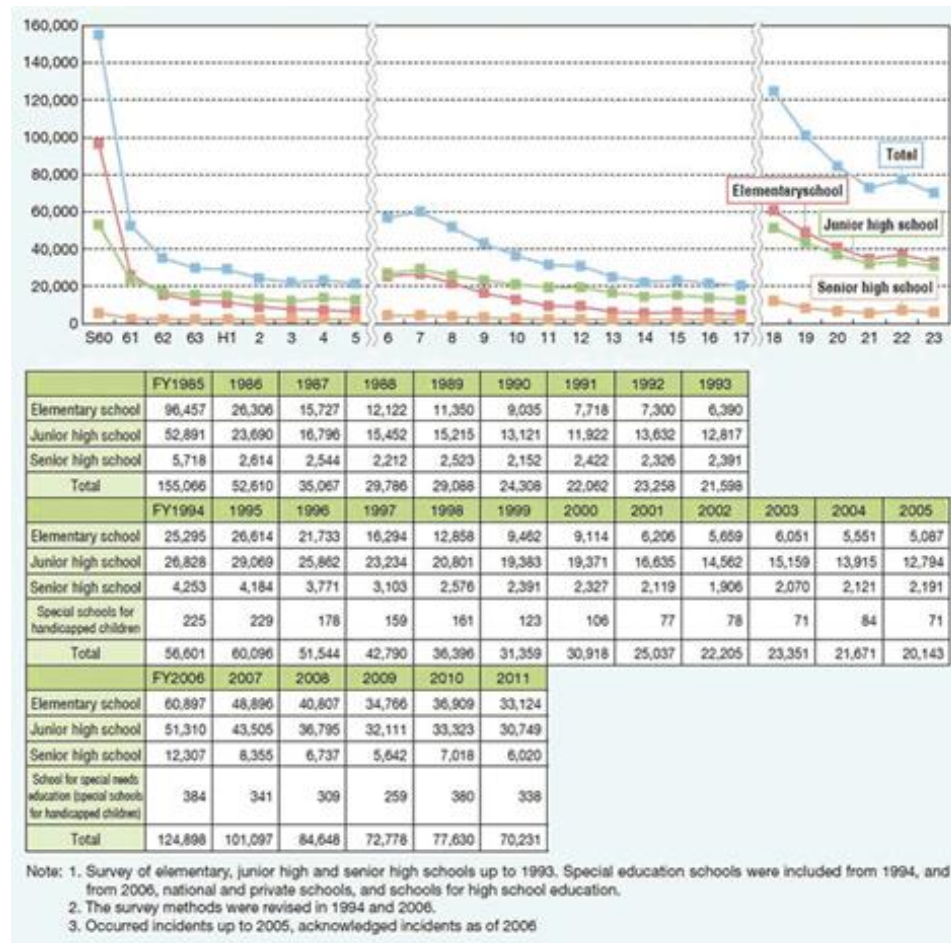
¹⁰Tamaki Mino, *Ijime* (Bullying) in Japanese Schools: A Product of Japanese Education Based on Group Conformity, 2006, p-1.

¹¹ Mitsuru Taki, "Japanese School Bullying: *Ijime* - A survey analysis and an intervention program in school" (2001) by (National Institute for Educational Policy Research of Japan).

¹² While writing this article he studied the nature of bullying and where it did usually occurs in these four nations: Japan, Great Britain, Holland and Norway.

much attention initially since it was not violent outbreak crimes. Also, it was hard for an adult to differentiate between bullying and pranks between friends. It gained the attention of media and newspaper when a victim of bully committed suicide. The victim was a 13-year-old boy who was repeatedly bullied. Once his classmate and four teachers including their homeroom teacher staged a mock funeral for him resulting in his suicide. Ministry of Education started collecting data on bullying as reported by teachers since 1985. But MOE underestimates the figure since not all the bullies are reported. The figure below shows the number of bullying reported to Ministry of Education.

Figure 2: Number of incidents of bullying reported (1985-2011)¹³



¹³ Source: white paper on the education, culture, sport, science and technology, MEXT (2012).

The blue line shows the total number of the bullying from elementary school to high school. As seen from fig. 2 there are three particular years where cases of bullying had reached its maximum limit; these were 1985, 1994 and 2006. During this period, most of the cases of bullying were reported. Along with the cases of bullying, there were instances where some children committed suicide due to extensive bullying. Suicides which are caused by bullying are known as “bullycide”.

There are some cases where students have contacted media before committing “Bullycide” and sent letters also. In 1994, an unknown middle school girl sent a fax to a TV station deciding that she would kill herself. The local board immediately asked the school to halt its lesson and search for the girl. The TV station also made a request through its network, appealing to her “*Zettai ni shinai de Hoshi*” (we absolutely don’t want you to die)¹⁴. In another case, a boy contacted through hotline number and said he would commit suicide cause of the bullying. The voice recording of the boy was played throughout the school hoping that someone would recognise the voice. A press conference was called, and newspaper carried appeals such as “*rusuban no kimi—shinanaide!*” (you from the answering machine, don’t die!)¹⁵. In October 2006, a 13-year-old boy committed suicide after being bullied by three 14-year-old boys. These boys forcibly removed his pants and constantly bullied him and said rude things like, “you are irritating” or “die”. The victim left behind a note that said: “I can’t live anymore because of bullying”. It was later revealed that he was not only harassed by other students but teacher also.

In an article by Tamaki Mino¹⁶, he talks about how the education system in Japan that teaches group conformity can lead to bullying. The education of Japanese children in their school life is partly responsible for cultivating the notion of group homogeneity in their normal life. These influences can be seen in the way they are trained, schooled and treated. Japanese schools provide education that nurtures the images, ideas, and skills to conform, but also create the sphere for these to transform into a particular form of

¹⁴ Youth in crisis: public perception and on deviance and juvenile problem behavior in Japan, Annette Erbe (2003).

¹⁵ Asahi Shinbun Dec. 21, 1995.

¹⁶ “Ijime (Bullying) in Japanese Schools: A Product of Japanese Education Based on Group Conformity” by Tamaki Mino (Uni. of Queensland, Brisbane) Feb 2006.

aggression or violence, such as ijime. The bullying [ijime] can be seen as “an extreme manifestation of the propensity of the Japanese to preserve group homogeneity by expelling those who are different”.

The bullying most occurred in junior high school, and the number decreases as age increases. The most common type of bullying is teasing and verbal insult. Below is a table that shows the types of bullying that happen in the school with a percentage showing how the types of bullying differ as the student reaches high school level in school

Table 1: Types of Bullying Cases in the 2002-3 School Year¹⁷

Types	Elementary School (%)	Middle School (%)	High School (%)
Verbal insults	16.3%	18.3%	19.6%
Being ridiculed	30.1%	32.8%	28.4%
Having belongings hidden	8.1%	7.7%	5.6%
Being ostracized	19.1%	12.9%	8.8%
Being ignored by a group	5.7%	5.2%	3.6%
Physical violence	13.7%	14.7%	19.3%
Blackmails	1.4%	2.1%	5.4%
friendliness	1.3%	1.2%	1.4%
Others	4.3%	5.1%	7.9%

¹⁷ Source: http://www.usjp.org/jpeducation_en/jpEdProblems_en.html#mozTocId83973

The education system in Japanese schools is extremely ordered and efficient and plays a big role in the training for uniformity. There is systematic allocation of roles to children which awaits them in their later life. The admission of the children to pre-school is not compulsory in Japan, but the majority of parents do so. In pre-school, the training for group life and uniformity starts. The main element of group life: participation and cooperation are taught. Group conformity is also taught with rules and code of conducts. A child is taught to behave like everyone else, learns openheartedness and enjoyment with other children. Those who foster group harmony are respected and children that don't follow the said rules are made to sit outside the group. Therefore it is imprinted in the minds of Japanese children that to be included in a group is a most important thing. The children in the peer became independently responsible for conformity within the group and also encourage others to do the same. There is a level of competition among the peers for the level of uniformity within the group. Naturally, group conformity becomes an unwritten rule.

In Japan, a new type of bullying emerged that was much more violent than usual teasing. This kind of *Ijime* takes form of alienation, a particularly mean and cruel form of punishment for Japanese children.¹⁸ The key feature of the bullying is “a group against one”. According to Morita¹⁹, there are four roles in bullying; victimizers, the audience, and bystanders. Several children, the “victimizers,” bully a child, the “victim,” and the rest of children are the “audience” who cheers the bullying, and there are “bystanders” who allow bullying without intervening.

The bullying once again became a major issue in 1994 when a student committed suicide due to extreme bullying. This was followed by 4-9 suicide within next 12 months. Bullying is a juvenile offence itself. Many of bullies were usually were under pressure from their school and mostly had an unhealthy family relationship. Because of these pressures, they resort to bullying to feel superior. The victims of bullies had to suffer all the bully without having someone to confide in, parents or teacher.

¹⁸ Crystal, D.S., Concepts of deviance in children and adolescents: The case of Japan, *Deviant Behavior: An Interdisciplinary Journal*, 1994, p-251.

¹⁹ Morita, Y. and Kiyonaga, K. (1989) *Ijime: Kyōshitsu no yamai*. Tokyo: Kaneko Shobō.

According to the National Police Agency, the number of juveniles crimes committed in connection with school bullying in which the police took action in 2013 rose 57 percent with the previous year to 410, with 724 elementary, junior high and senior high students arrested or taken into police protection and guidance to bullying.²⁰ While part of the rise may be attributed to the widening definition of bullying cases, the number appears to suggest that more cases of bullying are being reported to the police by the victims, schools and their parents. In 2011, in a city of Otsu, Shiga Prefecture a 13-year-old boy from Junior High School jumped to his death.²¹ Because of this incident, on February 26, 2013, the Council for the Implementation of Education Rebuilding compiled its first proposal including:

- Radical improvement of moral education and ways to develop lessons on the topic (i.e. issue of bullying),
- Legislation to confront bullying with the support of society as a whole,
- All parties involved working together to set up systems for confronting bullying,
- Appropriate guidance when bullying has occurred, and
- Consistent prohibition of corporal punishment, and formulating guidelines for club activities that encourage children's growth.²²

On the same year, Act for the Promotion of Measures to Prevent Bullying law was passed in 183rd National Diet to prevent bullying in elementary schools to high school. Under this law, bullying that caused serious physical and mental damage to the victim or forces them to be absent for long periods of time is defined as constituting a "serious situation. Also, schools had to report serious cases to the appropriate governmental bodies and set up investigative panels. The law should be able to evolve and adapt to the changing nature of the society. The bullying in Japan was happening most within the school, but as the time changes, the use of the internet also become common. And the new type of

²⁰ Japan Times, March 11, 2014.

²¹ Japan Times, Feb 5, 2013.

²² White paper on the education, culture, sport, science and technology, MEXT (2012).

bullying emerges known as cyber bullying. And the 2013 law also required the government to monitor any online bullying.

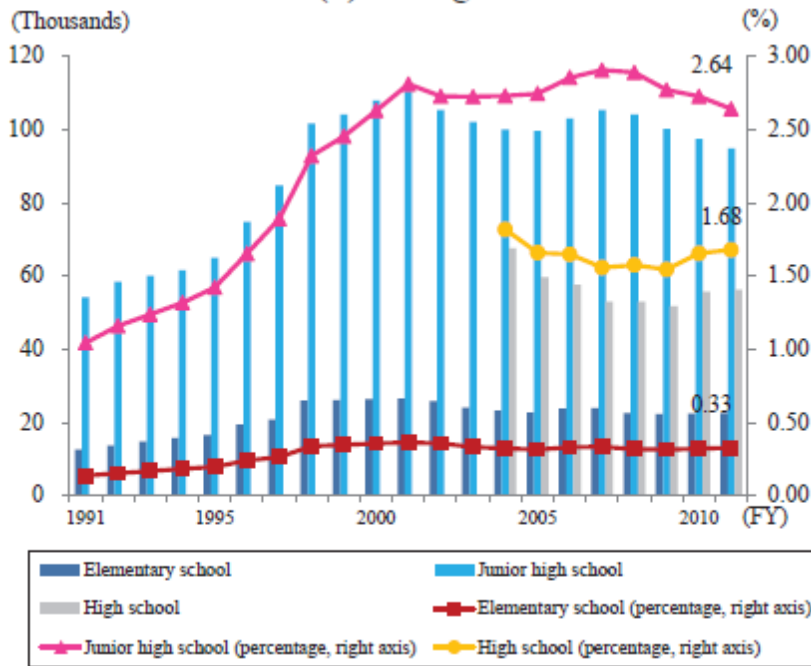
1.3. School Truancy and Hikikomori

School truancy and hikikomori are one of the social problems most prevalent in Japan. School truancy is also known as school refusal. The word for school truancy in Japanese is “*tokokyohi*”. According to Ministry of Education (MOE), the definition used for school refusal or *tokokyohi* is “the phenomenon where students do not go to school or cannot go to school, despite a desire to go to school, due to some psychological, emotional, physical and/or social factor, and environment, with the exception of illness or economic factors”²³. In 1991, the Ministry of Education coined another word for school truancy, known as “*futokosei*”.

The *tokokyohi* problem first started around 1950’s, and Ministry of Education started keeping a record of it since 1966. There are two types of students with School Refusal Syndrome (SRS): one, the students who have a psychological and emotional problem and are unable to attend the school even if they want to. They are known as *tokokyohi*. They tend to stay in their room and hardly socialise with other people including their parents. They are sensitive in nature, perfectionist, and selfish, little bit timid and have a sleep disorder. In the majority of the cases, the mothers of *tokokyohi* are over-protective in nature. The second is the students who avoid school because of financial problem, family problems and problems in school: mainly in academics. Because of the immense pressure to excel in school, students who are academically not inclined are unable to meet the expectation of the family and therefore just avoid school in general. Instead of going to school, they engage themselves in criminal offences and eventually drop out of their school. This type is known as truants. The majority of truants are found in the Middle school. In a study conducted by Ministry of Education in 2001-2002, the 13.6% of school refusal is categorised as a juvenile in Middle school (with a total case of 138,696) whereas there were only 0.7% delinquent in elementary school.

²³ Japanese education in 21st century, Miki Ishikida (2005).

Figure 3: The total of children with school refusal syndrome: 1991-2010.



Source: White paper on youth, 2013, p-14.

The figure above shows the total number children with SRS reached its highest number in 2001-2002. There are 139,000 recorded numbers of cases with SRS including 27,000 elementary school students (one out of every 275), and 112,000 middle school students (one out of every 36) were out of school for at least 30 days. The problem persists today. On 14 Oct 2015, Japan Times published a report²⁴ about school refusal syndrome. It mentioned that there are 120,000 elementary and junior high school students who didn't go to school for more than 30 days in a year. These numbers exclude the students who were absent from school due to a health issue and financial reasons. According to the report, the number hasn't declined from 100,000 since 1997. There are a number of reasons for not going to school. During late 1950's, one of the major reason for school truancy was a financial problem. During those periods, Japan was still recovering from war damages and their economy was in recovery mode. Ever since the economic boom, the financial cause was hardly relevant.

²⁴ Truancy rate increases again, Japan times. 24, Oct 2015.

In 2001-2002, Ministry of the Education collected the data in regarding the causes of school truancy with help of teachers in Elementary school and Middle school. There were four main causes which dominated the reason for truancy. The first cause is bullying which account for 10.8% and 21.9% in elementary and middle school. The others are family related problems (28.9% and 16.8%), psychological state/ emotional problems (36.6% and 34.6%) and school related (19.7% and 40.2%). If not given attention, the school truancy can get worse and turn into Hikikomori.²⁵

To stop the rising problem of school truancy, Kagawa prefectural board of education issued a manual to parents and teacher for detecting an early symptom of school truancy. Children who may be suffering from school refusal syndrome frequently complain about their friends or their teachers. They withdraw to their rooms, saying that they are tired. They may appear depressed or apathetic, and their grades may start to drop. The networks of teachers, parents, counsellor and school nurses played a crucial role in helping students with SRS. School nurse play an important part in the stopping school truancy since the majority of a student with SRS tend to spend more time in the school clinic. Since the 1995 amendment to the School Education Law, nurse teachers can be the chief educator of public health, and since the 1998 Amendment to the Law of the Teaching Certificate, nurse teachers with at least three years of experience can teach public health classes in middle schools and physical education in elementary schools. In combating school truancy, the teacher-parent-nurse network tries to make school a fun place to learn and give education to children other than a traditional textbook.

1.4. Hikikomori

The literal meaning of the word *hikikomori* is “withdrawal”. Psychiatrist Saito Tamaki²⁶ first coined the term *hikikomori* and described it as "a state that has become a problem by the late twenties, that involves cooping oneself up in one's own home and not participating in society for six months or longer, but that does not seem to have another

²⁵ As mentioned in Miki Ishikida, Japanese education in 21st century, 2005.

²⁶ He is the Director of Medical Service at Sofukai Sasaki Hospital in Funabashi, Chiba and also author of a book *hikikomori: adolescence without end*.

psychological problem as its principal source. According to The Japanese Ministry of Health, Labour, and Welfare defines *hikikomori* as people who refuse to leave their house and thus isolate themselves from society in their homes for a period exceeding six months. In 2010 and 2106, the cabinet office did a survey on *hikikomori* and found out that there are roughly 700,000 cases in 2010 and 541,000 cases of *hikikomori* in 2016²⁷. These numbers suggest that the problem of *hikikomori* in Japanese society is a severe one. Most common features of *hikikomori* are:

- Of all the cases of hikikomori, 80% of them were men.
- Many of the men were first-born child in their family.
- Hikikomori is common among 16-25-year-old men but there are cases where men in 40s have hikikomori syndrome. They are known as first generation hikikomori.

One of the leading causes of hikikomori is bullying. Because of the bullying, the students tend to skip school and eventually go into a hikikomori state, but not all the cases of school refusal turn into a hikikomori. Another reason of hikikomori is the relationship between mother and her son. In a family without a father, there is a usually strong relationship between mother and her child. Usually, the mother is overprotective of their son. This mother-son dyad is also known as *amae*. The mother does everything for her son. Therefore the child is unable to function in the society without their mother's help. They are riddled with anxiety and self-doubt and failed to build a relationship with another person. Therefore the child eventually moves into amae prison.

Not all of the cases of hikikomori are with a single mother. In the example given by Saito Tamaki²⁸: Kenji (fictional name) is 30-year-old men with the Hikikomori Syndrome. The problem started when he began to avoid going to high school. He became easily irritated and caused a ruckus if his parents didn't fulfil his wish. He became obsessed with cleanliness and even beat up his mother if she makes any mess. Eventually, both the parents move out their own house leaving Kenji alone. Even when he was 30-year old,

²⁷ Hikikomori: The Japanese Cabinet Office's 2016 Survey of Acute Social Withdrawal, Nicolas Tajan, Hamasaki Yukiko, Nancy Pionnié-Dax, 2017.

²⁸ Saitoh, T. *Shakaiteki hikikomori* [Social withdrawal], 1998.

his parents sent him money for everything. He sleeps during the day and watches television during the night. He hardly has any contact with human being except for their parents via notes. If parents didn't fulfil his wishes, he threatens them by saying he will kill himself. The modern technology had made it easier for a person suffering from hikikomori to stay in recluse since everything can be done with a click of a button including online order without making any human contact.

In some cases of hikikomori, the person commits violent crimes also. On May 3, 2000,²⁹ there were cases of bus-hijacking where a 17-year-old boy from Saga prefecture hijacked a bus travelling to Fukuoka on Kyushu Expressway. He called police saying that he was holding a 6year old girl as a hostage with a knife. This incident lasted for 15 hours during which he killed one woman and injured five other. Of similar in crimes committed by hikikomori, a mother of a boy named Sato Nobuyuki called related authorities informing that her son has kidnapped the nine-year-old girl and held captive for almost a decade.

Many Non-Governmental Organisations, with the help of parents groups and hospital set up halfway houses and clinics to help people with hikikomori. Since there was no proper research done, the actual effectiveness of the treatment not guaranteed. When the cases of person suffering from hikikomori increased in 2007, Ministry of Health, Labour and Welfare commissioned a 12 person panel headed by Saitoh Kazuhiko. They produced a white paper containing comprehensive detail on the condition of Hikikomori in Japan including how to approach them, speak to them and get them treated through a various supported network of the institution with the help of psychiatrist and rehabilitation drugs³⁰.

2. Peer Influence

Peer pressure is an influence exerted to an individual(s) by a social group. These pressures exerted upon the individual can be good or bad. They get a chance to socialise and make friends in schools. Sometimes, the relationship with friends becomes more important than the relationship with parents.

²⁹ Japan Times, May 5th 2000.

³⁰ Hikikomori: The Japanese Phenomenon, Policy, and Culture by Bruce Rosenthal and Donald L. Zimmerman (2013).

When a child does not fit within or gets acknowledged by any group, the outcast usually forms their own group to feel included. These groups spend their time away from school and do not socialise much. They are more likely to engage in misconduct behaviour to gain recognition of their existence.³¹ Eventually, many of them drop out after finishing Middle School. Some of the member within these groups already have criminal past or desire to commit crimes. These are some cases where backgrounds of the students make them more likely to commit an offense. For example:

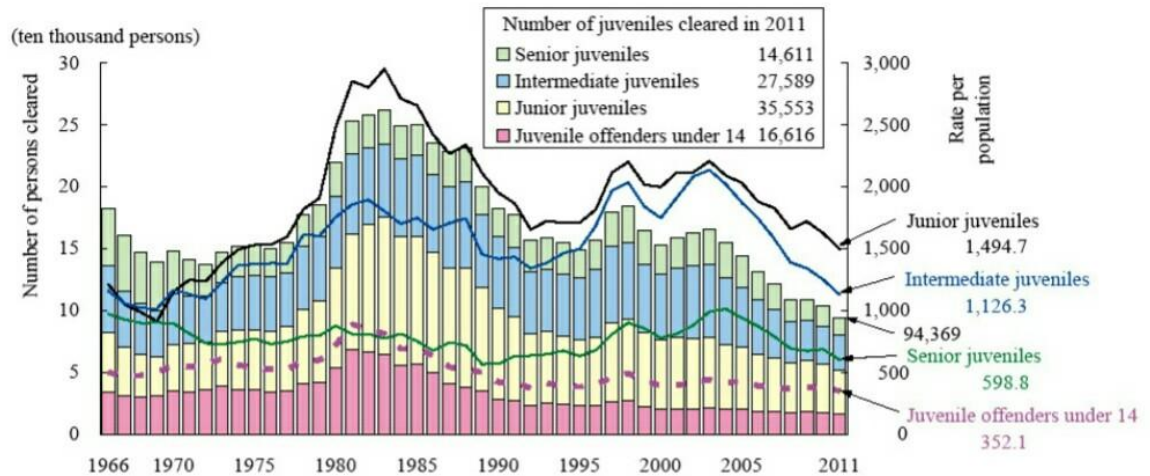
- Many of the major offence committed by the youngster are often done with their group. Even the first time offenders commit offence simply because their friends are doing it and fears that he/she will be excluded from the group if they didn't participate.
- Some the children within the group have families members or parents that had criminal history. They are more likely to commit crimes since they grew up in an environment where committing crimes is not big deal.
- The environment where children grow up or lives also influence the children. If they grow up in places where crimes and violence are of everyday things, they are more likely to become delinquents. They learn the different ways to commit crimes.

Before the juvenile law reform of 2000, childrens from age group (13-15) often committed crimes since they cannot be held responsible for their crimes and punished. After the revision, there was a considerable decrease in the number of juvenile crimes committed by youth from age 14-15 cause they are inexperienced when it comes to committing crimes and are less likely to engage in such activities cause of fear of punishment. Even though the age of criminal responsibility was till 14 years old, the juvenile activities of 13 year old was also decreasing after the reform cause their older friends doesn't engage in criminal activities. In 2001 the number of juvenile arrests of youths aged 14 and 15 was roughly 2000–4000 less than 1999, with the exception of the

³¹ Tsutomu Sakuta, Social Factors Leading to juvenile Delinquency, Kieo Journal of Medicine, 1996, p-288

number of 15-year-olds arrested in 2001. The revised law also lessened the arrest rate of 13 year old juvenile by 1500-3000.³²

Figure 4: Number and rate per population of juvenile cleared for non-traffic penal code offense by age group (1966-2011)



- Note: 1. The figures are based on the age at the time of the offense and exclude those who were 20 or older at the time of the clearance.
 2. "Juvenile offenders under 14" indicates those guided by the police.
 3. "Rate per population" indicates the number of those cleared (guided by the police) for non-traffic penal code offenses per 100,000 juveniles in the respective age groups. The rate per population of juvenile offenders under 14 was calculated using the population aged 10-13.

Source: Criminal Statistics by National Police Agency
 The Statistics Bureau, Ministry of Internal Affairs and Communications (population data)

As seen in figure 4, the number of juvenile crimes were highest during the 1980s-1990s and the majority of the juvenile offender were Junior or Middle juveniles. Children from juvenile age groups are easily impressed and they usually prefer to become friends with someone older than themselves. If their immediate peer commits offense, they are more likely to be involved because it "looked cool". In 1990s the percentage of the juvenile crimes that is associated with peer influence is 24-27% while it is only 8-13% for the

³² Tatsushi Oka, Juvenile crimes and punishment: evidence from Japan, Applied economics, 2009.

adult crimes. The number shows that juveniles are more likely to commit crimes under the peer pressure.³³

Group Delinquency

To some juvenile, group delinquency is empowering, they admit to feeling like they can do anything. A single delinquent is less likely to commit crimes dangerous and violent crimes than group delinquent. Some of the examples of group delinquents are “*hot-rodders*”, group swindlers and Daddy hunting (*oyaji-gari*). The common element between these three are: all these crimes are committed in groups.

First, Hot-rodders appeared in the late 1950s. They are groups of teens who enjoy driving motorcycles and cars making a loud noise in middle of night, racing through street and challenging the police and then running for escape. They are mainly charged with traffic violation and noise pollution. Some of those groups are also affiliated with Yakuza; the hot-rodders pay the Yakuza’s protection money to ride around. In one case, hot-rodders extorted money from a victim and beat him continuously because the victim has spoken ill about them. The victim eventually ends up being dead. A Law enacted to address the problem since such crimes were growing rapidly. In 2011, the total number of the hot-rodder groups had decreased to 7193, of which 4,364 or 60.7% were juveniles under 20 years of age³⁴. The numbers of Hot-rodders are on continuous decline since.

The second type of group delinquency is swindlers. These group swindlers commit new type of property crimes. They recruit young juveniles to solicit money from people, mostly senior citizen. They will place a call to elderly person making up different stories like saying that his grandson or granddaughter had an accident. These groups make up convincing stories so that the person will believe and sent them money. The punishments for these crimes are minimal. In one case a group swindler tries to deceive a 55-year-old

³³Ibid, p-3107.

³⁴National Public Safety Commission and National Police Agency 2012

women and asked money in sum of 4 million yen (US \$ 40,000). Then these swindlers asked 15-year-old girl to bring that money. She went disguised as man, wearing a suit³⁵.

Oyaji gari is the third type of juvenile delinquency committed by a group. *Oyaji giri* means “dad hunting” and this type of crimes started around 1990s. The criminals seek out older men or working middle age men commuting back to home. They confront them and ask the man to give his wallet using vulgar languages and if the person refuses, they beat them and rob them. The victims of their crimes also include housewife, delivery guys and school nerds. One of these types of gangs even contacted *Yomuiiri Shimbun*³⁶ and said that the gangs gather every Sunday with aim of making 100,000 yen. They even admitted in committing more than 100 street robberies.

3. Family Background

The family is a safe space for children where they learn the basic social skills like building a relation and how to treat other people. Japanese society is bound by the rigid system and practices. But the social practices started changing after the war. There are more modern elements than traditional. Even the family system is rapidly changing. There are more nuclear families, families where there are only two or three members, a single mother or a single father also. The love, care, and discipline taught by the families are different from each other. This difference in environment where a child is raised influence the delinquent behaviour of a juvenile. As said by Wright and Wright (1994)³⁷ family is the foundation of human society. Children who are rejected by their parents, who grow up in homes with considerable conflict, or who are inadequately supervised are at the greatest risk of becoming delinquent. This section will discuss what the element within the family environment which makes a child gravitate towards the delinquent behaviour.

³⁵ Asahi Shimbun, Aug 31st 2013.

³⁶ *Yomuiiri shimbun* is one the five national newspapers in Japan. Founded in 1874. The paper is printed twice a day and circulated within major cities.

³⁷ Wright, Kevin N and Karen E. Wright, *Family life, Delinquency and Crimes: A Policymaker Guide*, 1994.

Historically, Japanese family was an institution that plays a major role in defining direction for the actions of the family member. Within the family, it is the head of the family that decides the role of each family member and the discipline which needs to be maintained. Usually, the rules are followed but there are few exceptions where a member of a family rebel against the head of the family. The threat of expulsion from family compels the family member to conform with the rules of family and society. Due to the possibility of losing respect and bringing shame to one's family if any crimes is committed, the head of the family has important role to play in keeping family in line. The changes in the nature of relationship between the families has influence the growth of the juvenile delinquency in Japan.

Hiroshi Wagatsuma³⁸ wrote that there is a difference of the cohesion in family, expression of affection and supervision and discipline by the family between a juvenile family and non-juvenile family. Parents are the most influential figure in a children life. Their values and attitude are usually copied by their children. In a family where parents have properly raised their children with the proper values and moral are less likely to commit a crimes. A child is more prone to be misled if his/her parents have criminal background, which abuse their children, are alcoholic and unemployed and not interested in their children's life. There is positive correlation between parental crimes and child misconduct, it is believed that the children incorporate the antisocial attitude of the parent and obtain a predisposition to the misconduct.³⁹ In the family with two-parents, if they are constantly fighting with each other or separated/ divorce can have negative effect on the child. The lack of communication between the parents and children makes them withdrawn. The love and direction that children need are absent.

Broken homes are place for children with no parents, divorced or even parents who are not financially well off hence unable to provide their children even basic needs. Children are often mistreated in the broken homes. Children having been maltreated are more at

³⁸ Hiroshi Wagatsuma and George A. De vos: Heritage of endurance, family pattern and delinquency formation in urban Japan (1984).

³⁹ Tsutomu Sakuta, Social Factors Leading to Juvenile Delinquency, 1995, P-292.

risk to become delinquents. In other terms, early childhood victimization increases the risk of later criminality by about 50%.⁴⁰ Wagatsuma mentioned Yoshimasu who studies about the juvenile delinquent in pre-war period: 1927 and 1928. In his studies he found that 62% of the delinquents who were institutionalized were from broken homes. The same study was done by Higuchi after war and revealed that 48% of the delinquents were from broken home. In the 1998 Welfare Statistics (*kokumin seikatsu kiso chōsa*) 22.9% juveniles were from non-two-parent families or “broken homes” according to police statistics and 30.8% according to judicial statistics in 1998. These numbers shows that the relationship between the parents is the important factor in behaviour of children.

The third wave of juvenile crimes in Japan happened around 1983. One of the causes was considered to be the growth of nucleus family in Japan and declining social values. One of the characteristics of the third juvenile crimes wave in Japan was the “generalization of juvenile delinquency”, which means juvenile were mostly from families with two-parents with no financial difficulties. This was alarming for the government since the majority of the cause for juvenile delinquency used to be economic hardship. If the juvenile with good financial background commits offense then there is a possibility that every child could be potential juvenile.

The occupation or educational background of the parents also determines factor in the juvenile delinquency. In a study conducted by Shigenobu Yonekawa⁴¹ researched about the occupation and academic background parents of the juvenile delinquents. He found that majority of the parent (mostly father) of the juvenile offender were blue collars. He concluded that more than 50 percent of delinquent’s father worked in management, administration, technical or office workers (15.5% in self-employment, 58.7% in management, administration, specialized professions, technical or office work and 8.9% in factory work, shop assisting and craftwork (factory employees making up 6.4%). Other employees make up 14.4%, those uncategorized make up 1.2%, and 1.3% were unemployed). A juvenile who is raised by single parent has more possibility of indulging in delinquency since they were left unsupervised. In 1955, more than 50 percent of the

⁴⁰ Jean-Pascal Assailly, *Juvenile delinquency and family environment influences*, 2009, p-46.

⁴¹ Yonekawa, Shigenobu, *inequality in family background as a reason for juvenile delinquency*, 2001.

juveniles were raised by single parents. There was a change in nature of family structure after modernization was introduced in Japan.

Urbanization leads to separation of the family member since many youngsters move to urban areas in search of jobs and the elders stayed back. In the traditional rural Japanese family system, the eldest son usually stayed back at home and looked after the family while it is middle or the second son that went to the city in search of jobs. This led to the rise of the nuclear family. As the time went by, the bond between the families member became weak. As mentioned by Ames (1981):⁴²

“Urbanization has led to decline in the extended family, and ties to the nuclear family are less binding than in the past. Thus, if both parents are working, the grandparents are less likely to be home watching the house than in the past. Changes are also occurring in the traditional notions of neighbourliness. The current phase mai homu shugi (“my home-ism”) connotes a passionate desire among many Japanese for their own homes and, more significantly, an increasing longing for a meaningful life from the pressure of traditional neighbourhood and other groups. Accompanying this phenomenon is growing concern for the individual and his rights”.

The rise in the number of nuclear family show that there are more families but with less number of family members. But to those who are from rural areas, staying in urban area meant free from the restriction imposed by the family. The life in city seems more fun than hometown. They are not bound by the relationship between family member and their society. When the urbanization process began in Japan, the birth rate of the nation was also started to decline.

The children born in urban areas were an only child in the family. The children were often left alone in their house since both the parents were working and spent their time either in rooms or schools (cram schools). Many of the delinquents have both of their parent workings. Non-delinquents have their mother or father supervising them. Supervising the children and guiding the children away from the immoral paths are the

⁴² Charles R. Fenwick, The juvenile delinquency problem in Japan, international journal of comparative and applied criminal justice, 1983, p-125.

responsibility of the parents. The relation should be such way that parent support the interest and ambition of the child and help them to realize it. But at the same time, discipline and sometimes punishment is also needed.

4. Changing Values of the Society

Japan's traditional cultural values are often said to be one of social control of delinquency, as they regulate the way social relationships are expressed.⁴³ Over the course of its history, the interaction with outside world was limited and even banned (referring to Tokugawa period when Japan stayed isolated from rest of the world) because of that Japan considers themselves as ethnically pure and homogenous country. After Tokugawa period came Meiji (meaning Enlightened) era the law of the land changed, the attention was diverted towards developing agriculture and industry and politico-legal system that is based on democratic principles.

In Japanese society, the sense of belonging to a group is very important. A group can be small or big but homogenous in nature. The small groups were affiliated to even larger groups. The behaviour of a person inside a group determines the identity and the individuality of a person. It is the responsibility of a person to be more attentive to other people expectations, prioritize the group goals and keep the harmony. An individual will find its identity within the group through interaction. Japanese usually keeps people in their inner circle and outer circle, the way of interaction changes in regard to situation. This way of socialization is also encouraged among children also. In early Japan, there were strict protocols regarding social interaction. The interaction between two people was conducted in regards to status of the person. There is difference in a way person talk with their friend and with someone who has higher social standing than their own.

There is need for collectivism has help community in many different ways. The closed knit community helps each in a way to become a family. The morale of the children and adults are very good. Characteristics like these act as agent in stopping juvenile offense to

⁴³ Yuko Yamamiya, Juvenile Delinquency in Japan, Journal of Prevention & Intervention in the Community, 2003, p-30.

happen. As much as there is loyalty and love within the community, there is also same amount of hostility toward the outsiders, therefore one will never risk losing his/her respect of the community. The community also helps in policing crimes. All the local members of community have close relationship with the police force. Also, nearly 5,000 counsellors are appointed specifically to juvenile guidance by the Prefectural Public Safety Commission, who work with volunteers to provide advice as well as support to juveniles in trouble or categorized as “pre-delinquent.” They are mostly teachers, parents, and juvenile probation officers.⁴⁴ One of main aim of volunteer juvenile police is to stop the crimes before happening. The first sign is usually consider as smoking a cigarette. The Japanese tri-angle of family-school-students helps in combating juvenile offense. The member community also provides community based treatment which is more preferred than sentencing juvenile in a prison.

The value of Japanese society changed after industrialization and urbanization was introduced. The need for being in a group was no longer considered very important. The introduction of democracy had given people new kind of freedom. The youngsters felt no longer compelled to stay within the traditional societal boundaries and moved to urban areas in order to become self independent. The youngsters these days are more into catching up with the trend than respecting their traditional values.

In a study called “Japan youth survey”⁴⁵, more than 60% of the Japanese youth responded that they were not happy with current social system. The results revealed that Japanese youth were less interested in society. An article by Kadowaki⁴⁶ described how the personality of the Japanese youth had changed over 20 years (from 1976to 1997). He said that, “youth have changed from (a) “conforming to social norms” to “rebellling against social norms” and from (b) being “self-oriented” to “followers”. The development of the countries had produced a negative trend: people were more involved in doing things that were of “pleasure giving” in nature. They don’t have the drive or the willingness to change the society. They just “go-along” with the things. Some people don’t even see it

⁴⁴ Ames, W, Police and community in Japan, 1981.

⁴⁵ “Basic Survey of Youth in Japan” (or “Japan Youth Survey”), a survey conducted every five years with males and females aged between 9 and 24 years and parents with children aged between 9 and 15 years in Japan conducted by the Management and Coordination Agency.

⁴⁶ Atsushi Kadowaki, changes in value and life orientation among Japanese youth, 2000.

important to connect with the society. The introduction of internet had changed things. There was no longer the need to socialize with by going outside when one can do it by “Facebook” or other social media platforms. The changes in the attitude of the Japanese youth are reflected in their working space. The youth no longer believes in working hard to achieve something.

5. Influence of Mass Media

In this age of modernization, the world has become a very small place. News or information about any country or on anything can be acquired at the speed of the light. But the information on the web is not always good. For somebody who is willing to commit crimes like arson, bombing or taking one’s life, these kinds of information are also available on the internet. The impact of internet is both good and bad. Likewise it can influence a person positively or negatively. Influence of mass communication mainly includes how TV programs, new channels, books (or magazine) and internet which influence the young children. One can gain wide knowledge simply by click of a button. The same knowledge can be used to commit crimes and harm people. The content that was found within television, films, magazines and internet can encourage children to commit crimes in different ways.

The content of television program and film has changed over the years. Before it was conservative and respectful. Now, it contains many elements of violence, crimes and sexual scenes. The long exposure to violent content of films affects child’s psychology. The child becomes more susceptible to violent things. Since the children are very impressionable; they will try and imitate the violent behaviours of the films. Sometimes children become obsessed with the TV character and do everything that character does. For them, imitating the things that actor makes them look cool even if the behaviour is inappropriate. In order to watch movies, they will ditch their classes and even resort to stealing if they don’t have money to pay for the tickets. In Japan, some youngsters became attached to anime character or manga. They stay in their room whole day reading and eventually stop going to schools. Before there was only television and radio.

Nowadays the technology had evolved from mobile phone to ipad and laptops. Children can surf net without supervision of the parents which is not good for children. The violence in the video games is bad for children's health. The frequent and long exposure to the violent games leads youngsters to adopt violent methods in everyday life.

The newspaper is also one of the elements of the mass communication. When the children see the news of the robbery, they see it as an opportunity to get-rich-quick scheme. Also the excessive amounts of the attention given by the media to some crimes have bad influences on children. News channel have ways of sensationalizing the news get to get viewers rating, but it is also important to consider that viewer includes teenagers and youth also. In one case of Japanese juvenile offense, delinquents simply commit crimes to gain attention in the media. Ayukawa⁴⁷ argues that some children see crimes as a means of expressing their existence. Juvenile believes that if they commit crimes and get famous in media, it will make them feel important and in control of things. In 1997, when the Kobe killings happened, the media covered the story extensively and also gave a pseudo name to killer. The attention that the news got was on national level. Therefore, a mentally ill student hijacked bus in Saga prefecture and stabbed one woman to death and left several wounded. He held resentment against the juvenile who killer a woman day earlier, saying "he beat me to it". That said in the context that the hijacker was a day late and other crimes were sensationalize before his. The extensive media coverage of juvenile offense often gave impression that juvenile crimes are on constant rise, even though reality is bit different.

Studying about the cause of juvenile crimes in Japan gave the idea about the nature of juvenile crimes has changed over the year. Not only the nature but the causes leading to juvenile crimes have also changed. This change started to happen around 1970's when Japan was under process of modernization. The economic success brought by modernisation also created a change in social norms and values within the society. The youth and adult became more corrupted. The majority of Japanese families don't follow

⁴⁷ As mentioned in Trevor Ryan, Creating 'Problem Kids': Juvenile Crimes in Japan and Revisions to the Juvenile Act, 2005.

the traditional system. This may be sign of progress but it is also contributed to the rising juvenile problem in Japan.

CHAPTER FOUR

TREATMENT MEASURES AND REFORMS

Over the years, Japan witnessed a rising number of juvenile delinquent activities. Therefore Juvenile law was framed. According to the Juvenile Law, all the cases regarding the juvenile go through Family Court and from there the decision regarding the fate of juvenile is made. This chapter deals with the working of the Juvenile Justice of Japan which includes Family Court, its decision-making process, the possible outcome and treatment of the juveniles.

Japan is a country that values the strong interpersonal relationship more than being self-independent. This value of interpersonal relationships can also be seen the Juvenile Justice System. For example, one of the reasons for the lesser number of crimes in Japan considering the other nation is the preventive measures set up by the community volunteers, schools and police. As said in the proverb “prevention is better than cure”, Japanese citizen went out of its way to accommodate with a voluntary system of preventing the any further delinquency by patrolling the streets, parks and other entertainment places where youth are a more likely to hang out. The participatory nature of the Japan Juvenile Justice System is an important part in preventing the juvenile delinquency.¹

The treatment of juvenile and admitting them into juvenile school or sending them guidance centre is considered as the last possible option for the juveniles. To prevent that from happening, guidance activities were initiated. There both formal and informal ways in which the delinquent activities are being prevented. Before explaining about the working of the juvenile justice administration, it is important to understand how the member of community, teacher and police contribute their share in preventing the juvenile delinquency and guiding them properly.

¹ Minoru Yokoyama, Juvenile Justice and Juvenile Crimes: An overview of Japan, 2015.

Preventive Measure by Police against Juvenile Delinquency

Police forces were used as tool for oppression of the right of the people under the military dictatorship in Japan; therefore many lost the trust of the law enforcement. With help of SCAP, the centralized police force was disbanded and localized autonomous police force was established modelled after US. During that time, the police force doesn't have enough resource to check rising number of crimes because of bad economic condition in Japan. Therefore Japan witnessed increasing juvenile delinquent to a highest degree. In order to stop the delinquent act of the juveniles, police have adopted number of preventive activities to stop juvenile from committing serious offense.

The separate police force juvenile came into being after the introduction of juvenile law of 1948. In 1950 Ordinance on Guidance for Juvenile with Some Problem was issued. The word "juvenile with some problem" was later replaced with "pre-delinquent". It asked police force to prevent the juvenile delinquent from committing crimes and guide them. There was a change in the administration of police force when new Police Law in 1954. The prefectural police system was adopted. These prefectural polices are under the control of National Police Agency (NPA), but the NPA doesn't have its own police force. They are responsible for the distribution of manpower and resources. In the same year, the Deputy Commissioner General of NPA issued a memorandum on the management of the Juvenile Police. It standardised the activities of the juvenile police all across the prefectures. The memorandum includes the activities for the prevention of Juvenile delinquency. In 1954 the total number of juveniles with some problem guided by the police was 430, 459 and 790, 689 in 1959²

In 1960, the Deputy Commissioner General of NPA issued another memorandum on the activities in preventing the juvenile delinquency³. It discuss about giving guidance to the juvenile and promotion of child welfare. The work of the juvenile police includes finding

² Minoru Yokoyama, Development of guidance activities by the police for the Prevention of Juvenile Delinquency in Japan, 2010: 156.

³ The left wing political party of the Japan and the Japanese people were both critical of the any activities by the police force. They are wary about the power that they hold since the experience of authoritarian power of police force. Therefore the guidance activities couldn't be enacted in the law.

pre-delinquents, giving them advice and if the case seems serious referring them to Family Court or Child Welfare Centre.

To ensure that the Police Force do their work properly and improve the juvenile police system, the juveniles guidance officers were hired. In 1961, the Section for the Prevention in NPA was renamed as Section for Prevention and Juvenile. The success of establishing the prevention of juvenile crimes lead to a section called “Juvenile Police” in the White paper for the first time in 1964. In the White Paper on Crimes it was mentioned, “The juvenile police are the whole police system specialised for the prevention of juvenile delinquency. Each prefectural police headquarters and each police station has a section for Juveniles, at which specialised police officer cope with juvenile delinquency”.⁴

During the period of industrialisation, more attention was given to the youths from rural areas coming to into urban areas. To make the guidance activity more efficient, Police Box were installed in rural and urban areas. In rural areas, there are police boxes known as *chuzai*sho. The *chuzai*sho is the residential place for the village police officer and their family. The police officer was in charge of giving juvenile guidance. Since the urbanisation, the role and the number of *chuzai*sho have declined. Now their jobs is limited to taking of the residents (esp. the old people) and preventing crimes in general. The police box in the urban areas is known as *koban*. The main job of the police officer in the *koban* is patrolling the streets by foot, cycle or minicar, question any suspicious person, patrolling amusement park in the night and provide advice to the predelinquents.

The ways to prevent delinquency by the police can be described in 4 ways:

- The Center for Supporting Juvenile⁵ have guidance counsellors or psychologists experienced in dealing with the delinquents and they provide counselling to the juveniles and also the parents. They can be reached by phones or by email also.

⁴ White Paper on Crimes, 1964, page number 302.

⁵ In 2002, the national public safety commission issued a rule of activites of the juvenile police and it nullified the memorandum issued in 1960 and the the center for supporting juvenile was established.

- Sometimes the juvenile guidance officer and police patrol entertainment rich areas that juveniles like to visit at night. Many of pre-delinquents are usually found there. They are given advice or warning. In the case of serious matter, they are taken to juvenile support centre or police station.
- At the request of the parents or the guardian, continued support and guidance are provided when requested. The predelinquents were also given chance to engage in community improving activities.
- Developing good relations with the public is one the good ways to prevent juvenile delinquency. Police officers also visit the school to give a talk in delinquency related.

Delinquency prevention by police- working with another department:

- Since the youngster coming to urban areas from rural areas were sometimes prone to the delinquents activities like joining gangs, therefore, the police organised the Police Workplace Conference and asked the employer to take care of the workers from the rural areas.
- In 1960's, Japan has witnessed rising number of school therefore, police force started working with the school administration to prevent those crimes. In 1963, there was a joint publication of Memorandum on the Delinquency Prevention by the Director of the Bureau of elementary and middle school education in MOE and Director of security bureau of NPA on the delinquency prevention. But the response for the memorandum was not good. The relation between teachers and police officers started off cold.⁶ In order to prevent the school violence, they regularly held a school police conference. But the conference wasn't helpful since both sides were withholding information from each other. Teachers were reluctant of giving the details regarding the delinquency problems in school and vice versa.

⁶ The teachers in the school were part of the Teacher Union. They are supporter of the left wing political parties who are critical of the riing power of the police forces.

The relation between the police and teacher took new turn in 1990s since the majority of the teachers were young people. They were not interested in being part of the Teacher's Union and asked for the help of police in case juvenile problems in school. Police have also introduced Juvenile Support Team in the school. They act as a bridge between the juvenile and police. They guide the juveniles within the schools. Many of the juvenile supporters are retired police officers. As of 2011, there were 600 juvenile supports in Japan.

- Ever since the preventive measures to delinquency were introduced, a number of citizens willingly volunteer in the preventive activities. There are three types of volunteers: the guidance volunteers, the police helpers for juvenile and instructor for the juvenile. In April 2011, the total number of guidance volunteers was approximately 52,000. In addition, about 300 people, many of whom are retired police officers, work as police helpers in charge of dispersing groups of juvenile delinquents, while approximately 6700 juvenile instructors authorised by the Law on Regulation of Business Affecting Public Morals of 1985 work to protect juveniles from unsafe environments.⁷
- The Juvenile Division of Community Safety Bureau in the National Police Agency is the responsible for keeping tabs on all juvenile over the country and preventing juvenile delinquency. Recently, a joint program was initiated by National Police Agency and the Ministry of Education, Culture, Sports, Science and Technology (MECSST). This joint program was initiated to solve the problem of juvenile delinquency. From 2004 onwards, there is exchange of personnel between these two ministries, the elite officer from NPA will work in MECSST for two and vice versa. Through this program these two ministries can coordinate policies on juvenile delinquency.

⁷ Minoru Yokoyama in Juvenile justice and juvenile crimes: overview of Japan, 2015.

Preventive Measures by the Community

The work of prevention of juvenile delinquency is not solely of the police. In Japan, the community, school and even the welfare centre helps in preventing delinquency. The Japanese community plays informal mode role delinquency prevention. The communities will form volunteers groups and patrol the streets during the night. In the book by Lynn Y. Nakano, she describes the volunteer activity of the Japanese community in preventing the juvenile delinquency. In a place called Niiyama-cho, the volunteers from the community and the teacher from nearby would patrol the streets during night mainly during the school vacation period. Volunteers, teachers and mothers came out in large numbers to participate in the patrols.⁸ The patrols serve many purposes, it prevents juvenile delinquency, gave a platform for elders and a member of the community to discuss the functioning of the community and it also helps raise the social status of volunteers. One of the difficulties the neighbourhood patrols face is that they are not the police. If they face pre-offense delinquents, they can only ask the juvenile to leave the place.

Juvenile Guidance Centre

One of the important community organisation in preventing the juvenile delinquency is Juvenile Guidance Centre. The first Juvenile Guidance Centre was established in 1952 in Kyoto and Osaka. These guidance centres were set up by the locals. The number of guidance centres increased during Second World War. By mid-1980s, there were 660 Juvenile Guidance Centres and 70,000 people working as volunteers at the Centre.⁹ Their main task includes giving counselling to parents and juvenile and fostering a healthy environment for the growth of children. The Juvenile Guidance Centres are handled by the Education Department of the municipal government but in big cities like Tokyo, the guidance centre is handled by the police.

⁸ Lynn Y. Nakano in *Community Volunteers in Japan-Everyday stories of social change*, 2005.

⁹ William E. Thompson, Jack E. Bynum, *Juvenile Delinquency: A Sociological Approach*, 2016.

The juvenile guidance uses different means to prevent juvenile delinquency. In Kawasaki, articles on juvenile delinquency were published in the municipal newspaper. These were distributed to the locals. The centre regularly held a meeting with the Parents-Teacher Association and other groups within the community. In 2002, the Rules on the Activities of the Juveniles Police was issued and under it, a Juvenile Guidance Centre (under Centre for Supporting Juvenile) was established under the police department. Since then, the government started spending fewer resources on the local Juvenile Guidance Centre resulting in decreasing number of volunteers for the Juvenile Guidance Centre. In 2010's White Paper on Children and Youngster, it did not mention about work of the Juvenile Guidance Centre but did write about the activities of Centre for Supporting Juveniles.

In 1996 and 1998, Central Council of Education¹⁰ published two reports namely First Report on the Model for Japanese Education from the Perspective of the Twenty-First Century” (Chûô Kyôiku Shingikai), followed by the 1998 report entitled “How Local Administration on Education Should Be” (Chûô Kyôiku Shingikai).¹¹ The first report talks about the how the local network can help children. It emphasised the importance of learning outside the school and engaging themselves with the elders. Elders should also hold a debate among them and enrich the society as a whole. The second reports encourage the people of the local community to guide the pre-delinquents, organise guidance programs. Following these two reports, there were initiative and programs held by the local.

i. Japan Parents and Citizen's Association for Education (JPCA):

The main aim of the association is to include parents and the locals to support and contribute to the education/ activities of the children outside the school. They aimed to establish a nationwide local network for the activities of the children. Its program includes registering the educational volunteers, giving information nationwide through its website. Even the former member of PTA can participate in these activities.

¹⁰ The Central Council for Education is an advisory body to the Minister of Education, Culture and Science.

¹¹ Masaya Minei, The revival of local network for prevention of juvenile delinquency

ii. Local Conference of the Education in Kawasaki City:

Due to rising number of violent incidents in school around 1960s, the Local Conference of the Education was established. It is established in the every junior school district. The character of this project was manifested in the implementation guideline:

“The complex and various problems in the school, family and community have caused juvenile problems which are increasing and becoming more serious. Therefore it is important to make efforts to provide sound conditions for bringing up young people through deepening the discussions of behavioural problems among all citizens and reviewing the educational function of the school, family and community.”¹²

It emphasises on the maintaining a regular communication between school, family and the society. It encourages the local’s participation in the various activities and educating children with life learning education. While the schools emphasise on the conventional textbook education, the Local Conference of the Education emphasis on the value and lifelong lesson. Kawasaki city is also known for enacting “children human right”. The children are no longer considered as small who need to be protected but they also have right in participating in local and municipal government.

Treatment of the Juveniles

Before the introduction to the treatment process of 2000 Juvenile Law’s, a brief history about the treatment of the juveniles since the Meiji era. During the Meiji period, tow ways of treatment process were mentioned in the Old Penal Code of 1880. First, depending on the case the juvenile is not subject to any punishment since they do not know the difference between right and wrong but according to the situation of the case, the juvenile could be detained in House of Correction. Secondly, those who committed wrongful act with the knowlegde of what is right and wrong, will be not exempted from criminal punishment but will be given minimum punishment.

¹² Masaya Minei, The revival of local network for prevention of juvenile delinquency, 2003. Page no. 219.

The condition House of Correction was no different from normal prison for adult, therefore a private Reform School was adopted in Tokyo in 1885 and in 1900 first Public Reform School was established. In the public reform school, juvenile from age of 8 to 15 is admitted until they became 20 yrs old. All of the juvenile in the public reform school have bad no guardian or not a responsible one and live in dangerous neighborhood. In 1917, National Reform school ordinance was enacted, it admitted juvenile from age 14 yrs and above.

Juvenile Justice Administration under 1948 Law

When the law was first passed in 1948, there were 49 Family Courts and 228 branches. By 1963, the number increased 49 Family Courts (one in every prefecture except for Hokkaido, which has four Family Courts). The law introduces Family Court for judicial proceeding of the Juveniles. The judicial proceeding will determine if juvenile will be tried in criminal proceedings or referred for rehabilitation programs. The rehabilitation programs include Probationary Supervision; refer to Education and Training Homes and Juvenile Training School. The Juvenile Training School law was also established, Reformatory School and private rehabilitation institution was closed.

Another important feature of the 1948 Juvenile law is introduction of juvenile classification homes and Family Court investigator. The Family Court investigator conducts a scientific inquiry of the case prior to the hearing in the Family Court. after the 1948 law was passed, it took nearly a decade to properly establish the treatment process of Juvenile. During this period, the number of the juvenile in the juvenile training school was increasing constantly. The effort were made to classify juvenile training school on the basis of its treatment, while some juvenile training school was concentrating on the educating the juvenile, some gave vocational training and medical care. In 1977 the Juvenile Training School was also divided on the basis of long term treatment and short term treatment.

Trials Juvenile under 1948 Juvenile Law

The Juvenile Tribunals consists of a Judge, secretaries and juvenile probation officer system. The Juvenile Tribunal¹³ was first kind of court which provided a separate proceeding for the hearing for Juvenile cases. The proceedings and the treatment measures of the Juvenile Tribunals are different from the normal criminal cases. When the 1948 Juvenile Law was enacted, few changes were made in the proceeding of the juvenile cases. First was the introduction of the Family Court. The Family Court has the sole authority over the juvenile delinquent cases, also the pre-delinquents. It is only when the Family Court decides after a careful study of case (in case of serious offence), then case is handed to the Public Prosecution Office. The investigation on the case is done by the Family Court investigator (earlier known as Juvenile Probation Officer). The Family Court investigator is also responsible for the supervision and observation of the juveniles.

The trial of the Family Court is different from normal criminal court. Once a complaint is lodged against the juvenile, the trials will be held and decision is made, there is no appeal system. The process is done in the aim of speedy judgement. During the trial of the juvenile, the juvenile, Judge, court clerk, the parent or the guardian, Family Court investigator and court appointed investigator are present. The victims and their families don't get any information regarding the trial and the decision. This aspect of the juvenile law has faced many criticism. The media and press are not allowed to reveal any information regarding the juvenile.

Because of the juvenile delinquency prevention programs, police seldom check the streets and parks for delinquents. When police comes into contact with the delinquents, in some cases when the mis-behaviour is minor they let delinquent off-the-hook with some advice and warning to the parents or guardians. Sometimes the behaviours which are minor but punishable offence are sent to the Family Court. When in extreme violent or major case, the delinquent is sent to public prosecutor office. The police must decide this process within the next 72 hour after juvenile is taken into custody. When the case of a juvenile

¹³ The Juvenile Tribunal was first established in Tokyo, Osaka and Nagoya in 1934. Due to the increasing juvenile crimes rate after Second World War more Juvenile Tribunal was established in Shizuoka, Nagano, Kyoto, Kanazawa, Matsue, Hiroshima, Fukuoka, Sendai, Kobe and many more.

requiring imprisonment or worse is sent to public prosecution office, they thoroughly investigate the case and report it back to the Family Court.

The family court will study the case submitted by the public prosecutor and depending on the offence, the family will either pass the decision or send the case to public prosecution for their decision. The Family Court can refer the major cases to the public prosecution only when the juvenile is 16 year and older. In case of juvenile with 14 years old and under, those will be directed towards the Child Guidance Centre.

The number of juvenile delinquents referred to Family Court increased after 1950 and keeping rising until it reached its peak in 1966 where 1, 094, 339 juvenile were referred to Family Court. After its peak in 1966, the number to started to decline and stayed like this for whole 1970s. The number of juveniles in Family Court started to increased again in 1980. In 1987 the number of juvenile reported was 684, 830. The increase and decrease of the number of the cases reported is due to the fluctuations in the number of the traffic offense. The majority of the cases reported to the Family Court were traffic violations.¹⁴ When the juvenile cases are referred to the Family Court, there are number of possible decision that a judge can make, depending on the severity of the case.

The possible numbers of decisions are:

- Juvenile sent to public prosecution office for normal criminal proceeding, in case of serious crimes.
- Probationary supervision
- Juvenile Training School (also known as Juvenile Correction Centre)
- Training home (Education and Training homes)
- Dismissal after hearing
- Dismissal before hearing.

¹⁴ Minoru, Shinichi Tsuchiya, 1992; 271.

Among the decisions reached by the Family Court Judge, three of them are included as rehabilitation programs. These are Probationary Supervision, Education and Training School and Juvenile Training School. Among these three, serious juveniles are sent to Juvenile training School. The length of stay in the correctional centre is no longer determined. In July 1997, the Justice Ministry passed a notice, which removed the three-year time limit at correctional centres.¹⁵

Juvenile Classification Homes

Juvenile Classification Homes was established in 1949, it operates directly under Ministry of Justice. It was established at the prefectural level, usually located near Family Court. It is usually linked with Juvenile Protective Guidance Centre. In 1950, these two centres were combined and called Juvenile Protective Classification Center. Then again in 1952, it was changed to Juvenile Classification Homes. In 1970, there were 51 classification homes in Japan. Juvenile Classification homes are place where juvenile stays when he is waiting for trial and after the trial when it is decided whether a juvenile should be sent to Juvenile Training School or Education and Training Homes. The request for the classification of the juvenile mainly comes from the Family Court, but there are other centres like Ministry of Justice, Probation Office, Prosecutor office and also from schools. Juveniles are permitted to stay in Juvenile Classification Homes for 14 days, before the decision is made. But the number of the days can be extended to 28 days with request from Family Court.

Due to the rising number of the juveniles during Second World War, Juvenile Classification Homes was turned into correctional institutional. After war, there was need for a proper classification home¹⁶ with organizational structures, fully equipped, trained and informed personnel. In 1988, new regulations were passed relating to changes in the organizational structures of classification home. The first change was the introduction of Specialist Staff System. These staffs were well versed in the field of Psychology,

¹⁵ Christian Schwarzenegger, the debate about the reform of the juvenile law in Japan, 2003.

¹⁶ In this context, the classification homes refer to Juvenile Classification Homes.

Sociology and Behavioural Science. They were in charge of classification of the juveniles and finding a treatment for the juveniles via scientific means. The specialists were also responsible for study of the juvenile's character, intelligence, attitude and aptitude. These results were produced alongside with investigative report from Family Court investigator. The second change was the creation of new section called Classification Centre by combining two sections (namely observation and treatment section and classification section) in Juvenile Classification Homes.

The working of the classification home improved after Japan borrowed the classification technique from Europe and USA. However, there was no set rule in the classification of juvenile nation-wide. In 1965, the procedure for the standardisation of the classification of the juvenile was made. The standardisation of the process includes administration of classification homes, classification, observation and treatment of the juvenile delinquent nation-wide. After the standardisation of the classification homes, trials were run in 1966 and 1969 to examine the result. Aside from setting one standard of the classification homes, other achievement include further plan for the improvement of the classification home, development of psychological test and publication of Juvenile Classification Casebook in 1974.

Juvenile Training School

One of the first reformatory schools in Japan was established in 1884 by a man named Kosuke Tomeoka. These reformatory schools were private initiatives, housing ten juveniles at a time. In 1922, Reformatory School law was formally adopted. Due to lack of financial resources, only two schools were established during that time. These were:

- Tama Juvenile Training School
- Naniwa Juvenile Training School¹⁷

¹⁷ These institutions were classified as “reformatory school” by law but commonly used as “training school” for such institution.

Since then, the community leader, religious leader had open their own private juvenile correction schools. Because of this, government felt pressured to open Juvenile Training School and eventually establish a Juvenile Training School in Seto Juvenile Training School in 1934, Fukuoka Juvenile Training School in 1937 and Hiroshima, Sendai and Hokkaido Juvenile Training School in 1941.

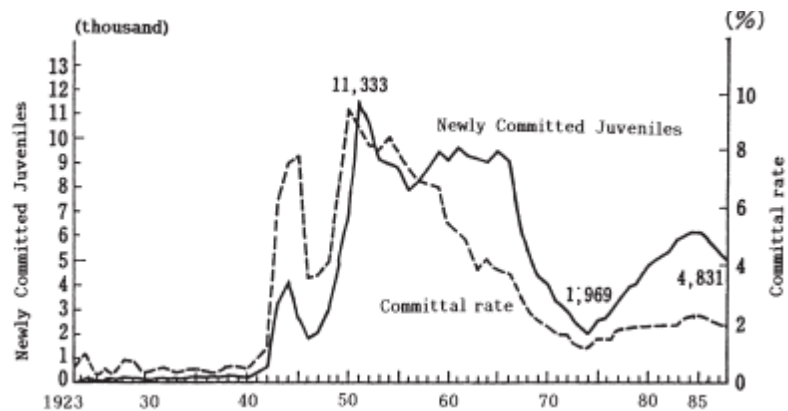
The number of Juvenile in the training school reached its peak in 1951 since new juvenile law was adopted and juvenile under 20 were admitted in the training school. During its initial phase, the workings of the training school were not efficient. Due to lack of resources and personnel, the school couldn't implement the treatment measures like vocational skills, correspondence class and volunteer giving guidance. By 1988, there were 54 Juvenile Training School established. Some of these training schools were former military bases and attached to regular prison. In some training school, the security was very poor therefore some juvenile ran away from the training school.

Juvenile Training School Law was adopted alongside Juvenile law of 1948. Some of the characteristics of the Juvenile Training School were:

- Juvenile Training School is a facility for the reforming juveniles via educating them and imparts them with vocational skills.
- There was four kind of Juvenile Training School based on the treatment, age and sex of the juvenile. These were Primary Juvenile Training School, Middle Juvenile Training School, Special Juvenile Training School and Medical Juvenile Training School.
- Juvenile in the training schools (esp. in Primary and Middle Juvenile Training School) were given education if they haven't completed the compulsory education.
- Introduction of progressive treatment system to treat juvenile in accordance to their improvement.

In 1977, “Operation of Juvenile Training School” was issued. It contained a more diversified form of treatment, specialized treatment in each school and strengthen communication between other juvenile administrative apparatus. The treatment was divided into two types; Short Term Treatment and Long Term Treatment. There were two types of treatment within the short term treatment. These were general short-term treatment and short-term treatment for traffic offenders. The first treatment was implemented to the “play-type” delinquents or commonly known as pre-delinquent. The treatment generally last for six months. The second treatment was for traffic offenders. Japan saw the rise of “Bosozoku”, a youth riding motorcycle and committing a various offence in late 1950s. These delinquents were included in the second treatment. The treatment last for 4 months and they are given education about traffic safety and guidance on skills in life. The Long Term Treatment included living guidance course, vocational training course, academic education course, special education course and medical care course. The training school began to personalize the treatment according to the juvenile.

Figure 1: Number of juvenile committed to reformatory and training school (1923-1985)



Source: Minoru and Tsuchiya 1989;299

The number of the juveniles committed to the Juvenile Training School started increasing in 1944, during which 4, 144 numbers of juveniles were committed. The number keeps increasing and it reached all-time highest number in 1951 (11, 333). Since then, the

number keeps dropping until it reached lowest in 1974 (1969). The number of the juveniles in the training schools kept declining and in 1991, the short term treatment for the traffic offender was abolished. In lieu of that, a new treatment was set up called short term treatment for special training which lasted for 4 months. The treatment was given to the less serious offence than general short term treatment. The treatments include 2 months of educative treatment and remaining in their school or work place. New type of long term treatment was introduced after the Kobe murder case since people criticize for short length of long term treatment.

Juvenile Justice Administration under 2000 law

The reform of the Juvenile Law includes changes in the adjudication of the juveniles. Because of the increasing number of violent crimes by the young offenders, the age of criminal responsibility has been decreased from 16 to 14 which mean that the option to waiver a juvenile to the prosecution office has been extended to 14 years old.

The juvenile process within the juvenile justice administration is same as before the reform. Juveniles are referred to Family Court via police, majority of the times. Sometimes the juveniles are referred to Family Court by probation officer or general public. If juvenile's first contact is with the police, they are either referred to Family Court or child guidance centre, if the juvenile is under the 14 years old. For the juvenile under 14 years old, their measures are given in the Child's Welfare Act. Depending upon the nature of the offense, Child guidance centre can refer juvenile back to the Family Court. The process is almost same with Family Court and public prosecution office. If the juvenile above age of 14 has committed a grave offence, endangering the lives or commit murder, they are referred to public prosecution office. The new law states that the environment in the family court should be stimulating and introspecting to the juvenile.¹⁸ In 2014, total number of 107, 479 (including traffic and non- traffic offence) cases were referred to family court.¹⁹

¹⁸ Christian Schwarzenegger, the debate about the reform of the juvenile law in Japan, 2003.

¹⁹ White Paper on Crimes, 2015.

Once the cases are received by the Family Court, Family Court investigators are appointed to study and research about the case. Family Court may ask the opinion from the Juvenile Classification Homes, if necessary for the case. During that period, juvenile is required to stay in classification homes. Once a case reaches the Family Court, many of the cases were dismissed before the hearing. If the cases were not dismissed after the hearing the juveniles are sent to Juvenile Training School or Education and Training Homes. Sometimes when cases are severe and is under the public scrutiny, more than one judges reside in the hearing process (new element added after the reform). Due to the cruelty and damage of the offence, those cases are sent to public prosecution office also. One of the changes in the trial process of the juvenile after the reform was right of the victim's families. The families of the victim's are allowed to sit during the hearing process, if the case is serious and during the proceeding of the trial they may upon request give statements to the Family Court judges (Art. 9–2 Juvenile Law). The family members of the victims are also given information about the important date of the trial.

Juvenile Classification Homes

Juveniles Classification Homes are mainly for the juveniles waiting for their trial, those who are subject to protective remand by the order of Family Court and to do the assessment of their physical, mental problems by the expert in medicine, psychology and sociology.²⁰ There is no separate law for the Juvenile Classification Homes regarding its functioning, management of the homes and treatment of the juveniles. Some of those provisions were laid in the Juvenile Training School Act. Therefore in June 2014, Juvenile Classification Home Act was adopted and matters regarding the operation, treatment of the juveniles and management of the homes were included in the act. The three duties of the classification homes according to the new Juvenile Classification Home Act are²¹:

- (i) To conduct assessment of juveniles based on professional knowledge and skills,

²⁰ Masaru Takahashi, Assessment of juvenile offenders at juvenile classification homes, UNAFEI resource material number 78, 2009.

²¹ White paper on crimes 2015, part 3/chapter2/section3/1

(ii) To conduct observation and protection of juvenile committed to the homes for their sound development, and

(iii) To provide support to the local community to prevent juvenile delinquency and crimes.

The Law also mentioned about the right of the juvenile and authority of the official, and if the officials misuse their power, there is also compliant mechanism against them. There are 52 Juvenile Classification homes in the Japan.

Juvenile Training School

The Juvenile Training School provides treatment of the juveniles. There are different types of treatment given to Juveniles based on the thorough the study of the juvenile. In 2000, there was a slight rise in a number of juvenile committed to Juvenile Training School, of 6052 juveniles committed to the Juvenile Training School; more than 60% of the juveniles were given long-term treatment. Since 2000, the number of violent crimes and crimes, in general, has decreased, and the number of juveniles in the training school has also dropped. In 2011, there were 3486 number of juveniles admitted to training school, and in 2014, the number decreased again to 2872 juveniles in training school. Out of 2872 juveniles, 2653 were males, and 219 were females.²²

Treatment of Juveniles

Japan has one of the least numbers of crimes and the criminals among the developed state. The social setting within the Japanese society functions in such way that people recognise themselves not as an individual, but as a community. This feeling of belongingness within the group and act as a deterrent to juvenile crimes in Japan. These are the informal agent against the crimes. When juvenile commits petty crimes, the measures to treat the juvenile are built within the community. Unlike many other

²² White paper on crimes, 2015

countries, there is no stigmatisation of juvenile delinquent in the Japanese society. Sometimes there are juvenile cases which cannot be solved with the help of the community, further measures must be taken. A juvenile whose delinquency cannot be solved by the community-based treatment measures is sent to Juvenile Training School. Unlike community-based treatment, the treatment of the juveniles in the training school is done with separating them from the community.²³

The treatments of the juveniles are mainly done in the Juvenile training school. When Juvenile Training School first opened, it couldn't properly implement the treatment measures due to lack of finance and personnel. When the number of juvenile crimes decreased, it started implementing the treatment measures. The treatment of the juveniles was based on the nature of the crimes and the length of the treatment. There was short term treatment and the long term treatment. The treatment of the juveniles in the training school went through a series of reform. It should be noted that the reform didn't bring any formal changes in the Juvenile law of Japan, Juvenile Training School law and Probation law. These reforms were done at the administrative level.²⁴

One of the first reforms in the treatment measure of the juvenile was the introduction of the new section in the short term treatment for juvenile in traffic offence in 1977. These treatments last for 3-4 month and they are taught good driving manner and how to be law abiding citizens. They have to report to their probation officer regularly, once released from training school²⁵. The section for the treatment of the traffic offender was abolished once the number of traffic offender started decreasing in 1991. When the number of the juveniles in training school started decreasing, they made another reform in their treatment measures. The teaching of the guidance skills was limited to the delinquents to correct their mistakes in life but the lesson was later extended to those who lack in social interaction skills. In 1993 a type of course was introduced in a juvenile training school for the treatment of the foreign juveniles. This course was introduced due to rising number of immigrants searching for jobs and education in Japan. Many of the juveniles from

²³ Anne Metzler, the Juvenile training school of Japan- teaching young serious offender how to live and "how to be", 2003.

²⁴ Mituaka Kawamoto, reforms in the treatment measure for juvenile offender: an experience in Japan, UNAFEI, resource material series no. 38, 1990.

²⁵ Minoru Yokoyama, Development of Education Treatment in Juvenile Training Schools in Japan, 2000.

Japanese-Brazilian, the Japanese-Peruvian descent and the Vietnamese refugees were treated in the training school. In 1996, Aiko Juvenile Training School for the female was built in Tokyo. There are nine separate Juvenile Training School for Girls in Japan.

One of the latest reforms in the Juvenile Training School happened after the Kobe Murder case. People were doubtful if the training school had the proper apparatus for the treatment of the juvenile who have committed violent crimes. The Juvenile Training School was accused of not treating the juvenile but merely taking them into custody.²⁶ The people were critical about the length of the treatment measure for a juvenile in Long-term treatment. Therefore, a change was made that for a serious type of juvenile, the length of treatment can be extended to two years with approval from the Family Court.

Education as the treatment measure was considered one of the most important treatment. The juveniles are taught how to properly socialise with other people in the training school. Since the treatment process of the juvenile in the training school are done separately from the society, they are taught on how to properly re-enter into the society. If the juveniles, once released from the training school must interact with people and confirm with the societal values. By believing in goals, commitment, involvement and attachment to person, juvenile will build confirming social behaviour.²⁷

Juvenile Training in Japan helps person by teaching about the behaviour that can conform to the society. These teachings are done through intensive academic and vocational training. To properly internalise the behaviours which are needed for social relationship, the juvenile went through strict time table which will help them reintegrate into society. The time table gives detailed timings about the every activity the juvenile has to perform (from roll call, diary writing, leisure time and self-study) in everyday life. These timetables have specific timings for the juvenile's hobby and leisure time. In order to not to deviate from the daily rituals and keeping juveniles safe, the strict time tables are made. If the routines are not followed to the letters, the marks of the juvenile will be

²⁶ Hiromi Okudaira, *Tasks and Development of the Corrective Education in Juvenile Training Schools*, 1997.

²⁷ According to the Control Theory by Travis Hirschi, social conformity can be achieved through social relations and social control. Without these the person will deviate from social values. In order to build social conformity, bonds should be formed with other people. The social bonds are categorized in 4 types: goals, commitment, involvement and attachment.

deducted. Since the training school has progressive-stage system, one must pass those stages as quickly as possible to leave the training school.

Other than the strict timetable in the training school, another aspect of training in Juvenile training school is importance of the group-based education. The juveniles are taught how to behave in the group. Various measures are taken to imbibe the group sentiment, such as role activities (*yakuwari katsudo*), where juveniles staying in one dormitory takes the responsibility of cleaning the room and serving the meal, and the juveniles with same delinquency problems are put together in a group and given educational treatment suited to them. In the dorm, more than two juveniles stay together to control each other behaviour. These roommates participate in “reflection meeting” (*hansei shukai*), where a juvenile is appreciated for the good behaviour but also criticised for the bad behaviour. The peers and roommate are the ones who give that criticism and appreciation. The resident in the training school also engages in role-playing,²⁸ where some assume the role of a friend of juvenile is asking them to participate in deviant behaviour, so the resident of the training school are taught how to answer to these question without offending the person properly. The role-playing is also done in situations like, how to talk properly on the phone, with elder, colleagues and family members. The resident in the training school is also allowed to meet regularly with their parents.

The residents are expected to have a personal goal that they can achieve during their stay in Juvenile Training School. These goals are made by the juvenile with the help from staff member in charge of the juvenile. Every time a goal is achieved, the resident sets another goal for themselves. If a resident is leaving the training school for good, they are asked to set/ write a “written oath” for themselves. In written oath, they promised themselves of things they will do and won’t do. In the end, they promised that they would return to Juvenile Training School if they did something against the law. In addition to writing personal goals and written oath, the training school also engages the residents to write dairy regularly, which is then inspected by the staff member and writes comments,

²⁸ Tanoue, Masaru, Notes Concerning the Social Skills Training in Juvenile Training Schools—Looked at from the Standpoint of Fostering the Reintegration into Society, *Hanzai to hikô*, No. 115 (1998/2), pp. 91–107

this is done with the aim to establish a healthy relationship between the resident and staff member of the training school.

In Tama Juvenile Training School for Boys, juvenile's treatment is assessed by the button system. Each stage has a different colour button. The first stage of the treatment process is a red-coloured button. The boys are required to carry the red-coloured button on their chest. During the first stage, they received life skill training, counselling, meeting with parents and diary writing. If a boy does well in the first stage, they will move to the second stage. The second stage is also known as the orange-coloured button. This is the intermediate stage. Their developments are assessed on how they solve their problems as well as other by helping them. The third is green button stage or advanced stage. They learn about ethics, planning their life after release and necessary skills and knowledge for jobs. The last stage is white button stage also known as a pre-release stage. During this stage, there will be self-evaluation of life plan. They will be trained in social skills via role playing, lectures and group discussion. The boys are also given training on outdoor skills like gardening. During this stage, they also get day leave. There will be a discussion with their parents about the parole coordination. In the case of juveniles who were admitted in training school because of substance abuse, they have to do regular medical check which is purely on voluntary basis.

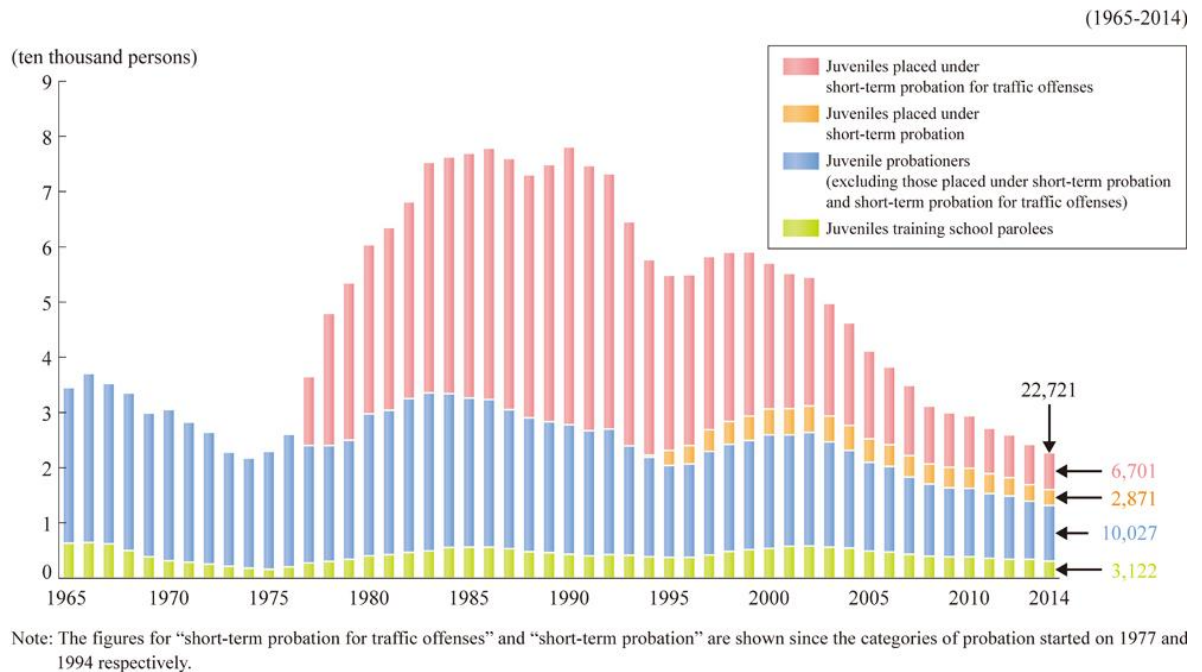
Sometimes, when juveniles commit a crime that result in harming another person or losing a life of a person, the juvenile is sent to the long-term treatment that can last two years or more. The treatment plan for these juveniles is a little bit different from another juvenile. During their stay in the training school, they will meet with the families of the victims and interact with each other or sometimes the families will give lectures to the juveniles. The juveniles receive training on how to write a letter of apology and feel remorse toward the victim of their crimes. In 2007, there is the development of new atonement program for those who will leave the training school.²⁹ The aim of the program is juvenile to behave according to the wishes of the victim's families. The program required juvenile to look back on the crimes they have committed and

²⁹ Akiko Tashiro, effective community treatment programmes in the probation office for violent juvenile offenders, UNAFEI, resource material series no.78, 2009.

understand the victim feeling from their point of view. Then the juvenile should take the responsibility of their action and make their atonement plan. While making atonement plan and speaking with the families of the victim, the probation/ parole officer plays a big role. They guide the juvenile through this process and inform the juvenile’s parent/ guardian about the process.

The probation/parole supervision is also included in the treatment process of the juvenile delinquents. Juveniles who were released from the training school, juvenile prison or juvenile under supervision from Family Court were supervised by the probation officer or parole officer.

Figure 2: juveniles placed under probation/ parole supervision



Source: White paper on Crimes, 2015

The member of the community mainly participates in the “rehabilitation process” of the juvenile treatment. They helped in the treatment of the juvenile via providing their services in the field of probation, parole, pardon and crimes prevention activities.³⁰ Many

³⁰ Tetsuki Moriya, recent challenges in community-based treatment in Japan, 2015.

of the volunteers work on probation office, as of Jan. 2014, there are 47, 872 volunteers. These volunteer probation-parole officers are known as *hogoshis*.

In 2014, a new Juvenile Training School Act was introduced which replaced the old system of dividing the Juvenile Training School into Primary, Middle, Advanced and Medical. The new Act divided the Juvenile Training School 4 types based on age, criminal tendency and mental and physical health. The act entered into force on June 1, 2015. The types of Juvenile Training School based on the new Act are:

- Type 1: Juveniles under protective measures of the age group roughly from 12 to under 23 and without severe disability in their mental/physical condition (excluding those categorised as type 2)
- Type 2: Juveniles under protective measures of the age group roughly from 16 to under 23 and without severe disability in their mental/physical condition, and with advanced criminal tendencies
- Type 3: Juveniles under protective measures of the age group roughly from 12 to under 26 and has severe disability in their mental/physical condition; and
- Type 4: Juveniles who are committed to the juvenile training school for execution of punishment.³¹

The new act provides more systematic educational treatment for grouping of juveniles who share similar qualities like age, mental health and criminal tendency. The juvenile training school and their treatment measures had gone through many changes. Whenever there was serious offence committed by the Juveniles, there is always harsh criticism from the public regarding the education system in Japan and the handling of the juveniles in the training school. The schools have also answered to the criticism by lessening the contents of subject and giving extra days off as holidays. The training school in Japan has also responded to these criticisms by reforming the treatment in 1980 and 1997. Despite

³¹ White Paper on crimes 2015.

these harsh criticisms, Japan Training School have successfully treated and rehabilitated many juveniles. This can be proved by the fact that rate of recidivism of juveniles in Japan is lower than many other countries.³² The treatment measures in Japanese Training which allow juvenile to learn about proper mode of socialisation, good habits, guidance according to type of deviant are all rehabilitative oriented treatment. The role of community in the treatment and rehabilitation of the juveniles should also be noted.

³² The juvenile prison in Germany, which can be considered same as Juvenile Training School in Japan have 70 to 80 percent rate of recidivism while in Japan the rate of recidivism is only 22.5% in 1999.

CHAPTER FIVE

SUMMARY AND CONCLUSION

The current 2000 Juvenile Law in Japan is the result of the revising the 1945 Juvenile Law. The 1945 Juvenile Law had a strong influence of the US since it was framed with their help. The juvenile law was based on the principle of “*parens patriae*”, which means that state will take care of the minor as their parents. Japan’s policy when dealing with youth has always been special, even before there was a juvenile law. Except for extremely violent acts, children and youngster were hardly punished for the crimes they committed. Over the course of Japanese history, there have been few laws for dealing with the juveniles. One of the first laws relating to a juvenile was 1900 Reformatory Law. The law provided for the establishment of reformatory schools for wayward youth. Before the law adopted, there were many privately owned reformatory school. The success of the privately owned reformatory schools encouraged the government build its own reformatory school. But the plan envisioned in the 1900 law was never fully realised therefore in 1922 Juvenile Law was adopted. According to the 1922 law, those under 17 years old were considered as a juvenile. The 1922 law laid the foundation for the administration of the juvenile. The establishment of family Court and the family court investigator has its roots in the 1922 juvenile law. One of the drawbacks of the 1922 law was the authority of Juvenile Determination Office (same as present day family court). The juvenile determination office didn't have jurisdiction over the juvenile until the criminal court or public prosecutor office send cases to them.

According to the 1922 juvenile law, the juveniles who committed violent crimes were judged in the criminal court, and the juvenile determination office did not have any authority over it. This shows that the 1922 law has some features of the criminal law. The next Juvenile law adopted after the 1922 law was the 1948 Juvenile Law. Unlike the other laws, the 1948 law gave importance to the rights of the juveniles. Family court was established to handle the cases of juveniles exclusively.

According to this law, children under 20 years are considered as a juvenile. Along with the family court, reform school, training schools were established. The law laid down the

proper procedure to handle the cases of the juvenile. In order to successfully rehabilitate the juveniles, treatment centres were established along with professionals to treat the juvenile cases. The treatment measures were applied specific to each case. Even after getting out of the training school, there are probation and parole officer to check on the juveniles. The processes of treating the juveniles include participation from both the law enforcement and the members of the society.

Ever since the law was adopted, Japan witnessed an alarming increase in number of juvenile crimes. During that time, the effect of the law and treatment measures were criticised severely. Due to these situations, there was debate for reform. The 1948 juvenile law was amended in 2000 and was effective since 2001. The debate regarding the reform of juvenile law has the welfare-based side and the justice solution on the other end. In examining any country, it is usually a question of shifting emphases over time in response to events, media pressure, political imperatives, and so forth, so legislation, policy, and practice often contain different elements of both sides.¹ In Japan, the series of crimes committed by the young juveniles and attention of the media to these events changed the public perception of the juvenile law. One of the most important factors that contributed to the reform was the rights of the victim. Many people believed that while juvenile law gave importance to the rights of the juvenile it completely ignored the rights of the victim. The 1945 law addressed such issues.

Since the reform was adopted, people from the welfare side of the law believe that the reform has changed the nature of juvenile law. The reform has shed “*parens patriae*” principle in administering the juvenile and shifted toward the partial criminalization. It is important that while law gave more rights to the victim, but it should not hinder the right of the juvenile at the same time. On the other hand, the justice side of the law is asking for the further criminalization of the juveniles in Juvenile Law. They believed that punishment is better than treatment of the juveniles. Under the 2000 juvenile law, the age of the criminal responsibility has decreased. This change shows that the current law is

¹ Tom Ellis and Akira Kyo, *Youth Justice in Japan*, 2017, p-3

putting more juvenile under the pressure of the law. The role of the criminal prosecutor has increased after the reform.

The reform of the juvenile law was a response to the changing nature of the juvenile crimes. Initially, the crimes committed by the juveniles were petty and minor. Taking into consideration, the bad economic condition of Japan during the Second World War many people had no choice but to commit crimes. The majority of the crimes were robbery and occurred in the urban areas. Since then, the rapid economic development has created a huge difference in the value practised and thinking between the older generations and younger generations. The value of the society had shifted from interdependence to individual freedom. This change has even impacted the nature of the crimes committed by the juveniles. Upon studying the nature of crimes, it can be said that these crimes were committed cause of the pressure exerted by the society on the children. They are under constant pressure to excel in academics and social relationships. Those who lack the academics and social skills are considered outcast and left alone. Under these circumstances, many children commit crimes to relieve themselves from the pressure they are under. One of the examples of the academic pressure is called *shiken jigoku*, meaning examination hell. This period starts when the entrance exam for the university. Though the exam lasts for only two days, preparing for it takes months.² During this period, the time table of the whole family changes, therefore it is said that “*shiken Jigoku*” is not a phenomenon but a lifestyle. The students living in that lifestyle have pressure to succeed since the honour of the family is at stake. The cause of offences has shifted its focus from economic (during the Second World War) to social factor.

After adopting the reform, severe sanctions were given to young juveniles committing violent crimes and guardian of these juveniles were given the warning to prevent any further delinquency by the juveniles. Partly because of these new elements and partly because of the fact that the birth rate in Japan has been declining for a long time. There has been less number of the children which has led to decline in the number of crimes. One of the reasons for the second juvenile crimes (1962) in Japan was because of the baby boom that Japan experienced after Second World War. Therefore, the birth rate of

² Edward Foster, “exam hell” in Japan, *change*, 1973, p-17

the population can be one of the reasons for the declining or rising number of juvenile crimes in Japan. If we check the number of a juvenile offender from 2001 (reform law initiated) to 2014, we can see the declining trend in the number of juveniles.

Figure 1: Trends of penal code offender (14-19) from 2001 to 2010

Year	2001	2006	2007	2008	2009	2010
Juvenile Penal Code offenders (Rate per 1,000 of the juvenile population)	138654 16.0	112,817 14.8	103,224 13.8	90,966 12.4	90,282 12.4	85,846 11.8
Felonious offenses	2,127	1,170	1,042	956	949	783
Murder	99	69	62	50	50	43
Robbery	1,670	892	757	713	696	565
Violent offenses	18,416	9,817	9,248	8,645	7,653	7,729
Larceny offenses	81,260	62,637	58,150	52,557	54,784	52,435
Intellectual offenses	526	1,294	1,142	1,135	1,144	978
Indecency offenses	410	346	341	389	399	437
Other Penal Code offenses	35,915	37,553	33,301	27,284	25,353	23,484
Juvenile percentage of all Penal Code offenders (%)	42.6	29.4	28.2	26.8	27.1	26.6
Repeat offenders	36,662	33,842	31,230	28,404	28,295	27,050
Rate of repeat offenses	26.4	30.0	30.3	31.2	31.3	31.5

Source: National Police Agency, Crimes in Japan 2014.p-5.

The number of violent and felonious crimes committed by the juveniles has also decreased over the years. What is interesting is the number of the repeat offender among the juveniles has also stayed constant over the years. This shows that the treatment measures of the applied in the training schools are working efficiently.

As part of the summary and conclusion, these are observations made through research on the juvenile crimes in Japan:

- First, there are has been three instances where the number of juvenile delinquency has reached all time high. In 1998-1999, the criminal activities increased and in 2000 White Paper on Police declared the “arrival of the fourth wave” of the juvenile crimes

in Japan.³ But the Fourth phase didn't last long, and soon the juvenile criminal activities were back to the normal.

- Secondly, while dealing with the process of modernization and globalisation, many countries faces the problem of rising number of the juvenile crimes. But that was not the case of Japan. The reason attributed to this phenomenon is the homogeneity of the Japanese people, socialisation process within the school and homes that induces“internalised forces restraining people from committing crimes”.⁴
- Thirdly, the effort of the Japanese community in preventing crimes from happening is a unique feature. The neighbourhood watch, along with the teacher and police actively engage in the “net-widening” preventive measures where communities patrol during the night and look for juveniles committing crimes. The minor offenders are let go off with guidance and while dangerous offenders were handed over to the police. These are the informal aspect of crimes prevention.
- According to the 2000 Juvenile Law, the family court has sole authority over the juveniles, but this line can sometimes be blurred. The guidance activities conducted by the police, gave them the sole authority whether to send the juvenile over to the family court or leave them with a warning. The 2000 law do not have strict code over the guidance activities of police. The procedure of the guidance activities is laid down by the NPA.⁵ Therefore, it is important to enact a proper law regarding the guidelines for the activities of the juvenile.
- The process of homogenisation of the Japanese children/ adult might be helpful in keeping the traditions intact and in stopping the juvenile crimes, but this same drive for the homogeneity in the society have caused problems like bullying, social out casting and *hikikomori*. The need to conform within the community forces people to live like a single organism without any individualism and ambition.

³ Shinpei Nawa, Postwar Fourth Wave of Juvenile Delinquency and Tasks of Juvenile Police, Current juvenile police policy in Japan, NPA, 2003.

⁴ Schwertfeger, A., and Zimring, F., The Kid Is a Criminal v The Criminal Is a Kid: Cultural Impacts on Juvenile Justice in the United States and Japan, 2013, p-3.

⁵ The procedures for the guidance activities are mentioned in the “Rules of Police Activity against Juveniles” issued NPA in 2002.

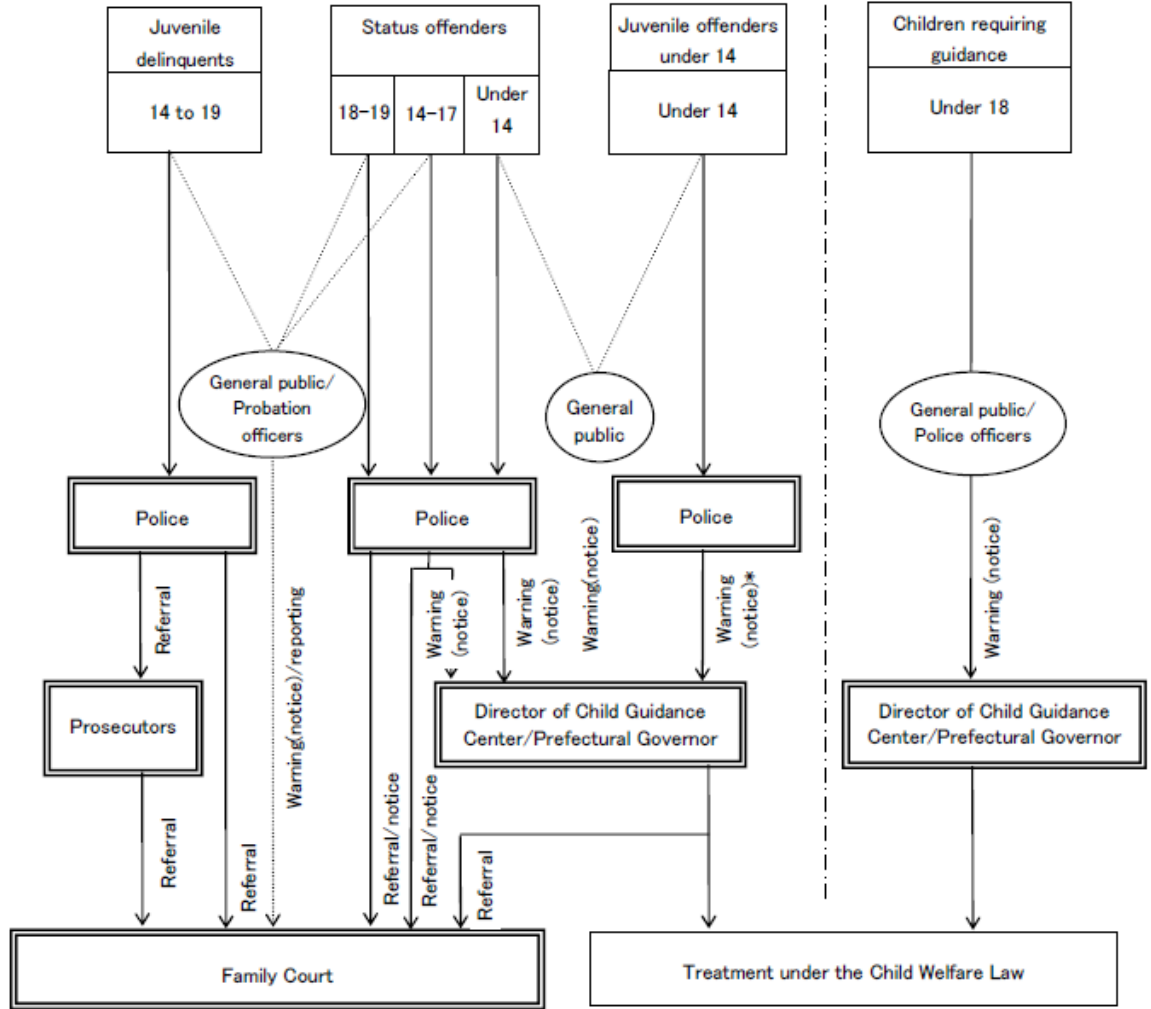
- The treatment centres in Japan act as a homogenising agent and teaching juveniles “how to live”. In the juvenile training school, the juveniles are forced to go through a strict routine which includes a time table for breakfast, sleeping, diary writing and even for breaks. The reason given for the strict measures is so that juvenile will not divert from daily activities after leaving the training school and indulge themselves in delinquent behaviour.
- The treatment process of the juvenile does not end after he/she is discharged from juvenile training school or the juvenile prison. The treatment process continues within the community as well. The treatment system of the Japan juvenile justice operates by “reintegrative shaming”. It is a process where shaming the person is not done in the aim of stigmatising, it communicates disapproval of wrongdoing with respect and emphasising rehabilitation, reintegration and restoration of the juvenile.⁶ The reintegrative shaming is done with the help of a person who is close to the juvenile and community. In Japan, the community is less stigmatised by the juvenile since they condemn the act of the juvenile but not the juvenile. Condemning the juvenile might turn them into an outcast and eventually commit more crimes. The process of reintegrative shaming includes apologising and involving the member of the community in solving the dispute. Many volunteers in the community are older people with experience or retired teacher.

In studying about the juvenile justice system of Japan, I found that the law alone cannot stop the crimes from being committed. It is willingness of the community, then duty towards their nations and the culture of homogeneity that is the reason for low number of crimes in general. While there are some drawback to the juvenile administration, but some elements, like “participatory nature” of crimes prevention might be helpful for the countries that are facing rising number juvenile crimes.

⁶ Mari Sakiyama, Hong Lu, Bin Liang, Reintegrative Shaming and Juvenile Delinquency in Japan, *Asian criminology*, 2011, p-1.

APPENDIX-1

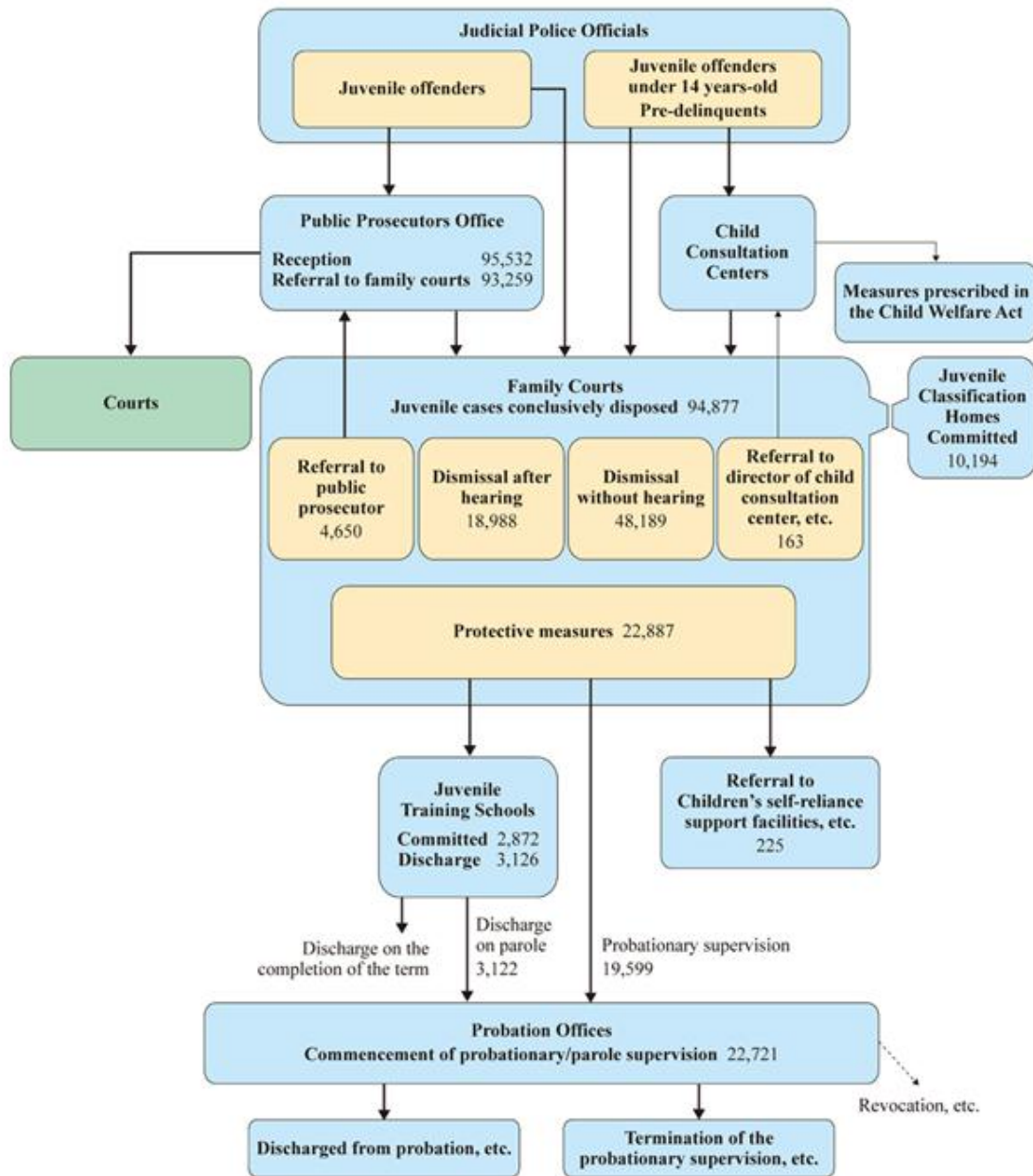
Discovery of delinquents to Referrals to Family Court



Only when juveniles have no guardians (parents) or are deemed unsuitable for placement under the custody of guardians.

APPENDIX-II

Flow of Juvenile Justice Procedure (with example of juvenile case study of 2014)



Note: Figures in "Public Prosecutors Office" refer to the total numbers of juveniles received by or referred from public prosecutors offices. It counts as two if a same person was twice referred.

Source: Annual Report of Statistics on Prosecution
 Annual Report of Statistics on Correction
 Annual Report of Statistics on Rehabilitation

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