

Professional Issues in IT (CS-A)

Assignment 2

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1. Introduction

Japan is a country with very well-defined laws and the only country to have the world's oldest constitution containing the least amount of amendments. This report is about the form of government in Japan, its tenets and how the constitutional institutions work together to maintain peace in the country. A look into how the chief of state is elected, the workings of the judicial review and the provisions for handling national emergencies is taken in this report. References to the articles in the constitution are also provided where needed.

2. Form of Government

Japan is a constitutional monarchy consisting of an Emperor, Diet, Cabinet and Judiciary. A constitutional monarchy is a form of government where a non-elected monarch acts as the head of state within the limits of the constitution. The role of the Emperor is mostly for ceremonial duties and is the symbol of Japan and the unity of its people and has no powers related to the government. The Imperial throne is dynastic in nature and is succeeded from father to son. He does take advice from the Cabinet in regards to the amendments made to the constitution, appointing the Prime Minister and Chief Justice of Supreme court, the awarding of honors etc.

3. Constitutional Institutions

Japan is a trichotomy with the government having three branches including the executive, the legislature and the judiciary. The executive branch consists of a Prime Minister and the Cabinet. The Prime Minister is the head of the Cabinet. The legislative branch is the National Diet. It comprises of a House of Representatives and the House of Councilors. This is the sole law-making body in the country according to the constitution. It can also make amendments to the constitution by drafting the changes and presenting them to the public for approval. The judicial branch consists of the Supreme Court, high courts, district courts etc. The Emperor appoints the Chief Justice while the Cabinet appoints the other court judges.

4. Procedure for Selection of Head of State

Japan has three types of elections. General election for the House of Representatives are conducted every four years. Elections for the House of Councilors are conducted every three years. The Prime Minister is appointed by the Emperor after being chosen by the Cabinet and must receive majority votes from the House of Representatives to remain in office.

5. Provisions for Declaring Emergency

Japan does not have an army but it does have a self-defense force. The self-defense force is an extended branch of the Japanese police which can be mobilized and sent out of the country for UN peace-keeping. Whenever there is a threat to the country, the Prime Minister has the authority to declare 'national emergency' in response to foreign invasions, civil violence and natural disasters. In a state of emergency, the Cabinet can enact orders that can effect the laws passed by the National Diet, according to Article 99 of the constitution.

6. Provisions Related to Judicial Review

Judicial review is a process under which the members of the Executive and the Legislature are subject to review by the judiciary. The Supreme Court of Japan is the court of last resort and has the power of judicial review, as stated in the constitution in Article 81. It is also responsible for nominating judges in lower courts and determining judicial procedures. The Supreme Court is responsible for the personnel under it and oversees public prosecutors and disciplining judges.
