

The Act on the Law Applicable to Maintenance Obligations Revisited (summary)

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The Act on the Law Applicable to Maintenance Obligations contains the choice-of-law rules which incorporate those of the Hague Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations. Those choice-of-law rules have been seldom examined *de lege ferenda* here in Japan. In view of the Hague Protocol of 23 November 2007 being in force, however, the current situation among academic circles seems hardly satisfactory. It seems that such situation would derive ultimately from the fact that, when Japan ratified the Convention in 1986, they did not fully examine how substantive laws on maintenance conflicted with each other in the Europe region. In addition, it is also far from clear why Japan ratified it. There are several aspects which turned out to lead to it. In the author's view, the connecting factor of habitual residence was found a novel concept capable of replacing the nationality in Japanese private international law at that time. The hindsight tells that the 1980s was the second era of codification for the Japanese PIL.