

German Institute for Japanese Studies (DIJ)

DIJ Business & Economics Study Group

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Fighting the imbalance - Policy holder protection in Japanese Insurance Law- A comparative Study



The new Japanese Insurance Law Act (hoken-hō) was enacted 2008 and got into effect in April 2010. After more than a century, it is the first independent regulation which replaces the former part of the Commercial Code. The Commercial Code did not have any special provisions prescribing so-called consumer protection with respect to insurance contracts. Insurance companies, however, are private, for-profit, commercial enterprises and sometimes this may cause problems in the relationship with their policy holders. In addition, the conditions of the policies are unilaterally predetermined by the insurance company based on power, information and resources, so the insured, as the weak party, is merely offered a standard form. With regard to this situation, it is the duty of the legislator to fight this imbalance. The new Act implemented required amendments.

This presentation assesses the policy holders' protection in the new Insurance Law Act. It gives a quick overview about the past reform and points out how insurance law rules and implemented courts decisions ensure policy holders protection from a comparative point of German Law.

Köksal Sahin is doctoral candidate of Law at Fernuniversitaet Hagen and Member of the Institute of Japanese Law. He finished his Law Exams at University of Bonn and received his Master of Laws at University of Cologne. He worked for the German Financial Supervisory Authority. His main focus is on Insurance and Company Law.

Everybody is welcome to attend, but kindly asked to register with busi.econ-studygroup@dijtokyo.org.