

A Study on the Extension of the Statute of Limitations of Prosecution for Sexual Offenses in Japan's 2023 Revised Code of Criminal Procedure

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Abstract

The statute of limitations system for prosecution is a system whereby the right to sue is lost after a certain period of time from the occurrence of a criminal offence, making it impossible to bring a criminal action, no matter how complete the evidence of guilt is. Such a system is said to exist in every civilised country today and has been introduced in many countries around the world. The amendment to the Code of Criminal Procedure promulgated on 23 June 2023 (Law No. 66 of 2023, effective 13 July of the same year) extended the statute of limitations for prosecution of sexual offences. The duration of the statute of limitations for prosecution in Japan has hitherto been determined according to the severity of the punishment. However, no clear reason was ever given for the special treatment of sex crimes only. Rather, the special treatment of sex offences was questioned. However, it can be said that this amendment was forced upon the Japanese Diet in the past because of a discussion in the Diet that the statute of limitations system for prosecution for sex crimes should be reviewed. This amendment may have resulted in a gaping hole in the duration of Japan's statute of limitations for prosecution. This paper critically examines why such an amendment was necessary.

Keywords

Japanese Law, Criminal Procedure, Statute of Limitations System, Law Reform