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Separation of three powers provided by the Constitution of Japan

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It is not a daily business for the most of people to rigidly think of jurisprudence, law or legal system like legal scholars and lawyers do it every day. However, it is really necessary to think of some fundamental legal questions for the people in general who substantially enjoy this civilized life style here in Japan.

Historically speaking, the current system of “separation of three powers” was applied to this country through the establishment of the Constitution of Japan of 1946 after finishing World War II (1939-45).

Separation of three powers is essentially calculated to prevent the abuse of power of the State in terms of dividing the power into the following three independent powers,
1) “legislation”, 2) “administration” and 3) “judiciary.”

Here, you are guided to read the following three articles concerning the three powers, legislation, administration and judiciary provided under the Constitution of Japan.

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Article 41 of the Constitution of Japan:

The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

---2---

Article 65 of the Constitution of Japan:

Executive power shall be vested in the Cabinet.

---3---

Article 76 of the Constitution of Japan:

The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

Now, I certainly ask you to deliberately think of the following essential question. Why do we need to maintain this constitutional system, namely “separation of three powers” provided by the constitution of Japan?

The answer is absolutely clear for Japanese nationals. Japanese nationals need to maintain this system, separation of three powers in order to reasonably realize and keep what is called “true democracy” under the Constitution of Japan. We surely need it for the sake of realization of happiness of all Japanese nationals here in Japan.

Obviously, Japanese people pay taxes for that. This means taxation is a “fee” to enjoy (exercise) “democratic life style civilized” by this constitution.

Your consciousness regarding the definition and value of democracy will be remarkably ameliorated, if you can positively think a matter of taxation as a legal right to do it by means of the aforementioned rationale “civilized.”