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PRESS RELEASE

Announcement of the Issue of an Article about the Joint Custody
Joint custody during marriage in Japan is just a formality and an "illusion".

-- Reform the custody system to achieve equal dialogue between men and women. --

The fatal flaw in the custody system has been known 75 years ago when the revision of the Civil Code was conducted after the World War II

April 15, 2022: An article by Mr. Naoto Matsumura, the representative of the Joint Custody Project for Co-parenting, entitled "Joint custody during marriage is only a formality and an 'illusion'", was issued today.

Currently, the general public is aware that joint custody is a requirement during marriage, but not as much is actually known about what it entails. Furthermore, it is not at all well known that the "joint custody during marriage" is fatally flawed. The defect is that despite joint custody, there is no provision for adjustment in the event of disagreement between the parents, and as a result, "self-help (use of force)" within the family is permitted. This legislative deficiency was pointed out from the legislative stage of the postwar revision of the Civil Code, and it was found that it had been neglected for 75 years, even though prominent civil law scholars have continued to point it out since then.

This article clarifies the history of this legislative inadequacy, the current legal problems that have been left unaddressed, and the provisions that should be in place, from a layperson's perspective.

The contents being discussed by the Family Law Subcommittee of the Legislative Council for the revision of the Civil Code are contents that will have a great impact on the lives of each and every citizen. We request that the media report on the problems with the current custody system.