

FFWPU Europe and Middle East: Japan's Constitution: No Dissolution Without Trial

Knut Holdhus
March 5, 2026



Seishiro Sugihara, former professor at Musashino Women's University and expert on issues of freedom of religion and constitutional law



Legal expert says it is unconstitutional to hold closed proceedings in dissolution case against large religious minority Family Federation

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[High Court Decision - Expert Commentary]

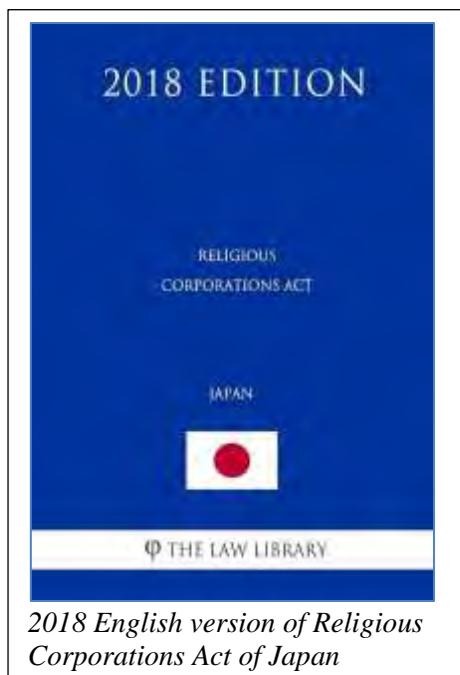
Ignoring the Right to a Public Trial, Procedures that Violate the Constitution

Commentary by Seishiro Sugihara, Former Professor at Musashino Women's University

by Seishiro Sugihara (杉原誠四郎)

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2018 English version of Religious Corporations Act of Japan

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Just as with the [Tokyo District Court's decision](#) last March, the biggest problem with the Tokyo High Court's [recent dissolution order](#) against the [Family Federation](#) is that it was issued without granting the right to a public trial based on Articles 32 and 82 of the Constitution, and instead was handled as a closed, non-contentious case [See editor's note below]. The dissolution of a religious corporation - an action equivalent to a death penalty for an individual - was carried out without the public trial required by the Constitution. This clearly constitutes a constitutional violation and is a matter of grave concern.

It is true that the Religious Corporations Act stipulates that court proceedings regarding dissolution orders requested by the executive branch are to be treated as non-public, non-contentious cases [See editor's note below]. However, the original intent of this provision in the Religious Corporations Act was to prevent the executive branch from recklessly issuing dissolution orders against religious corporations. For that reason, the law requires the executive branch to request a dissolution order from the court and obtain the court's judgment before such an order can be issued.

In other words, this system assumes circumstances in which a religious corporation has engaged in actions violating the criminal law and the criminal penalties have already been finalized, or when acts have repeatedly been recognized as unlawful in court judgments. Only when such situations have occurred and the organization still fails to correct its conduct despite administrative guidance - when the grounds for dissolution are already clearly evident to anyone - does the government then petition the court, after which the court issues a dissolution order. Because the grounds are already obvious in such cases, the proceedings may be handled as a non-contentious case [See editor's note below].



In the present case, however, the Minister of Education, Culture, Sports, Science and Technology requested the dissolution order merely by collecting reports from individuals claiming to be victims. No verification was conducted as to whether the reported harm actually existed as fact, nor whether - although it might subjectively be perceived as harm - it could legally be recognized as an unlawful act. Without examining any of these issues, the matter was treated as a closed, non-contentious case [See editor's note below] based solely on victim reports collected by the Ministry from people identifying themselves as victims, and a dissolution order was then issued. This decision clearly ignored the right to a public trial and is plainly unconstitutional in terms

of procedural fairness.

Furthermore, regarding this dissolution order, reports about alleged damages have been circulating that are difficult to accept unless one assumes that all donations made to the [Family Federation](#) should be interpreted as harm. Many related parties have also made comments readily affirming such claims as damage. However, the principle that donations made based on religious faith cannot be treated as harm should be included in the discussion.



Giving donations included in expansive definition of harm. Here, a woman offering donation at a Sunday service. Illustration

What is currently being described as "damage" represents an expansive interpretation of harm. If such reasoning is allowed, then other religious organizations should also be criticized under the same standards. Yet in reporting on this dissolution order, references to other religious groups have not been permitted, and the mass media has shown a clear tendency to direct attention exclusively toward the [Family Federation](#). This too runs counter to the principle of fairness in a state governed by the rule of law, and one could say that with the [Tokyo High Court's decision](#) to issue the dissolution order, a kind of "darkness at high noon" has occurred.

If the type of criticism now being directed at the [Family Federation](#) - premised on the assumption that dissolution must occur - were applied to other religious corporations, it is likely that a very large number of them would become targets. Nevertheless, no mention

whatsoever is made of other religious corporations, while severe criticism is directed solely at the [Family Federation](#). This contradicts the fairness of the law, and it would not be unreasonable to say that this decision was based on the arbitrary judgment of the presiding judges.

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[Editor's note: A non-contentious case refers to a legal matter where there is no dispute between parties. These cases typically involve administrative, procedural, or uncontested legal actions, such as probate (handling a deceased person's estate), uncontested divorces, adoption, or registering a trademark. Since there are no opposing parties or legal conflicts, these cases usually proceed smoothly through the legal system without litigation.]

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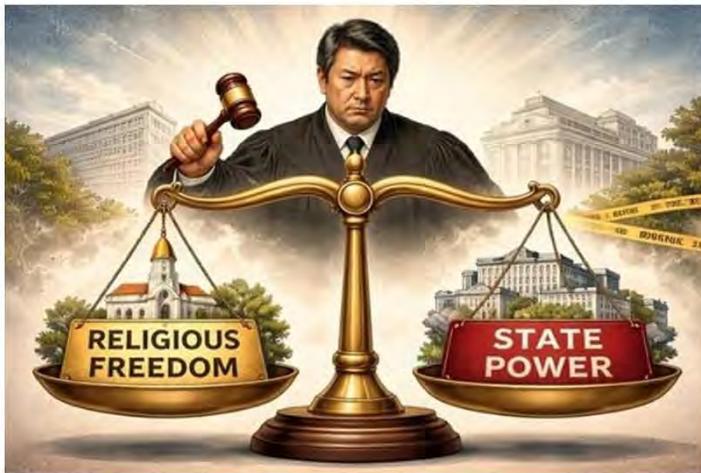
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Religious affairs reporter Jeong Seong-su (정성수). Photo (2025): Segye Ilbo

“Japan’s Rule of Law Put to the Test by Court-Ordered Dissolution of Religious

세계일보

The logo of the Segye Ilbo

Corporation” was the headline of an opinion piece by religious affairs reporter Jeong Seong-su (정성수) in the South Korean daily Segye Ilbo on 4th March. The writer describes a major legal decision in Japan the same day that has reignited debate about religious freedom, state power, and the meaning of the rule of law in a democratic society.

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The building housing Tokyo High Court and Tokyo District Court. Photo (2012): Rs1421 / Wikimedia Commons. License: CC ASA 3.0 Unp

The Tokyo High Court upheld a lower court ruling ordering the dissolution of the Family Federation for World Peace and Unification – better known for some as the former Unification Church. With that decision, the organization moved one step closer to losing its legal status as a religious corporation in Japan, a process that would ultimately lead to the liquidation of its assets and the effective termination of its institutional existence.

This ruling is extraordinary. In modern Japan, the dissolution of a religious corporation by court order is extremely rare. Globally, it is also unusual for a democratic state to take steps that effectively extinguish a large religious organization through judicial action. For these reasons, the case has drawn intense scrutiny from legal scholars, human rights advocates, and observers of religion-state relations both within Japan and abroad.

At the center of the controversy is a fundamental legal question: On what grounds can a state dissolve a religious organization? In this case, the government’s request for dissolution was not based on a criminal conviction against the organization itself. Instead, it relied on findings of civil liability – specifically, unlawful acts under civil law related to the group’s activities, such as controversial fundraising practices. Critics argue that dissolving a religious corporation without a definitive criminal judgment sets a troubling precedent.

Under constitutional democracies, freedom of religion is considered a core civil liberty. In Japan, as in many other countries, this freedom is explicitly protected by the constitution. Dissolving a religious corporation does not formally ban belief, but it strips the organization of its legal personality. That means it can no longer own property as a corporate entity, operate in the same structured way, or benefit from the legal and tax frameworks granted to recognized religious bodies. In practical terms, it can dismantle the institutional foundation that sustains a faith community.



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No more access to hundreds of its own buildings: Here, the property housing the [Family Federation](#) in North Hamamatsu, a city on the South coast on the main island of Honshu, Japan. Photo: IXTA9839 / Wikimedia Commons. License: [CC ASA 4.0 Int](#)

For that reason, many legal theorists argue that **dissolution should be a “last resort”**, reserved for situations in which a religious organization has been clearly and conclusively proven to have committed serious criminal acts as an organization. The [Segye Ilbo article](#) contends that in this case, that threshold was not met. Instead of relying on finalized criminal verdicts, the [court decision](#) was grounded largely in civil disputes and broader social criticism. To some observers, this raises concerns that the judiciary may have been influenced – directly or indirectly – by public anger rather than adhering strictly to narrow legal standards.

The broader social context is impossible to ignore. The immediate catalyst for the Japanese government’s actions was the 2022 assassination of former Prime Minister Shinzo Abe (安倍晋三). The man accused of the crime reportedly harbored deep resentment toward the [Unification Church](#), blaming it for his family’s financial hardship due to large donations made by his mother. In the aftermath of the assassination, intense public scrutiny fell upon the [organization](#), especially regarding its fundraising methods and its connections to politicians.

However, critics of the [dissolution order](#) argue that the assassin’s motivations were personal and subjective. They emphasize a foundational principle of modern law: individual responsibility. According to this principle, **criminal liability attaches to the person who commits the act, not to a broader community that shares certain beliefs**. To attribute the actions of one individual to an entire religious body, they argue, risks reviving a form of **“collective responsibility” that modern democratic systems have long rejected**.



This concern is not merely

Will the Jehovah’s Witnesses, another persecuted religious minority in Japan, be next? Here, a female believer at a street display for Jehovah’s Witnesses in Naha City, Okinawa, Japan 13th January 2025. Photo: Naha Mama Pavilionz. [Public domain](#) image. Cropped

theoretical. If a religious organization can be dissolved primarily because of public outrage connected to a crime committed by someone not a member of the faith, it raises the question of where the limits of state power lie. **Could other minority groups – religious or otherwise – face similar action if they become unpopular or associated, fairly or unfairly, with social harm?**

Some international observers have warned of what they describe as a **potential “domino effect”**. If broad and somewhat ambiguous standards such as “harm to the public interest” or “antisocial behavior” are interpreted expansively, governments may gain wide discretion to act against groups that diverge from mainstream opinion. The concern is not limited to this particular religious movement. Rather, it touches on a structural issue within

religious movement. Rather, it touches on a structural issue within democratic governance: the balance between majority sentiment and minority rights.

In classical constitutional theory, the rule of law is not simply the enforcement of popular will. Instead, it functions as a constraint on power, including the power of the majority. **Courts are expected to serve as guardians of legal principle, protecting even unpopular minorities from arbitrary or disproportionate state action.** The [Segye Ilbo article](#) suggests that the Japanese judiciary now faces a profound test: whether it will be seen as upholding neutral legal standards or as aligning itself with prevailing public emotions.

Another dimension of the debate concerns the role of media and digital information ecosystems. The [article](#) references reporting that suggests online narratives, social media amplification, and possibly politically motivated information campaigns intensified negative perceptions of the group. In the contemporary information environment, emotionally charged content can spread rapidly, shaping public opinion before detailed legal processes unfold. If courts operate in a climate saturated with such narratives, critics worry that judicial neutrality may be difficult to maintain – even unintentionally.



The human dimension when members' fundamental identity is rejected by the state in league with hostile lawyers. Dissolution and liquidation mean the Japanese state steals properties members built with their own hands and years of investment to realize their dream. Here, the sanctuary of the [Family Federation's Koriyama Church](#). Photo: Yasuhiko Nagano (長野康彦)

Beyond institutional and constitutional theory, there is also a human dimension. Tens of thousands of adherents in Japan identify with the [Family Federation](#) as their spiritual community. For them, the dissolution of the religious corporation is not merely a legal abstraction. It threatens the stability of their [places of worship](#), organizational networks, and long-standing communal ties. **Even if individual belief remains protected, the dismantling of the institutional framework can feel like a profound repudiation of their identity.**

Supporters of the [court's decision](#) argue, of course, that the state has a duty to protect citizens from exploitative or harmful practices. They maintain that religious freedom does not provide immunity from accountability. The unresolved tension lies in determining how far that accountability should extend and what evidentiary standard justifies the most severe organizational sanction available under law.

The case is now expected to move to Japan's Supreme Court, where the final legal judgment will be rendered. At stake is more than the future of a single religious movement. The outcome will likely influence how Japan – and perhaps other democracies – interpret the relationship between religious liberty, civil liability, criminal responsibility, and state authority.

For non-Korean and non-Japanese observers, the controversy may seem distant. Yet the underlying questions are universal. When does the protection of society justify extraordinary intervention against a religious body? How should courts navigate intense public emotion following a national tragedy? And what safeguards ensure that the rule of law remains a shield for minority rights rather than a tool shaped by shifting political winds?

These are the issues that the [Segye Ilbo article](#) brings to the forefront – framing the [Tokyo High Court's ruling](#) not only as a domestic legal milestone, but as a defining moment in the ongoing global conversation about democracy, pluralism, and

freedom of belief.

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