

CHAPTER 24

CHANGES OF BORYOKUDAN AFTER ENFORCEMENT OF THE ANTI-BORYOKUDAN LAW IN JAPAN

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1. Introduction

Since Anti-Boryokudan Law (the Law concerning Prevention of Unjust Acts by Boryokudan Members) enacted in 1991, Boryokudan had changed in various aspects against strict police control after the law enforcement on March 1, 1992.

The Purpose of this report is to overview the characteristics of Boryokudan in present, and to analyze the changes of Boryokudan Group and members of the groups based on empirical data of surveys on Boryokudan and Boryokudan members.

2. The Law Concerning Prevention of Unjust Acts by Boryokudan Members (Anti-Boryokudan Law)

At first, Boryokudan is defined by this law as an organization prone to perpetrate violent illegal acts collectively or chronically using its organizational or collective power. The purpose of the law is to assure security and peace in the life of the people, by imposing restriction deemed necessary on extortionate demanding acts carried out by Boryokudan members and preventing casualties or damage that could result from the activities of Boryokudan members.

The outline of the anti-Boryokudan law are as follows;

A. Designation of Boryokudan

Groups coming under certain conditions are cited as “designated Boryokudan” and the law is enforced on membership of such Boryokudan” designated Boryokudan members”.

B. Prevention of Extortionate Demanding Acts

The law prohibits designated Boryokudan members from unjustly demanding money, property services and others by demonstrating the influence of their group in 14 criminal exaction ((1) exaction by taking advantage of person’s weak point, (2) acts of unjustly demanding gifts, (3) acts of unreasonably demanding subcontract jobs, (4) acts of demanding “mikajime” (muscle-man’s) fee, (5) acts of demanding protection money, (6) collection of high-interest-rate loans, (7) acts of unjustly demanding exemption from financial obligations, (8) acts of unreasonably demanding loans, (9) acts of conducting unjust land assemblage, (10) acts of unfairly intervening in out-of-court settlement arrangements, (11) acts of demanding money on falsified grounds, (12) acts of unjustly demanding money in return for evacuating plots of land and buildings subject to public auctions, (13) acts of unjustly demanding that companies and parties concerned buy up stocks of the companies, (14) acts of unjustly demanding that securities brokerages conduct credit transactions in securities).

C. Limitation and Regulation on Use of Offices during Times of Confrontation

When confrontation disputes arise between designated Boryokudans and when there is a risk that the offices of the designated Boryokudans could be used for purposes such as assembling, issuing of commands and orders, or liaison activities of large numbers of designated Boryokudan members in connection with the subject confrontational designated Boryokudan members who administer the subject offices stipulating a period of up to three months.

D. Prohibition of Forcing Enrollment

Designated Boryokudan members shall be prohibited from coercing or enticing juveniles to enroll in designated Boryokudans or obstructing their resigning from designated Boryokudans.

E. Designation of Centers to Promote Movements for Elimination of Violence

These centers to encourage and promote movements for the elimination of violence in the civilian sector by carrying out operations such as publicity activities for the purpose of disseminating knowledge relating to the prevention of unjust acts by Boryokudan members, providing consulting services on situation of distress related to unlawful acts by Boryokudan members conducting activities to eliminate the influence of Boryokudans on juveniles, and carrying out supportive activities for those desiring to resign from Boryokudan.

3. Characteristics of Boryokudan Organization

A. Overview of Boryokudan

After enforcement in 1994, three big organization (Yamaguchigumi, Inagawakai and Sumiyoshikai) were newly listed as 'Designated Boryokudan' under anti-Boryokudan Law, bringing the total number of designated Boryokudan groups to 24 by the end of 1995 (Fig.1). As a result, almost 90% of all Boryokudan members were subjected to control under the law. Among designated Boryokudan, three big groups occupied two thirds of the total.

Including Designated Boryokudan members, at the end of 1995, 79,300 Boryokudan members were numbered, which showed a decrease of 1,700 from previous year. Some 46,600 were full-time members among them.

B. Types of Boryokudan

There are three types of Boryokudan- Bakuto, Tekiya and others which show the way the Boryokudan got their money (in historical origin respectively). For example, Bakuto are groups of those who sponsored illegal gambling parties within their territories and earned profits from their gambling guests. Tekiya are groups of those who peddled and were street performers or who had proclivity to do so. They had their own spheres of influence and did business on holidays on the premises of shrines and temples or on the streets. However these classifications as a way of getting money has become ambiguous in recent times.

Fig.1 Location of Designated Boryokudan

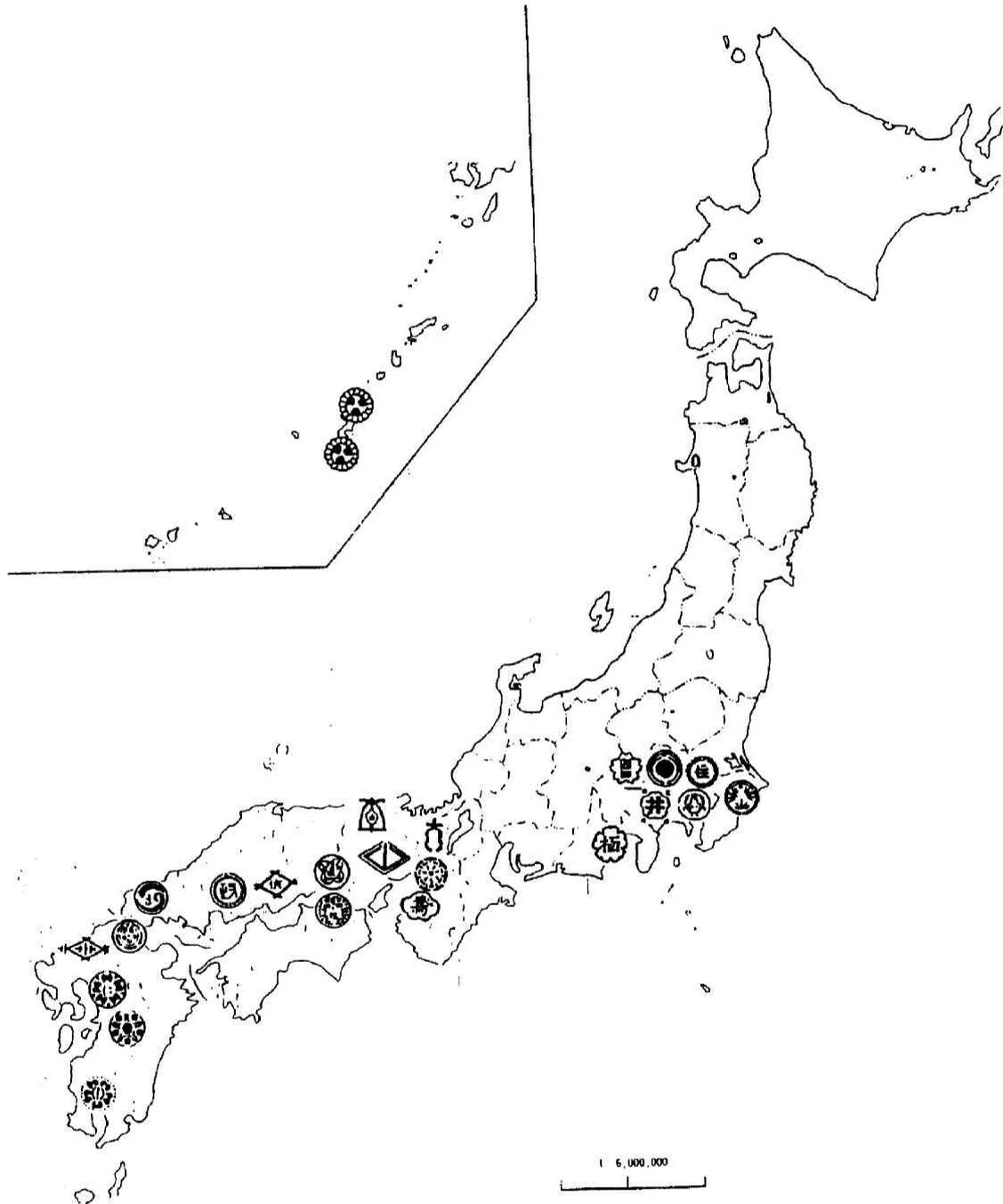
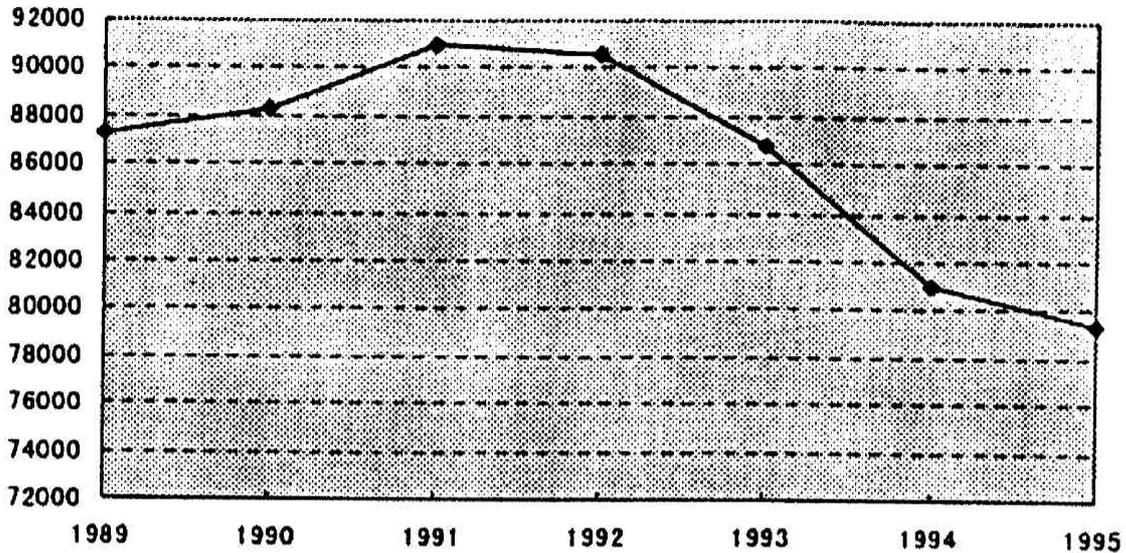


Fig.2 Trend of Boryokudan Members

C. Boryokudan As Offenders' Groups

Fig.3 shows that a majority of Boryokudan members had been arrested more than twice during their criminal careers. The number of Boryokudan members arrested has ranged from 30,000 to 50,000 a year for the past two decades. Fig.4 shows the ratios which boryokudan members occupy in different types of crimes. Recently, the ratios in felonious offenses such as homicide and robbery and violent offenses such as assault and injury committed by Boryokudan members are decreasing, but the ratios in extortion, fraud and intimidation are increasing. The way Boryokudan members commit crime has become rather cunning.

D. Boryokudan SUB-CULTURE

a) Quasi-Blood Relations

In general, Boryokudan groups are formed by a quasi-blood relationship which imitates the feudal paterfamilias. This is evident from the fact that the groups are often called so-and-so ikka (so-and-so family). The boss is called oyabun (literally parent's status), and the men under him are kobun (children's status). The bosses of the subordinate groups become the men of the bosses of the upper groups, thus forming a large pyramidal organization as shown Fig.5. In many cases the bosses of groups form a quasi-blood relationship with one another.

Boryokudan groups try to justify their relations and behaviors based on the above-mentioned feudal status system by such deceptive theories as

Fig.3 Number of Arrest Records of Boryokudan Members

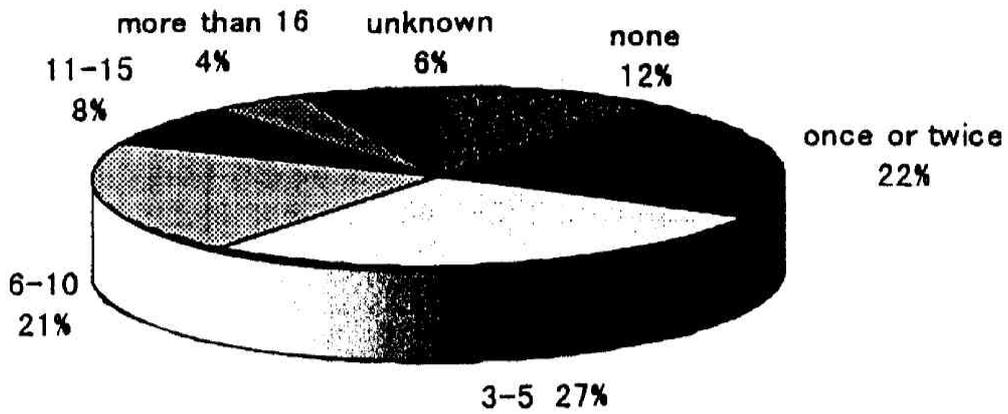
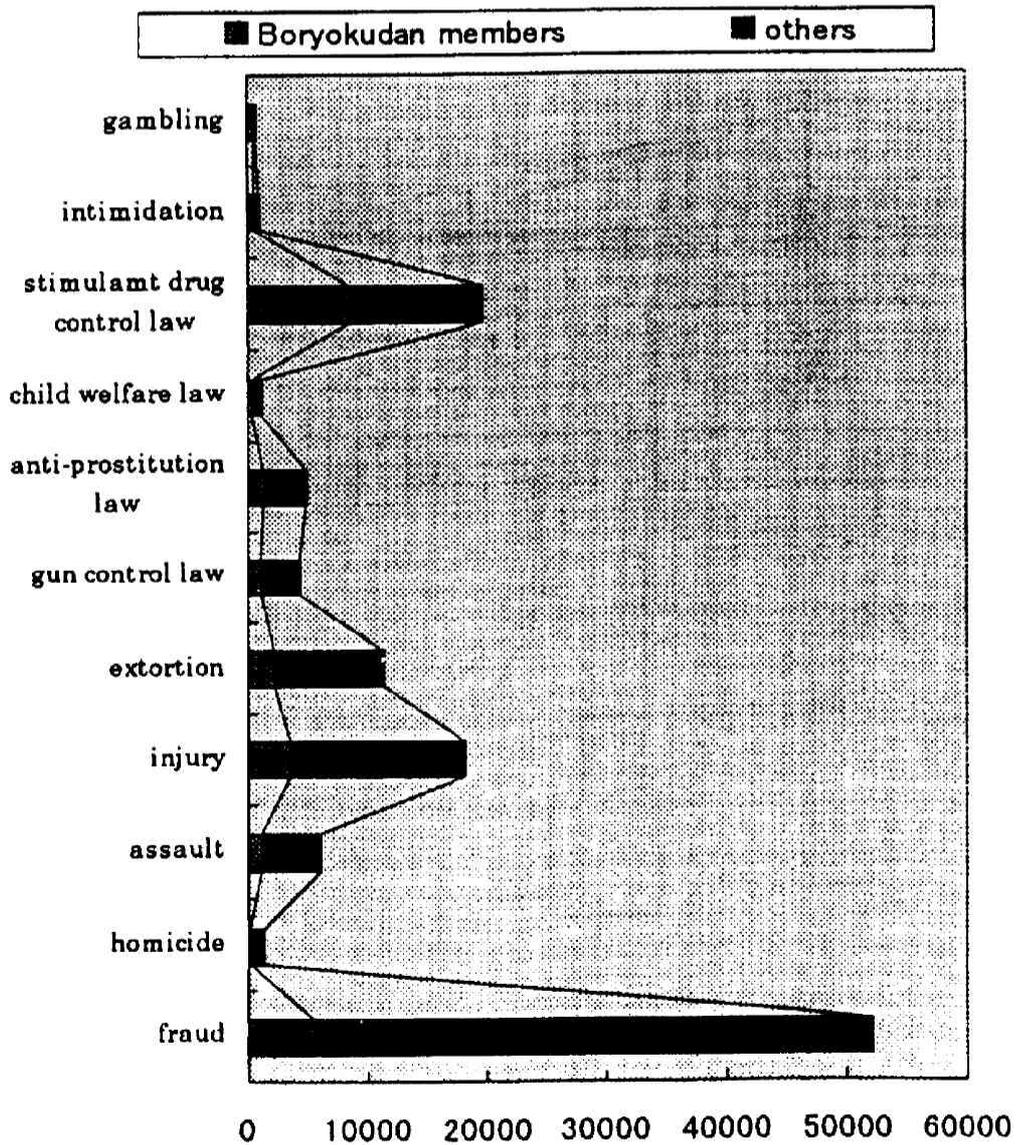
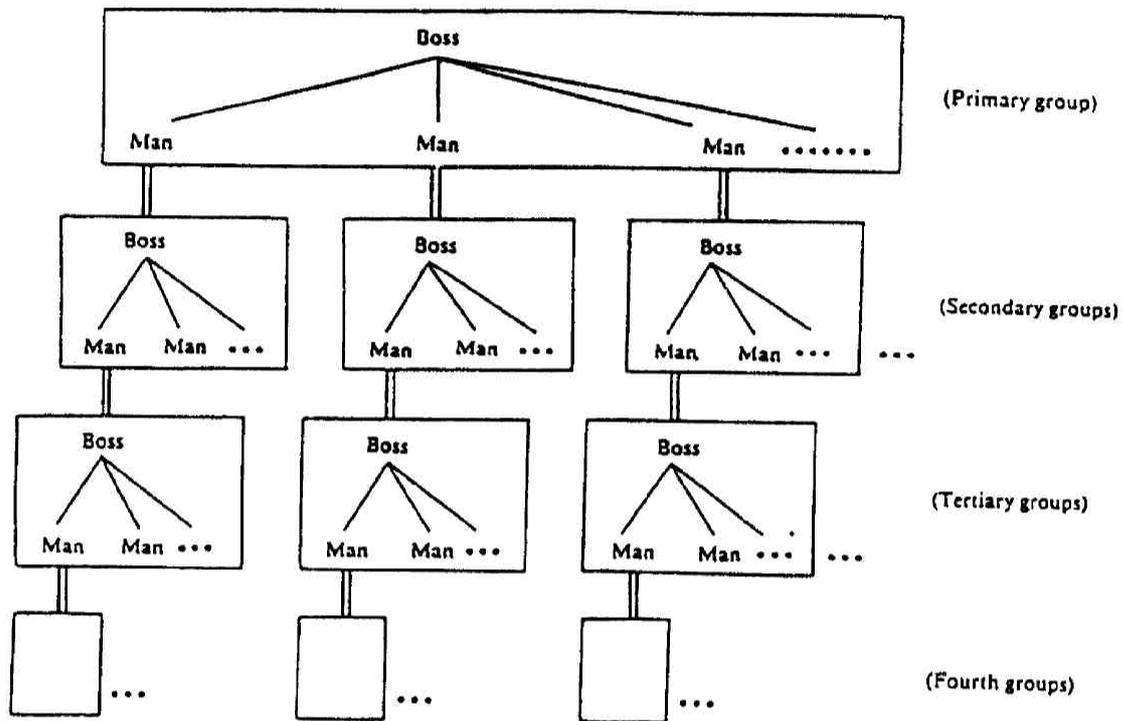


Fig.4 Ratio Committed by Boryokudan Members in Each type of Crime



unique 'moral' codes (jingi) and strong sense of duty or responsibility and humanity (giri-ninjo).

Fig.5 Pyramidal Organization of Large Organized Crime Groups

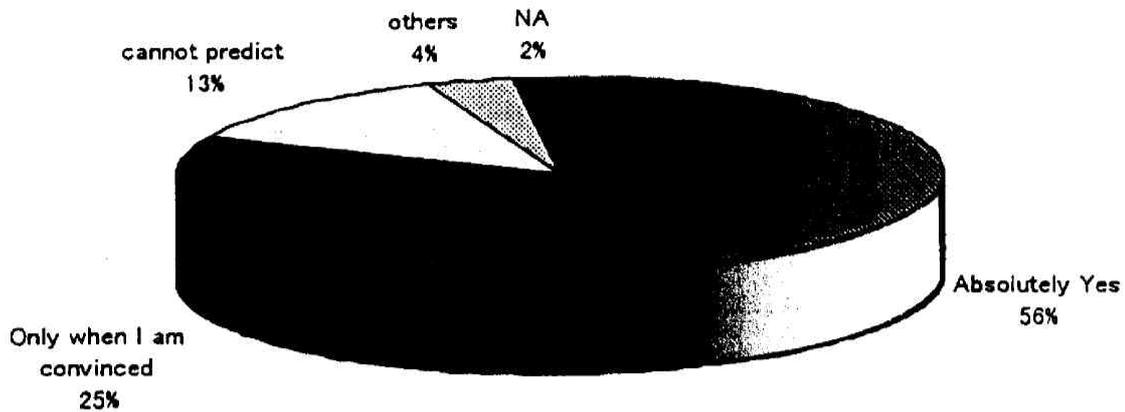


b) Internal Control

In the world of Boryokudan groups, the vertical relationship of oyabun and kobun is an absolute beyond any reason. It is the duty and virtue of the men to follow the order of their boss, whether the order of the boss is right or not, and whether it is good or bad. If a man disturbs the rule by the boss and unity of the group by disobeying such duty and violating the rules of the underworld, he will be severely punished. On the other hand, those who comply with the orders of the boss and other leaders and contribute to the group will be given promotion and remuneration.

c) Punishment

In general, the gang members who disobey the orders of the boss and other leaders or break the group rules are subjected to strict punishment within the organization. The most severe penalties include lynching, finger-cutting, expulsion and severance of relations. By the results of survey in 1970, 39% of Boryokudan member subjects (359 samples) had cut their fingers, most of the reason of finger-cutting were apology. Among lighter

Fig.6 Do you obey your Boss?

punishments are confinement to the house, dismissal from their place of residence and fines. Those who are arrested or sent to prison because they did not observe the gang's rules are usually punished by withholding from them such assistance as sending food and other things while in prison, going to fetch them when they are released from prison and celebrating their release.

4. Traits of Boryokudan Members

A. Purpose of Affiliating the Boryokudan

The motives to join Boryokudan are shown in Table 1. The most frequent motive to join the group was 'they were attracted to the smartness Boryokudan owns (which was acquired materials as a symbol of success)', secondly the subculture of underworld giri (strong sense of duty or responsibility) and ninjo (humanities) followed, thirdly they expected to spend hedonistic life by affiliating. Some of the members joined the groups for the convenience on business. The result showed Boryokudan organization had strong attractiveness for the members in their lifestyle and convenience for business. Before joining Boryokudan some of the members had an experience to join delinquent groups such as hot rodders group (Bosozoku 22.5%), drug abuse group (9.5%), violent delinquent group (8.7%).

In Boryokudan Organization, Boryokudan members in particular soldiers and lieutenants are assigned to recruit new members, they try to pick up appropriate one among the fringe members or delinquent groups.

B. Academic Career

According to our research about the academic career of members, more

than half of them had only compulsory education, which showed most of Boryokudan members had low school career, because 95% of graduates from junior high school goes to senior high school in average in Japan now.

Bad marks of school achievements were also observed among them.

5. Change of Boryokudan after Enforcement of Anti-Boryokudan Law

A. Enforcement of Anti-Boryokudan Law

a) Abeyance Orders and Orders to Prevent Repetitions

Police issued abeyance orders and orders to prevent repetitions during 3 years shown in table. The numbers of issued orders were increasing. In this point of view, the Law showed effect in some degree.

b) Resignation of Boryokudan Members and Resolution of Boryokudan Group

The number of Boryokudan Organization dissolved or disintegrated in recent years was 80 (involving 1131 members) in 1990; 131 (1430 members) in 1991; and 222 (2604 members) in 1993.

B. Changes of Their Daily Life

A major change brought on by enforcement of the New Law was observed in the decrease of their income compared with the results which was revealed through the survey conducted in 1985. In particular, the income of bosses and senior members from illegal sources had much decreased compared with that from legal sources.

C. Attitude Change of Citizens against Boryokudan

One more major change of Enforcement was the attitude change among citizens toward Boryokudan. Generally speaking, they used to have an attitude 'Boryokudan is not so good, however they are necessary for our daily life'.

The big campaign activity of Government and Mass Media against Boryokudan in Enactment and Enforcement of New Law made citizen's attitude negative against Boryokudan.

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year	1992		1993		1994		1995	
	abeyance orders	Orders to prevent a repetition	abeyance orders	Orders to prevent a repetition	abeyance orders	Orders to prevent a repetition	abeyance orders	Orders to prevent a repetition
	241	7	610	35	1057	37	1321	33
total								
article 9								
Unjust demand for gifts	9		37		117		197	2
Demand for musician's fee	8	3	51	6	73	3	120	5
Demand for protection fees, of the like	52	2	136	25	175	25	256	22
Collection of high-interest loans	9		10	1	8		10	
Unjust demand for exemption from debts, etc.	8		36		116		146	
Unreasonably demanding loans			14		20		19	
Evacuating in public auctions			4		2		1	
Unjust intervention in out-of-court settlement	4		3		10		4	
Demand for money etc. by intervening a pretext for a complaint	17		34		65		34	
others	6		10		27		27	
article 10								
Criminal exaction		1					2	2
Helping criminal exaction*			8		36		66	
article 16								
Forcing youths to become members and obstructing in leaving	22		36		50	2	58	
Forcing adults to become members and obstructing in leaving	105	1	194	1	296	2	302	2
Forcing close people to become members and obstructing in leaving*			33		59		77	
article 17								
Forcing to become members						1		
article 20								
Forcing finger cutting*			1		1		2	
article 24								
Forcing youths tattoo							1	
article 29								
Illegal acts in offices	1		3		2		1	

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