

Shigeru Kodama

**REFORM OF ADMINISTRATIVE LAW
AND ADMINISTRATIVE REFORM IN JAPAN - ADOPTION
OF THE LAW ON ADMINISTRATIVE PROCEDURES**

Shigeru Kodama
Doctor of Law, Mie Univer-
sity, Japan.

In Japan, administrative law experts consistently demanded the adoption of the law on administrative procedure (hereinafter - LAP) since the 1950s. However, this task became real only in the 1980s. In the conditions of stagnating economic growth and globalization the post-war type of Japanese administrative system was sharply criticized both from the outside (United States) and by Japanese entrepreneurs. They demanded the adoption of LAP and included it in the agenda of administrative reform. Japanese administrative bureaucracy recognized the need for transformation of administrative system as a need of the time.

“Trust” in the 1980s, as well as “fairness” and “transparency” in the 1990s were the key concepts in Japanese administrative reform. This influenced on the content of LAP. According to the “theory of generations” of LAP, the development of LAP can

be divided into three generations. Japanese LAP mainly belongs to the first (protection of the rights of citizens) and second (setting rules) generations. However, Japanese LAP provides for not only the procedure for the adoption of acts with external action, but also the internal activity of bureaucracy. Japanese LAP sought to transform the style of internal activity of administrative bureaucracy. In this sense, the adoption of LAP in Japan means self-reform of administrative bureaucracy.

Keywords: administrative procedures, law on administrative procedures, administrative reform, economic growth, administrative bureaucracy.

One of the specialists in comparative public law of the United States, comparing Japanese and Korean law on administrative procedures (hereinafter - LAP), pointed out that the Japanese LAP “rather codifies existing law than represents an institutional innovation” and “preserves the system that serves the interests of the Liberal Democratic Party”¹. However, the Japanese LAP was adopted in 1993 as one of the key elements of administrative reform, which sought to transform post-war type of administrative system. Adoption of the LAP is recognized as the starting point and prerequisite for further administrative reforms and reform of the administrative law of Japan.

Three waves of administrative procedures in Japan

There were three waves of attempts to adopt LAP in postwar Japan.

The first attempt was made in 1953. A relevant draft law was published, but it did not find the necessary support among scientists because its content did not meet the requirements of administrative procedure. Many provisions of this draft were related to the effective conduct of proceedings within administrative bodies and for citizens. Of the necessary requirements of “administrative procedure” only “hearing” in a very simple form was here.

¹ Tom Ginsburg. “Dismantling the Developmental State? Administrative Procedure Reform in Japan and Korea”. *The American Journal of Comparative Law*, 49(2001), pp. 602, 615.

The second attempt was undertaken after about 10 years, in the year 1964. As a result of the activity of “the first provisional council of administrative reform” a meaningful and real draft law of LAP appeared. This meant the increasing in the level of study of administrative procedure. Scholars highly appreciated that. However, unfortunately in reality this document was ignored by the Parliament.

The third attempt, after about 20 years began with the resumption of research on adoption of LAP in the consultative research group of the Chief of administrative management bureau of Administrative Management Agency (1980-1983). It published its research results in the form of a draft law in 1983. Research searches of scholars continued, and in 1989 a new draft law was released in a scientific journal. The publication of these documents contributed to the understanding of administrative procedure, attracted and strengthened attention to the draft of LAP. The results of activities of research teams, finally, were turned into an official draft law by “the third provisional council for promotion of administrative reform”. It proposed its draft law in 1991. And in 1993 the law was passed.

If count from the moment when, for the first time, in 1964, the first draft law was drawn up, the adoption of LAP took almost 30 years. Scientists continued to study administrative procedure and hoped to adopt the law, particularly after the year 1976 when Germany adopted its law on administrative procedures.

However, in addition to the development and enrichment of scientific research of administrative procedure, the following three conditions were very important for the implementation of LAP into law enforcement practice:

- 1) changing of Japanese society and understanding of new tasks related to it (objective and subjective changes);
- 2) emergence of social movements that promote adoption and understanding of this law (politicians and entrepreneurs);
- 3) recognition of the need to reform its internal activity and external relations of citizens and public servants (bureaucracy self-reform).

Changing of Japanese society - stagnation of economic growth

Japanese economic growth from 1945 onwards can be divided into 4 stages.

The first period (1945-1959) - phase of post-war recovery.

The second period (1960-1973) - the period of high economic growth. During this period, the Japanese economy grew every year by approximately 10%.

The third period (from mid-1970's up to late 1980's) - the period of stable (but already not so high) economic growth. However, compared with other developed

countries, Japan maintained a high level of economic growth and became recognized as the second economic power worldwide after the United States.

The fourth period started in 1990. The Japanese economy has entered into a phase of prolonged stagnation, continuing up to the present time. For this period, only 2% economic growth is considered high. This period is called “lost decades”. The stagnation of economic growth was considered as an institutional fatigue in the post-war type of administrative system, depletion of its potential.

In Japan they believe that a greater role in achieving high economic growth of 1960’s, i.e. in the abovementioned “second period”, was played by the Government and administrative bodies. One common version arises from the idea that the reason for success was the wise orienting of economic growth, business activity by a number of excellent administrative bodies and officials.

Features of the post-war type of Japanese administrative system

Of course, Japan is a capitalist country, a state with market economy. However, the administrative authorities did not consider that free competition in market economy contributed to the economic growth of Japan and ensured international competitiveness. Therefore, for the promotion of economic growth and international competitiveness, administrative authorities interfered in entrepreneurial activity and market economy.

This role of administrative authorities led to the following features of their activity.

Firstly, the uniformity in application of powers. There are governmental and departmental normative acts for execution or application of laws in Japan. Moreover, their adoption includes establishment of internal norms on these administrative decisions. Discretion of officials within an administrative body is controlled by the adoption of an administrative decision in accordance with such internal normative act. The objective is that, regardless of who performs it, it is equally applied. But here it is necessary to emphasize that such internal normative acts were taken for uniform application of laws by officials. Therefore, these internal acts also have an external action. This is an important aspect, which is not always underlined by researchers, it expresses the internal feature, while the next aspect detects the external feature – the so-called “administrative guidance” denoting the known discretion of the subject of management.

So, the second as if is contrary to the first. On the one hand, administrative bodies not only uniformly applied powers for regulation, but at the same time intervened in entrepreneurial activity and market economy at discretion within

formal powers. On the other hand, administrative bodies, especially municipalities, took their own internal norms when they faced with social conflict, on which they could not find answers in the provisions of laws, therefore, public administration had to perform a coordinating role between interested persons.

If we focus on the first aspect - interference in entrepreneurial activity and market economy, it is possible to say that such interference by the administrative bodies have created unique relations between administrative bodies and firms. Thus, administrative bodies not only regulate entrepreneurial activity, but peculiarly intertwine with entrepreneurs and firms. Here we can talk about the interrelation or interdependence between regulators and regulated persons.

Criticism from inside and outside on the post-war type of administrative system under conditions of low economic growth and globalization

In "the third period", the average annual rate of economic growth remains at the level of 4%. Simultaneously with the end of the high economic growth Japan got into financial difficulties. Administrative reform in early 1980's primarily sought to overcome financial crises through financial reconstruction. Considering the latter as the current task, the council for administrative reform proposed as a long-term task the reform of post-war administrative system of Japan. Privatization of the state railways is one of the results of this administrative reform. At the same time, however, "administrative procedure" and access to information in possession of administrative bodies were considered just as tasks to review and discuss.

But during "the fourth period" the globalization and economic stagnation made public administration in the 90's change the post-war administrative system. We are talking about institutional reforms, reconsideration of the role of the state and the government, represented by "the third provisional council for promotion of administrative reform" in its last report in 1993, in accordance with which there was an attempt to change the following three main directions. Firstly, the reconsideration of the role of the government and municipal formations, in other words, of administrative bodies - "bring the officials closer to the people", secondly, changing relations between the central government and municipal formations - "the state towards the territoriality", finally, "strengthening the leadership of the Prime Minister".

In the context of globalization the criticism of post-war type of administrative system came from the Western countries, especially the United States. The United States criticized the lack of a pure market economy in Japan. According to

the United States, the post-war type of administrative system contained specific unfair relations between administrative bodies and firms, and there were non-economic customs barriers.

In order to understand why the United States criticized the post-war type of administrative system, that is, the Japanese model of market economy, we have to look at the globalization of economy. The latter here can be understood as an increase in foreign direct investment in Japan. Because, since the second half of 1980's there have increased direct foreign investments from Japan to developed Western countries. In this situation, American firms sought to open branches and invest direct investments in Japan. The States tried to implement economic expansion into Japan. But, having found that the Japanese market is closed to foreign firms, began to criticize the latter.

In 1989-1990 certain contacts (Structural Impediments Initiative, SII) between these countries were implemented, where the United States demanded Japan to revise the mutual relations between administrative bodies and firms in terms of "transparency" and "justice". Outer criticism on administrative system contributed to the adoption of LAP, the requirement on the part of the United States was one of the reasons for the adoption of this law.

But criticism of foreign countries can represent only one of the reasons. Inside Japan, due to the worsening of economic stagnation, there appeared an opinion that they needed a new type of administrative system instead of the outdated post-war model. This was about converting the old system to the new "administrative system of the 21st century". The main directions of the last report of "the third provisional council for promotion of administrative reform" reflected such needs. Japanese firms require adoption of LAP as one of the important tasks of administrative reform. Japanese firms not only wished the adoption of the law, but also themselves carried out activities to disseminate understanding of administrative procedure phenomenon.

The abovementioned shows how new factors appeared in the new conditions: low economic growth and globalization made administrative procedure an urgent task of administrative reform.

Administrative procedures as self-reform of administrative bureaucracy

Undoubtedly, the criticism on the part of the United States and the need of Japanese businessmen became an important impetus for the adoption of LAP. They put "administrative procedure" in the agenda of administrative reform. In 1989, "the sub-committee on public regulation of the second provisional council

for the promotion of administrative reform” put forward the issue of “development of the institute of administrative procedure” as a prerequisite for improvement of public regulation. There was a belief that “transparency” and “justice” in the activities of administrative bodies, which were demanded by Japanese entrepreneurs and the United States, ensured “the development of the institute of administrative procedure”. “Section on fair and transparent administrative procedure” was founded in the third provisional council for the promotion of administrative reform, to design the draft of LAP. As has already been indicated, officials submitted their draft of LAP in 1991.

It is difficult to deny the fact that criticism of the United States and the needs of Japanese entrepreneurs contributed works on LAP. However, we need to recall that the third wave for adoption of LAP began in 1980, when, as already indicated, there were conducted researches within the framework of administrative management agency, and within the framework of the management and coordination agency. It is necessary to pay attention to the fact that one report of 1982 of the second provisional council of administrative reform listed four main directions in administrative reform: “responding to changes”, “ensuring of totality”, “simplification and efficiency” and “trust”. In this context, administrative procedure related, together with “access to information”, to the latter direction (“trust”).

Indeed, administrative bodies, officials and employees, in other words, public administration, bureaucracy can count on the gaining of “confidence” by improving “transparency” and “justice” in its activity. Of course, initially the Japanese bureaucracy was not quite ready for these changes. But since the 1980s, strong criticism of scholars, as well as research results in the form of draft laws, gradually instilled relevant ideas to administrative apparatus. After all, in the 1990’s, the latter became to understand the importance of adoption of LAP.

The reason that despite the development of researches on administrative procedures the scholars could not exercise adoption of the law till 1990’s was that administrative bureaucracy did not understand the meaning and importance of this law. However, the administrative bureaucracy in the 1990’s no longer opposed the adoption of LAP, began the preparation of the draft, and started to prepare necessary normative acts for the implementation of this law in their ministries and agencies. In this sense, we may call the self-reform of administrative bureaucracy as an important factor in the success of adoption LAP in Japan. Administrative bureaucracy recognized the need for transformation of administrative system as the need of modern times.

Peculiarities of Japanese LAP and generations of administrative procedures

As has already been mentioned above, in Japan “confidence” in the 1980’s, and “justice and “transparency” in the 1990’s were the key concepts to justify the movement towards the adoption of LAP. This is reflected in the provisions of LAP.

Article 1 provides for the purpose of the law as follows: “This law establishes procedures for the orders, administrative guidance and notifications, and provides the versatility of questions concerning such actions, seeks to improve the guarantee of fairness and progress towards transparency (that means that there should be clarity in public understanding of the content and processes of administrative decisions; this meaning is also used in article 38) in administrative process, and thus contributes to the protection of the rights and interests of citizens”².

One can retrieve two peculiarities of the Japanese LAP From article 1.

1. The subject matter of this law was limited to three types of procedures: for dispositions, administrative guidance and notifications. Procedures for dispositions are divided into two types – “dispositions upon application” and “adverse dispositions”.

2. The ultimate objective of this law is to “improve the guarantee of justice and progress in respect of transparency”. At that, it is helpful to determine the value of “justice” and “transparency” for administrative procedure, in particular, “transparency”.

As for “administrative guidance”, here the specifics is contained not in the procedure, but in the “administrative guidance” itself, that is why this issue is not considered here.

Scholars of public law of Japan, especially scholars of administrative law, for many years, since the 1960’s, were insisting on the need to adopt LAP and continued its research. With the development of the doctrine the following two types of administrative procedure acquired particular importance.

The first type is the procedure of ensuring “the protection of the rights and interests of citizens” as it is stipulated in LAP. The other is the procedure of ensuring participation in making administrative decisions, the typical example of which is represented by the procedure of participation citizens in the process and taking decision on territorial planning in town planning. The first kind, of course, comes from the idea of the “rule of law” and gives priority to the rights and interests

² GIZ German Society for International Cooperation. Collection of legislation on administrative procedures [GIZ Germanskoe Obshchestvo po Mezhdunarodnomu Sotrudnichestvu. Sbornik zakonodatel’nykh aktov po administrativnym protseduram]. Tashkent: Abu Matbuot-Konsalt, 2013. The text of the Japanese LAP of 1993 was translated in the collection. It does not reflect addings and amendments made in 2006. You can find the latest version of the text of this law (in English) at the website of “Japanese Law Translation”.

of citizens as private individuals. This can be called as “classic task” of LAP. And the second type is based on the principle of democracy and pursues the realization of public interests of participation of citizens as individuals concerned. This can be understood as a more “modern” task.

The adopted LAP did not fully satisfy all the scientists, because the original version of 1993 did not include procedures for possibility of participation in decision-making. In this sense, LAP did not correspond to a more modern task due to its adoption in the framework of administrative reform. Administrative reform demanded by the United States and Japanese firms was actually based on the concept of neo-liberalism. Neo-liberalism gives great importance to the rights and interests of a private individual, while democratic procedures here remain in the background. Therefore the limitation of the subject matter was associated with the view that the ultimate goal of the law was “ensuring the protection of the rights and interests of citizen”.

Despite the reasoned criticism of the content of LAP due to its imperfection, scientists almost unanimously recognized the need to adopt LAP. They believed that it was “a step forward” in the progress of Japanese administrative law, which had not yet meant a denial of the value of procedures for the possibility to participate in administrative decision. The formalization of the latter was just seen as a task for the future.

Long-awaited additions and amendments to the LAP of Japan of 1993 were made in 2006, developers added procedures for adoption administrative normative acts (administrative orders) as “public comment procedures”. Paragraph 1 of article 38 provides for the main provisions of this procedure, as follows: “Bodies establishing administrative orders, etc., when establishing administrative orders, etc. shall publicly in advance notify about the proposed administrative orders, etc., (that is, a draft showing the content of anticipated administrative orders. The same shall apply hereinafter.) And any materials relating to the proposed administrative orders, etc., and must seek to comments (Including information. The same shall apply hereinafter.) of the public, showing the address at which the comments and the time period for submission must be directed”³.

Administrative procedure as a transformation of the style of internal activity of administrative bureaucracy

As indicated above, in Japan the limitation of the subject matter of LAP was justified by the fact that the procedures were divided into two types – “classic” and

³ <http://www.japaneselawtranslation.go.jp/?re=02>

“modern”. “Modern” remain a future task.

In this regard, interest is arisen by the theory of three generations of administrative procedure (hereinafter referred to as “the theory of generations”)⁴. According to this concept, the purpose and subject matter of each generation turns out as follows.

Table 1

First generation	protect the rights of citizens / apply the law properly protective attitude against the abuse of power and arbitrariness
Second generation	set the rules protective attitude ensuring the participation of interested persons or the task of strengthening of democratic legitimacy
Third generation	perform actions through new modes of governance ensure good governance / greater legitimacy / promoting new regulatory strategies

“Contemporary tasks” in the study of administrative procedure in Japan are not always the same as in the “third generation” of the “theory of generations”. It implies more modern conditions – privatization, globalization, good governance and so on. Here it is important that the basis and the content of LAP are being developed and enriched. We notice that the basis and purpose of the “third generation” is not in “protective attitude”, but in a more positive – response to the “needs of new ways of governance”.

Paragraph 1 and 3 article 5 of chapter 2 “dispositions upon application” and paragraph 1 and 2 article 12 “adverse dispositions” embody the specificity of the Japanese LAP as follows. Article 5: “1. Administrative bodies should accept criteria (here and below we will use “criteria for consideration”) needed to resolve the issue of issuance of permit requested in an application under the provisions of relevant legislative acts.

2. Administrative bodies, when establishing criteria for consideration of the application, shall make them as specific as possible on the merits of this permit, etc. that is under consideration.

3. Except of cases of emergency administrative obstacles, administrative bodies should provide accessible to society criteria for consideration of applications in an administrative agency, which, in accordance with legislative acts, is obliged to accept applications or in other suitable way”.

4 Javier Barnes. “Towards a Third Generation of Administrative Procedure”. Comparative Administrative Law, under edition of Susan Rose-Ackerman & Peter L. Lindseth, Cheltenham, UK, Northampton, MA, USA: Edward Elgar, 2010.

Article 12

“1. Administrative bodies should seek to accept requirements (hereinafter “requirements for taking a decision”) needed for consideration under the provisions of relevant legislative acts to determine what adverse dispositions are taken, what kind of adverse act should be adopted, and the bodies should seek to make these requirements available to the public.

2. The administrative bodies when adopting requirements for taking a decision should make them as specific as possible on the merits of this type of adverse disposition”.

It’s not only about the result of an external action that this procedure brings, but also about the quality of performing internal work that is done within administrative bureaucracy under the requirement of administrative procedure, that is, “transparency”. In other words, the Japanese LAP provides for not only the procedure for making a decision with an external action, but also internal appropriate conditions for the achievement of objectives that are set forth by the LAP inside of administrative bureaucracy. From this point of view, one of the goals of the Japanese LAP is the transformation of the style of administrative bureaucracy activity. At the same time, we can say that this LAP is designed to achieve improvement of relations between the administrative bureaucracy and citizens. On the one hand, it is a striving to gain the confidence of citizens in the activity of administrative bureaucracy, on the other hand, the intention to include elements of self-control or self-regulation into the internal activity of administrative bureaucracy.

Strictly speaking, according to the LAP, a body must make or seek to make internal information, i.e. “criteria” or “requirements” for a decision, available only to the party applying or recipient of an adverse disposition. But gradually the norms on access have begun to spread also to the relations that were previously considered internal, left on the free discretion of administrative bodies. In this sense, the LAP enhances internal control in administrative bureaucracy and limits its discretion.

Here we can see the similarity between the LAP and the law “On Access to Information Held by Administrative Bodies”. The first law (LAP) just imposes a duty to make “criteria” available to the applicant who has applied to administrative body. In comparison, in the second law citizens have begun to enjoy the right to request access to information held by an administrative body. In Japan since 1970’s they have started to discuss about the issue of “the right to free access to information” as the right to demand information from administrative bodies to

ensure an active participation of citizens in policy and management. In the 1990's this problem has started to be considered due to the promotion of administrative reform. "Committee for Administrative Reform", established in 1994, was at work upon the law "On Access to Information Held by Administrative Bodies, which was adopted in 1999. The latter is not due to the concept of "the right to free access to information", but due to the concept of "accountability". This means that the law is based not on the view that "the government must be monitored by citizens with help of constitutional rights", but on the theory that "administrative bodies have a duty to give explanations to citizens about their administrative actions, and to fulfill this duty they should monitor themselves".

The beginning of this article contains the assessment of the Japanese LAP by the specialist in comparative public law of the United States. This assessment is based on the theory of "principal - agency". But this assessment is based on the assumption that the reform of administrative law without the strengthening of external control over administrative bureaucracy is meaningless. In other words, the value of administrative law reform increases as the growth of the role of courts in monitoring over administrative bureaucracy. Of course, external monitoring over administrative bureaucracy is certainly important. But the latter does not automatically ensure the improvement of activity within administrative bureaucracy. In this connection, we can pay attention to the elements of internal control or self-reform for the evaluation of administrative procedure.

List of documents, actions and laws on administrative reform and reforms of administrative law in Japan

Table 2

1953		Outline of State Administrative Operation Act
1962		Administrative Case Litigation Act Administrative Appeal Act
1964		Draft of Administrative Procedure Act and Report on Reform for Administrative Procedure (First Provisional Council of Administrative Reform, 1961-1964)
1983	3	Final Report (Second Provisional Council of Administrative Reform, 1981 -1983)
1983	11	Outline of Administrative Procedure Act (in Report by Consultative Experts Group to the Chief of Administrative Management Bureau of Administrative Management Agency, 1980 - 1983)
1988		Structural Impediments Initiative (US and Japan,-1989)

1989	10	Outline of Administrative Procedure Act (Interim Report by Consultative Experts Group to the Chief of Administrative Management Bureau of Management and Coordination Agency, 1985-1989)
1989	11	Report on Public Regulation (by Subcommittee on Public Regulation of Second Provisional Council for Promotion of Administrative Reform)
1990	4	Final Report (Second Provisional Council for Promotion of Administrative Reform, 1986-1990)
1991	7	Outline of Administrative Procedure Act (by Section on Fair and Transparent Administrative Procedure of Third Provisional Council for Promotion Administrative Reform)
1991	12	Outline of Administrative Procedure Act (in Report on Development of Fair and Transparent Administrative Procedure Legal System by Third Provisional Council for Promotion of Administrative Reform)
1993	10	Final Report (Third Provisional Council for Promotion of Administrative Reform, 1990-1993)
1993	11	Administrative Procedure Act
1995	3	First Deregulation Package (Cabinet Decision)
1995	5	Decentralization Promotion Act
1996	12	Standards for Administrative Involvement (Committee for Administrative Reform, Cabinet Decision)
1996	12	Outline of Information Disclosure Act (Opinion on Establishing Legal System for Information Disclosure, Committee for Administrative Reform)
1997	12	Final Report (Committee for Administrative Reform, 1994-1997)
1997	12	Final Report (Administrative Reform Council, 1996-1997)
1997	12	Deregulation Committee (Regulatory Reform Committee) (-2001)
1998	6	Basic Act on Reform of Central Government Ministries and Agencies
1999	7	Act on Access to Information Held by Administrative Organs
1999	7	Act for Establishment of the Cabinet Office
1999	7	Partial Revision of Cabinet Act
1999	7	Act on General Rules for Incorporated Administrative Agencies
1999	9	Partial Revision of National Government Organization Act
1999	11	Comprehensive Decentralization Act (Revision of Local Self-Government Act)
2000	12	Comprehensive Program for Administrative Reform
2001	1	Reorganizing Central Government Ministries and Agencies

2001	4	Council for Regulatory Reform (-2004)
2001	7	Council for Decentralization Reform (-2004)
2004	4	Council for the Promotion of Regulatory Reform (-2007)
2004	6	Partial Revision of Administrative Case Litigation Act
2005	6	Partial Revision of Administrative Procedure Act
2006	12	Act on Promotion of Decentralization Reform
2007	1	Regulatory Reform Council (-2010)
2007	4	Committee for Decentralization Reform (-2010)
2009	11	Local Sovereignty Strategy Council (-2012)
2011	4	Act on the Development of Related Acts for Promoting Reform with the Aim of Increasing the Autonomy and Independence of Local Authorities (08/2011, 02/2012, 05/2014)
2014	6	Full Revision of Administrative Appeal Act
2014	6	Partial Revision of Administrative Procedure Act

Administrative Procedure Act (Act No. 88 of November 12, 1993)

Chapter I General Provisions

Article 1 (Purpose, etc.)

Article 2 (Definitions)

Article 3 (Exclusion from Application)

Article 4 (Exclusion from Application; Dispositions, etc. Rendered to State Organs, etc.)

Chapter II Dispositions upon Applications

Article 5 (Review Standards)

Article 6 (Standard Period of Time for Process)

Article 7 (Review and Response to Applications)

Article 8 (Showing of Grounds)

Article 9 (Provision of Information)

Article 10 (Holding of Public Hearings, etc.)

Article 11 (Dispositions Involving More Than One Administrative Agency)

Chapter III Adverse Dispositions

Section 1 General Rules

Article 12 (Disposition Standards)

Article 13 (Procedures Prerequisite for Adverse Dispositions)

Article 14 (Showing of Grounds for Adverse Dispositions)**Section 2 Hearings****Article 15 (Manner of Notice of Formal Hearings)****Article 16 (Agents)****Article 17 (Intervenors)****Article 18 (Inspection of Records, etc.)****Article 19 (Presidency of the Hearing)****Article 20 (Method of Proceedings on the Date of the Hearing)****Article 28 (Special Provisions concerning Hearings prerequisite for Adverse Dispositions ordering the Dismissal of Officers, etc.)****Section 3 Grant of Opportunity for Explanation****Article 29 (Method of Granting an Opportunity for Explanation)****Article 30 (Method of Notice of Grant of Opportunity for Explanation)****Article 31 (Application Mutatis Mutandis of Procedures pertaining to Hearings)****Chapter IV Administrative Guidance****Article 32 (General Principles of Administrative Guidance)****Article 33 (Administrative Guidance related to Applications)****Article 34 (Administrative Guidance related to Authority over Permissions, etc.)****Article 35 (Method of Administrative Guidance)****Article 36 (Administrative Guidance Directed to More Than One Person)****Chapter V Notifications****Article 37 (Notifications)****Chapter VI Public Comment Procedure, etc.****Article 38 (General Principles relating to Establishment of Administrative Orders, etc.)****Article 39 (Public Comment Procedure)****Article 40 (Special Provisions concerning Public Comment Procedure)****Article 41 (Making Public the Public Comment Procedure)****Article 42 (Consideration of Submitted Comments)****Article 43 (Public Notice of the Results)**

Article 44 (Application, Mutatis Mutandis)

Article 45 (Method of Public Notice)

Chapter VII Auxiliary Provisions

Article 46 (Measures by Local Public Entities)

Supplementary Provisions

References:

1. GIZ German Society for International Cooperation. *Collection of legislation on administrative procedures* [GIZ Germanskoe Obshchestvo po Mezhdunarodnomu Sotrudnichestvu. Sbornik zakonodatel'nykh aktov po administrativnym protseduram]. Tashkent: Abu Matbuot-Konsalt, 2013.
2. Javier Barnes. "Towards a Third Generation of Administrative Procedure". *Comparative Administrative Law*, under edition of Susan Rose-Ackerman & Peter L. Lindseth, Cheltenham, UK, Northampton, MA, USA: Edward Elgar, 2010.
3. Tom Ginsburg. "Dismantling the Developmental State? Administrative Procedure Reform in Japan and Korea". *The American Journal of Comparative Law*, 49(2001).
4. <http://www.japaneselawtranslation.go.jp/?re=02> (accessed : 05.04.2015).