

## FFWPU Europe and the Middle East: FFWPU Contesting Japan's Unlawful Fine

Knut Holdhus  
March 28, 2024



*Public office building of Japan with Tokyo High Court and Tokyo District Court*

Family Federation of Japan refusing to pay what it regards as unlawful fine



*From the header of [ffwpu.jp](http://ffwpu.jp), the official homepage of the [Family Federation](#) of Japan.*

**Official statement regarding the Tokyo District Court's decision to order the payment of a fine in case about exercising the right to question [a religious organization]**

Press Release 27th March 2024, translated from Japanese. See [Japanese original version](#).

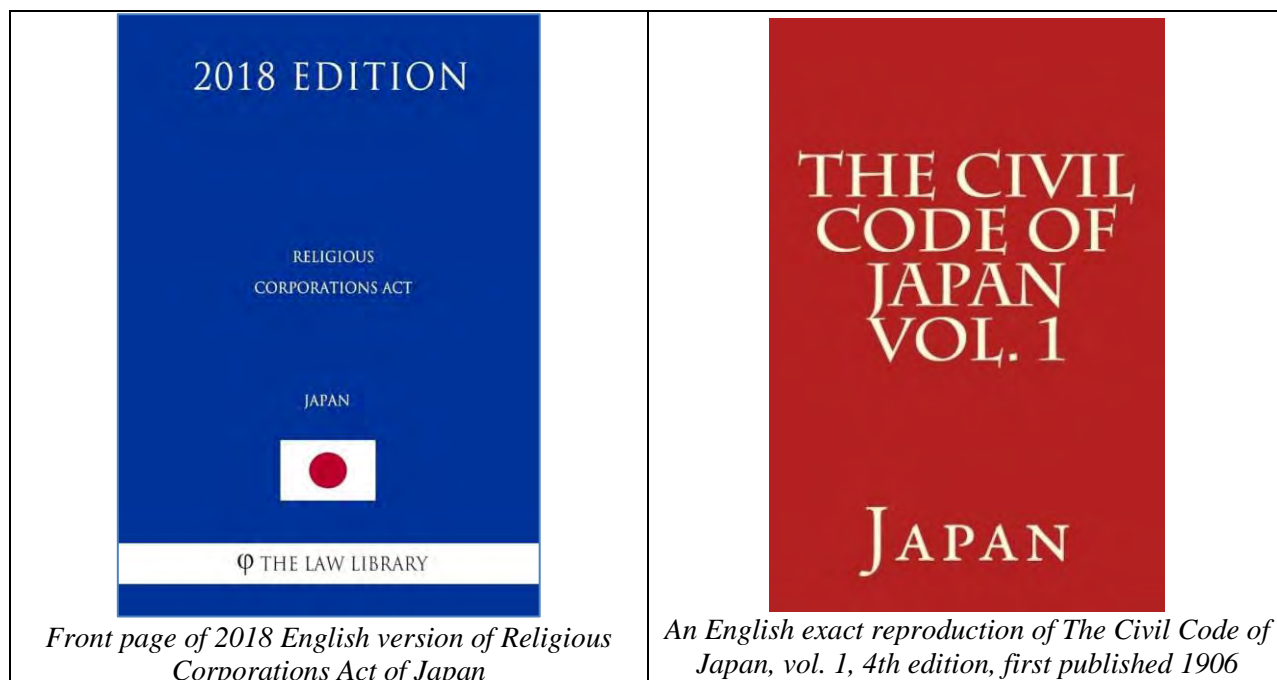
[Family Federation for World Peace and Unification](#) of Japan



*Tomihiro Tanaka, here at press conference in Tokyo 7th Nov. 2023*

On 26th March 2024, the Tokyo District Court ruled that the president of the [religious organisation](#),

Tomihiko Tanaka, would be fined 100,000 yen in a trial about the lawfulness of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) issuing a notice of fine to the [Family Federation for World Peace and Unification](#) for refusing to answer questions.



The Ministry of Education, Culture, Sports, Science and Technology (MEXT) argued in this trial about the fine that from the standpoint that 'violation of laws and regulations' includes torts under the Civil Code, it is legal to exercise the right to question as there is a "suspicion" (Article 78-2, Paragraph 1, Item 3 of the law) that corresponds to the dissolution reason of "having committed acts that clearly harm public welfare by violating laws and regulations", as stipulated in Article 81, Paragraph 1, Item 1 of the Religious Corporations Act (hereinafter referred to as 'the Act').

In response, the [Family Federation](#) argued, based on past Supreme Court precedents, that Article 709 of the Civil Code is not included in "violation of laws and regulations", and that the Ministry of Education, Culture, Sports, Science and Technology (MEXT) did not specify which laws and regulations have been violated (did not claim a violation of Article 709 of the Civil Code). MEXT also failed to allege any requirements constituting a ground for dissolution. The [Family Federation](#) argued that the exercise of the right to question was unlawful.

In response, the Tokyo District Court ruled that the word "laws" in the expression "violating laws and regulations" includes the Civil Code, and wrongly held that torts under Civil Code Article 709 are included in "violation of law" because it includes the prohibitive norm that the rights, etc. of others must not be unlawfully infringed, making the exercise of the right to ask questions lawful.



*Nobuya Fukumoto, here at press conference 16th Oct. 2023*

However, according to a Supreme Court precedent of 11th July 1997, the tort system (Article 709 of the Civil Code) is not interpreted as a prohibitive norm for the prevention and deterrence of harmful acts, and in legal studies and legal practice, there is no concept of 'violation of Article 709 of the Civil Code'. Therefore, the [Family Federation](#) will immediately file an appeal to Tokyo High Court to have the erroneous verdict overturned.

At a Tokyo press conference last year, 8th September 2023, Attorney Nobuya Fukumoto representing the

[Family Federation](#) of Japan explained the [Family Federation](#)'s stance and how it will respond to the Kishida administration exercising the right to question the [religious organization](#). Fukumoto stated,

"The exercise of the right to ask questions was carried out by the Government, by changing the interpretation of the law overnight. It does not comply with the guidelines for the exercise of the implementation of the right of questioning written in the Religious Corporations Act, article 78.2. We consider this to be unlawful.

Therefore, we consider that we are justified in not answering such unlawfully made questions, whether in part or in full. A fine for refusing to answer is not admissible. We intend to contest the fine in court and fight the case all the way in order to seek a dismissal."

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HOME > news > Official opinion on "Tokyo District Court's decision to order payment of fine regarding exercise of right to question"

## news

NEWS

### Official opinion on "Tokyo District Court's decision to order payment of fine regarding exercise of right to question"

press release 2024.03.27

Family Federation for World Peace and Unification

On March 26th, the Tokyo District Court imposed a fine against Tomihiro Tanaka, the head of the cult, in a case in which the Ministry of Education, Culture, Sports, Science and Technology issued a penalty notice because the Family Federation refused to respond when it exercised its right to question the Family Federation for World Peace and Unification. It was decided that the fine would be 100,000 yen.

In this fine trial, the Ministry of Education, Culture, Sports, Science and Technology decided that, as stipulated in Article 81, Paragraph 1, Item 1 of the Religious Corporations Act (hereinafter referred to as the "Act"), "acts that are clearly recognized to be in violation of laws and regulations and seriously harm public welfare." Regarding the grounds for dissolution of "having committed a crime." from the standpoint that "violation of laws and regulations" includes torts under the civil law, it is considered that "there is suspicion" (Article 78-2 of the Act) 1, item 3), it was argued that the exercise of the right to question was lawful.

In response, the Family Federation argues that "violation of laws and regulations" does not include Article 709 of the Civil Code, based on past Supreme Court precedents, and that the Ministry of Education, Culture, Sports, Science and Technology has not specified the violation of the law (Civil Code). 709), failed to allege any constitutive grounds, and argued that the exercise of the right to question was illegal.

In response, the Tokyo District Court held that the "laws and regulations" that are "in violation of laws and regulations" include the civil law, and that torts under Article 709 of the Civil Code include the prohibition that prohibits illegally infringing on the rights, etc. of others. Therefore, the court erroneously ruled that the exercise of the right to question was considered a "violation of the law" and that the exercise of the right to question was legal.

However, past Supreme Court precedents (July 11, 1997) have interpreted that the tort system (Article 709 of the Civil Code) is not a prohibitive norm for the prevention and deterrence of harmful acts; In practice, the concept of "violation of Article 709 of the Civil Code" does not exist anywhere. Therefore, the Family Federation will immediately file an appeal at the Tokyo High Court to correct the error in the court's decision.

that's all

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