

# The Constitution of Japan

## (Partial)

{ Adopted on: 3 Nov 1946 }  
{ Effective since: 3 May 1947 }

### Preamble

We, the Japanese people, acting through our elected representatives in the National Diet, determined that we should secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty all over this land, and resolved that **never again shall we be visited with the horrors of war through the action of government**, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is an universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and imperial decrees in conflict herewith.

**We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world.** We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression, and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

## Chapter I The Emperor

### Article 1 [Symbol of State]

**The Emperor shall be the symbol of the State and of the unity of the people**, deriving his position from the will of the people with whom resides sovereign power.

### Article 2 [Dynastic Throne]

The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

### Article 3 [Cabinet Approval and Responsibility]

The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

### Article 4 [Rule of Law for Emperor]

- (1) **The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.**

- (2) The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

#### **Article 5 [Regency]**

- (1) When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name.
- (2) In this case, Article 4 (1) will be applicable.

#### **Article 6 [Appointments]**

- (1) The Emperor shall appoint the Prime Minister as designated by the Diet.
- (2) The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

#### **Article 7 [Functions]**

*The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:*

1. Promulgation of amendments of the constitution, laws, cabinet orders and treaties.
2. Convocation of the Diet.
3. Dissolution of the House of Representatives.
4. Proclamation of general election of members of the Diet.
5. Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.
6. Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.
7. Awarding of honors.
8. Attestation of instruments of ratification and other diplomatic documents as provided for by law.
9. Receiving foreign ambassadors and ministers.
10. Performance of ceremonial functions.

#### **Article 8 [Property Authorization]**

No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

### **Chapter II Renunciation of War**

#### **Article 9**

- (1) *Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.*
- (2) *In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of aggression of the state will not be recognized.*

## **Chapter VI Judiciary**

### **Article 76 [Judicial Power]**

- (1) *The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.*
- (2) *No extraordinary tribunal shall be established*, nor shall any organ or agency of the Executive be given final judicial power.
- (3) All judges are independent in the exercise of their conscience and bound only by this Constitution and the laws.

### **Article 77 [Judicial Procedure]**

- (1) The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.
- (2) Public procurators shall be subject to the rule-making power of the Supreme Court.
- (3) The Supreme Court may delegate the power to make rules for inferior courts to such courts.

### **Article 78 [Public Impeachment]**

- (1) Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties.
- (2) No disciplinary action against judges shall be administered by any executive organ or agency.

### **Article 79 [Supreme Court]**

- (1) The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.
- (2) The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten years, and in the same manner thereafter.
- (3) In cases mentioned in the preceding paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.
- (4) Matters pertaining to review shall be prescribed by law.
- (5) The judges of the Supreme Court shall be retired upon the attainment of the ages as fixed by law.
- (6) All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

### **Article 80 [Term of Judges]**

- (1) The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court.
- (2) All such judges shall hold office for a term of ten years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.
- (3) The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

## **Article 81 [Jurisdiction of Supreme Court]**

*The Supreme Court is **the court of last resort** with power to determine the constitutionality of any law, order, regulation, or official act.*

## **Article 82 [Public Trials]**

- (1) Trials shall be conducted and judgment declared publicly.
- (2) Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press, or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

## **Chapter IX Amendments**

### **Article 96 [Qualified Majority, Referendum]**

- (1) Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.
- (2) Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

## **Chapter X Supreme Law**

### **Article 97 [Inviolable Human Rights]**

The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolable.

### **Article 98 [Unconstitutional Law]**

- (1) *This Constitution shall be **the supreme law of the nation** and no law, ordinance, imperial decree or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.*
- (2) The treaties concluded by Japan and established laws of nations shall be faithfully observed.

### **Article 99 [Binding for all Powers]**

The Emperor or the Regent as well as Ministers of States, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.