

PREFACE

This special edition of "The Kanagawa Hogaku" is issued for the reporting papers presented to the Third International Police Executive Symposium, "Organized Crime : World Perspective", that was held on November 28-December 1, 1996 at Institute for Legal Studies, Kanagawa University, Yokohama and Hakone, Japan. The general organizer and chaiperson was Dr. Dillp K. Das, Professor at Western Illinois University, USA, whom I had encountered at Max-Planck-Institute for Foreign and International Criminal Law, Freiburg i. Br., Germany in 1996. He asked me suddenly of Japanese Policing and its corruption. We discussed on the theme at a pizza restaurant. Without the encounter, this symposium could not exist. It was my luck and honor to share the local organizer of the symposium.

Nowadays Organized Crime is one of the most serious topics in the international criminal law and procedure. The study of Organized Crime needs cooperation with world police executives and organized research from the world perspective. It reflects diverse cultural, technological, socio-economic and political conditions. After the fall of the Soviet Union, a new age began in the world of Organized Crime. It changed Organized Crime to a global problem to be resolved by united efforts and exchanged informations. There shall be revealed the new horizon.

Cressey outlines a series of problems that any student of Organized Crime can expect to face. The most obvious hurdle is the secrecy of groups under study. This description may be appropriate generally, but is not always suitable to Organized Crime in Japan. The Japanese gang called the Boryokudan is an organization which collectively and habitually engages or is prepared to engage in criminal activities accompanied by assault. However the organization itself is never illegal, and open to the community, so that it is easy for the police to watch and to control their activities. But, it seems as if the organization has the same freedom as the political party. The Boryokudan party has a big building and fine office that almostly any habitant knows with anxiety. The organization does not seem special and diverse except its violence to the citizen. The other enterprises, companies and corporations also pursue collectively and habitually only their own benefit shared to their members like a closed intimate family. They work hard and honestly just to the "family", and obey their superiors. Only to inside members, they pay obeisance and are obedient, tolerant and very kind. The

obedience and the tolerance often includes illegal acts. They are not concerned with outsiders without special interest or sanction. These features of Japanese culture have developed by the employment system in the post-World War 2 period based on three essential institutions : lifetime employment, seniority system, and enterprise unionism. It is a enterprise commune, so that the wage does not depend on personal ability, but on total enterprise benefit shared among the member. It brought prosperity, equality, and social safety (low criminal rate) to Japanese people. On the other side, the possession of firearm and ~word is inhibited to the citizen, the origin of which dates back to 16 century. This is the reason why Japanese citizen is so weak against violence and why social distinction between the Boryokudan and the other corporation in Japan is difficult without violence. The name of Boryokudan results from violent activities of group or party. Of course, the Boryokudan proceeds in corporative activities and has the united relationship with entrepreneurs and politicians. There must be chronic corruption. Today, it is difficult to distinguish between organizational crime, corporative crime, white collar crime, and Organized Crime.

Organized Crime is not a simple complicity, conspiracy and accessories, but systematically prepared and planned continuous criminal organization, that grows with gaining financial profits and man powers. The continuous growth of the organization supporting and developing crimes is its chief feature. It excludes and corrupts the rule of law and a free competitive market.

There are many kind of penal legislation against criminal activities of the Boryokudan. However there is no penal law against crime organization in Japan. This status is accepted even by a new legislation, the Anti-Boryokudan Law of 1991, which is not a penal law but a administrative law aiming the gradual reduce and exclusion of Boryokudan organizations and groups. The Ministry of Justice is now preparing the draft of a new comprehensive prevention law authorizing the electronic surveillance, the expanded forfeiture of illegal profit, and so on. This legislation will complement the specific anti-drug-abuse law of 1991 which provides effective legal means against drug-related crimes, for example money laundering and controlled delivery. Especially, fixed illegal offenses acted by the "organization" shall be under the severer punishment, which resembles provisions of "Bande" in German penal law. The new criminal provision of "corporative control by illegal profit" is also preparing. This draft of criminal legislation presents effective measures to combat Organized Crime.

I have to explain the compilation of this edition. I have tried to reappear articles and papers presented by police executives and professors as possible as accurately. However, I am sorry that I could not have enough time to do so, and that I must have coordinated type, style, title, sentences and words because of the limitations about space, cost and so on. I am so sorry that this edition has lost two important articles from Argentina written by Spanish due to the ability of publisher.

I am convinced that our symposium could produce the fruits of cooperative research on Organized Crime. I appreciate the contribution of all coordinators, paper-presenters and participants who have come to Kanagawa University from Africa, Asia, Australasia, Europe and Americas to exchange views and perspectives on the major problem of the world today. I thank so much also professors, students and each member of my university who supported and assisted our symposium with friendship.

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Madoka Nagai