

“1992-2012: LAWS’ IMPLEMENTANTION ON ONE SIDE AND CHANGES ON
YAKUZA’S ORGANIZATIONS ON THE OTHER.”

-WHAT HAS BEEN GOING ON?-

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Asian Studies - Politics, Society and Eco Asia-

07/15/2015

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Introduction

The Yakuza are one of the most rooted form of organized crime, originated in Japan. Yakuza represent a peculiar kind of organized crime, inasmuch they have often lived on the edge of legality. They had their offices showing their crests and their names, everyone knew who they were and part of what their activities involved. Their organizations traditionally used to not encroach in ordinary citizens' lives with their illicit business (such as gambling, labor-broking, prostitution, protection moneys), as well as in their turf wars, even though the actual involvement of some society members, such as laborers, prostitutes and bar-keepers. Therefore, since no harm was done to people, yakuza coexisted within the society almost peacefully. Although it was different depending on the government and the changing circumstances of the periods, yakuza organizations generally enjoyed a certain degree of tolerance even from authorities: including police force, with which they often cooperate; and government parties, which often found themselves involved with organized crime.

In the postwar period, developments and changes, among the others, occurred also within yakuza organizations. On both levels, local and international, different reasons lead to the decision of taking action against the organized crime. Due to local factors, mostly a deeper involvement of the citizens in gang related activities, implying more danger in the daily life; and due to international factors, mainly the union of the 'democratized countries' against the fight of organized crime, with particular reference to drug related offences, Japan moved for the first time in a serious way against yakuza.

In 1992 The *Bōtaihō* 暴対法, or 'Anti-*bōryokudan* law', law No. 77 was implemented. As stated in its Article 1 the law aims to the control of the intimidation and violence acts carried out by the *bōryokudan*. *Bōryokudan* 暴力団, literally 'violent group', according to this law, refers to the "any organized gang", defined as "any organized crime group likely to help its members [...] to collectively and habitually commit illegal acts of violence." (*Bōtaihō*, Art. 2.2) During the years the *bōtaihō* went through several revisions, according to the realization of lacks within the provisions, or following the progress of the country. Together with the anti- *bōryokudan* law, through the years, other laws have been improved, or enacted, with the purpose of controlling, or confining yakuza activities out of the Japanese society. The most recent is the introduction of prefectural ordinances: these, carrying the same purpose of isolating 暴力団員 *bōryokudan-in* "bōryokudan members" through the ban of their commercial relations with the societies' members, slightly differentiate in their content depending on the local situation. Prefectural ordinances are directed to the people, who are the one that suffer the consequences in case of doing business with yakuza. The last prefecture to enact the ordinance has been Tokyo at the end of 2011.

In my thesis' work I want to gather information, and see what laws, and measures, have been implemented after the *bōtaihō* to fight the yakuza, trying to understand what is their final goal. At the same time, I want to find out what happened within the yakuza organizations while the authorities were planning against them. I will try to follow the development, and changes, of their activities. And in the end, after obtaining data from both sides, I want to compare them, and observe if the laws show themselves adequate to their scope, simply looking at the resulting yakuza activities. I chose the period which goes from the 1992, date of the *bōtaihō* implementation, to the 2012: a gap of twenty years which may be sufficient to observe some results of the anti-*bōryokudan* law. It will be possible to observe the changes within yakuza activities, using primary data as crime statistics from the 'White

Papers on Crime', and other accounts edited by the National Police Academy of Japan (NPA), Police Policy Research Center and Ministry Of Justice (MOJ). These years are not going to be enough for an adequate evaluation of the ordinances' effect due to their recent implementation; nevertheless, setting the 2012 as limit works to the purpose of my research because it is recent, and close to nowadays, and at the same time, it is 'old' enough for the research of valuable sources.

My research question is: looking at yakuza activities and developments during the twenty years between the first anti-*bōryokudan* law enforcement (1992) and the recent enactment of the prefectural ordinances (2012), did the laws do what they were supposed to? Have the goals that the laws were aimed at been realized?

In my study I am going to use mainly primary sources which can give me a real understanding of what happened. First of all I am going to look at the *Bōtaihō* itself, following with the provisions that came after it. Articles from different database and newspapers as the *Asahi Shimbun* (in English), together with the New York Times, and the Washington Post will work as complementary material to the information given by the above mentioned 'White Papers on Crime', produced by the Ministry of Justice and the other papers edited by the National Police Academy of Japan and Police Policy Research Center. Using these sources I will be able to collect data which will allow me to see what kind of criminal activities carried out by the yakuza have been changing during the years: which one increased; which one decreased; whether or not, some new activity has emerged. At the same time, the newspapers, even though they cannot be considered totally 'impartial', will help to give an understanding of the impact of these changes on the public. Moreover, I am going to use also second sources, especially the works of those considered experts in the field, such as Peter Hill 2003, Kaplan and Dubro 2003, and different works of Jake Adelstein produced between 2009 and 2011.

This research contributes to previous researches, and to actual debates, because it doesn't focus only on the study of the *Bōtaihō* itself, as it has been done in the past, but it uses the law as a starting point, looking at most of the other provisions against the yakuza that followed the anti-*bōryokudan* law. My thesis will be structured in three chapters, followed by a conclusion. The first chapter will give an introduction on the yakuza world: who they are and a bit of history, which will allow a better understanding of the following chapters. The second chapter will focus mainly on the *Bōtaihō*, including the reasons that led to its enactment, an explanation of why it has been done in this way, an analysis of the main points and the implementations carried out during the revisions. In the same chapter will be also included an overview of the recent prefectural ordinances, aiming at the reduction of the yakuza illegitimate business, and then at their isolation from the community; moreover a list of the other main measures enacted during those years is provided in appendix. Those provisions, even if not strictly directed to the yakuza in their statements, they aim to weaken gangs' other activities, sources of income, and more in general the organizations themselves. The third chapter will look at yakuza activities: through data usage, it will be possible to see which activity has increased, or decreased; what kind of new activities have emerged; attention will also focus on the number of the members who belong to the different organizations, whether or not it has increased, or decreased; what happened to the several gangs themselves; and whether or not, these changes are the direct outcomes of the measures enacted, or if they also result from other factors, such as economic changes. The third chapter will include a discussion as well, based on the comparison of the data resulting from chapter two (laws' implementation) and the first part of chapter three (changing on yakuza activities), giving therefore an answer to the research question. Finally, the conclusion will focus on the sum up of my findings.

Chapter 1

This first chapter will focus on an introduction of the yakuza: an explanation on who they are; what are the biggest organizations; how many members they count. Thereafter, yakuza history will be briefly presented, followed by the main developments and changes regarding their activities, and behaviors towards the citizens, that led to the yakuza organizations as known today. These information will serve for a better understanding of the subsequent chapters, making it easier to follow the developments on the law side, and the changes within the yakuza organizations.

The term yakuza indicate the members of the gangs of one of the most rooted form of organized crime. It originated and developed in Japan, and together with the globalization gradually evolved in the so called transnational criminal organization. As pointed out in Siegel and Nelen 2008, transnational crimes differ from international crimes because the transnational ones includes acts which violate the laws of more than one country.

The term yakuza ヤクザ originated with the *bakuto* (traditional gamblers), who used the word to indicate the worst possible score in the *hanafuda* (flower card) card game, 8 ヤ(ya)-9 ク(ku)-3 ザ(za). At first used within the gambling society to indicate something useless, eventually it turned up to indicate the gamblers themselves, meaning that they were useless to society, hence born to lose. In the twentieth century its usage was extended to denote also *tekiya* (street peddlers) and the rest of the members of the gangs (Kaplan and Dubro 2003). Another term commonly used today to indicate organized crime in Japan is 暴力団 *bōryokudan*: literally ‘violent group’, according to the anti-*bōryokudan* law of the 1991, it

refers to the “any organized gang”, defined as “any organized crime group likely to help its members [...] to collectively and habitually commit illegal acts of violence.” (*Bōtaihō*, Art. 2.2)

According to the White Paper on Crime 2013, which reports information until 2012, the most recent data indicate the presence of 63.200 gangs' members in total. As of June 2012, NPA reports as the biggest three designated gangs the Yamaguchi-gumi with 15.200 members, the Sumiyoshi-kai with 5.600 members, and the Inagawa-kai with 4.000. Actually, these three groups started to consolidate their power in the postwar period, after the end of the US Occupation, and have been at the top since then.

How Yakuza come to being

Regarding the yakuza origin, there are different stories that link their “ancestors” very back in time, some of them are probably just tales, some depict yakuza as heroes, some give less bright images of them. Nevertheless, according to Kaplan and Dubro 2003, it seems that those who are today considered the true ancestors of yakuza were enterprising members of a medieval underworld known as *bakuto*, or traditional gamblers, and *tekiya*, street peddlers.

The actual early yakuza groups started to appear around the mid- 1700s as *bakuto* and *tekiya*. The ranks of both groups were composed by the same kind of people: the poor, the landless, the delinquents, and the misfits. Each group had different territories to carry out their business, so that they would not get into each other's way: the *bakuto* worked mainly on highways and towns of old Japan, while the *tekiya* were settled around the nation's markets and fairs.(Kaplan and Dubro 2003,)

Modern yakuza

During the Meiji Restoration, Japan performed its first economic miracle turning into an industrial power: it witnessed the birth and development of the first parliament and parties, as well as of the growth of a powerful military. Following Kaplan and Dubro 2003, it seems that together with the country, the yakuza extended their activities within the growing economy: even though their previous involvement in the fields, they started to gather casual laborers for construction jobs, moving deeper in the construction industry, as well as making their connections to the docks stronger through the recruitment of stevedores. Gambling remained the core of their business, although they had been forced further underground by police control. In this period bosses' started legitimate business as fronts for money laundering, linked to gangs' activities as rackets; and they also started to make pay off to local police. The groups kept good relations with politics, developing close ties with important officials, seeing in cooperation the best way to gain what they wanted; on the other hand the government used the gangs every time it needed them.

After the war, yakuza flourished, and their power increased like never before. It all started when Americans decided there was no need to give to Japanese under Occupation more than the necessary to survive, while food shortages spread all over the country. Within this context emerged the best conditions to give rise to the diffusion of black markets, where there was a lot of money to be made. At the same time, as consequences of the Japanese actions during the war, a new class arose in the country: the so called *sangokujin* (Kaplan and Dubro 2003:35), made up of Asian minorities (mainly Chinese, Taiwanese and Koreans) living in Japan, who were brought there as workers in factories and several unskilled jobs during the war. The rancorous, exploited, and continuously judged *sangokujin*, after the surrender, blew up into several attacks against Japanese citizens; took control of many of the nation's major black markets; and became spies, and informers, for the US officials. The

Japanese Police weakened by the Occupation, and lacking an effective leadership, did not have the means to intervene. At this point, yakuza stepped in, against the *sangokujin*. They were driven by two main reasons: they were outraged by the attacks to the citizens; and by the *sangokujin*, who were foreigners taking possession of the most of the black markets. Yakuza enjoyed in this period general consent, to the point to be considered heroes saving Japan from “evil foreigners” (Kaplan and Dubro 2003:36).

The San Francisco Peace Treaty on April 1952 officially marked the end of the Occupation. During the 1950s Japan started to rise again: the economy started to pick up; the industrial sector was regaining fast, thanks to the high demand of construction projects (roads, apartment blocks, different types of infrastructure), and thanks to the demand of military equipment generated by the Korean War (Hill 2003).

Yakuza organizations began to consolidate their forces, and some of the thousands' gangs to dominate. The basis of their power were mainly in Osaka/Kobe in the west, from where names like Yamaguchi-gumi and Honda-kai started to emerge; and Tokyo/Yokohama in the east, where the most known gangs were Kinsei-kai, Tosei-kai, and Sumiyoshi-kai. Modern yakuza activities started to shape: first of all, as the economy recovered yakuza presence in the black market was no longer needed, indeed they switched from controlling necessities to the control of luxuries, and soon understood that big money was to be made after non-essentials. (Kaplan and Dubro 2003)

Yakuza ended up monopolizing amphetamines' market: this drug, used during the war by the soldiers to keep on going, had been produced in large quantity and even after the war, the demand was still high.

Prostitution became one of the pillar of yakuza's activities, especially after the 1956. Before that date, prostitution was legal, and it was not directly controlled by yakuza, even

though their indirect involvement through protection money. Gangs came to be involved in two other sectors of the sex industry: 'date clubs' and management of street and foreign prostitutes. Both these kind of business do not require a large capital investment, indeed for 'date clubs' the only things needed are a telephone line, a driver, a receptionist and 'sex-workers'. Clients call the number, often advertised on fliers, and are directed to love hotels where they are going to meet a girl. Regarding the foreign prostitutes, they are usually women who enter the country illegally or whose visa is expired. Mostly they come from Asian countries such as Thailand, Philippines, Malaysia, and Indonesia, and they are promised with jobs like waitress, factory workers, hostesses or nannies, but once they get into the country they are sold from the first broker (usually a native of the country where the girl comes from) to a second broker (usually a yakuza) to clubs. All this selling makes the women in the position of being in debt with the last 'buyer', so they have to work to repay those debts before they can earn for themselves. Eventually some of these women manage to pay their debt, and to be 'set free', anyway, this is just a small percentage of what happens within this sex industry area (Hill 2003).

The business which made yakuza what they are, gambling, was in part legalized. Another big source of revenue was supplied by the Korean War, requiring large construction projects and heavy demand for shipping, in impacted areas under the control of the yakuza. Some of the organizations started their own contracting firms; others resumed their function of labor brokers and hiring muscles.

Together with the rise of life's standards, entertainment was again part of the activities enjoyed by Japanese people, who now had money and leisure time. The entertainment field slowly would become almost yakuza's monopoly: they were involved in professional sports, from ancient sumo to baseball; movies industry, theater and cabarets were under their direct control (Kaplan and Dubro 2003).

As from the authorities' side, the reaction was contrasting: on one hand, police forces were fighting against the gang power with crackdowns and arrests (a more developed section about the relationship between yakuza and police can be found in the appendix); on the other hand, high political officials, especially in the LDP right wing, were more interested in keeping close ties with them (Kaplan and Dubro 2003).

During the war's aftermath yakuza structure and methods changed. They became more violent; swords were leaving place to guns; and ordinary citizens turned to be targets of robberies and street shakedowns. Some of the organizations kept on expanding and dominate bigger regions through turf wars, or alliances. The period of tolerance for the yakuza officially ended with the systematic crackdown carried out by the police when the 1964 Tokyo Olympics rolled around. From 1979 to 1998, Japan's top three crime groups- the Yamaguchi-gumi, Sumiyoshi-kai, and Inagawa-kai- grew from 40 to 82 percent of all official yakuza members. (Kaplan and Dubro 2003)

In the following years yakuza's business moved deeper into corruption, resulting at the end of the 1980s in an very diversified set of activities. Known as *sarakin*, they were companies originated to provide services where the banking system failed. They offered loans to everyone with very high rates of interests. *Sarakin* companies were a legal business, and most of them were not run by yakuza. Even though they maintained close ties with yakuza, who worked as an insurance policy. Their connection didn't stop here, indeed for those who were denied access to *sarakin* finance, yakuza represented the last chance. Defined as Yakuza loan-sharking, they worked on system called *to-ichi* (ten-one), meaning that every ten days a charge of one-tenth of the loan has to be paid to the lender until it is extinguished. Sometimes loan-sharking business were carried among yakuza. (Hill 2003)

Probably the most significant change within the deep turn into violence, and almost certainly, one of the causes of yakuza's loss of tolerance among the people, are the *Minji Kainyū Bōryoku* (violent intervention in civil affairs), also known as *minbō*, which include different kind of activities aiming to earn money. *Minbō* came into existence in response to the decrease in the traditional sources of revenue provided by gambling, and led to an increase of yakuza penetration in legitimate society and business (Hill 2003:119). Literally the expression means 'violent intervention in civil affairs'. At the lowest level of *minbō*'s operations is the yakuza's exploitation of injuries or damages, real or invented, to the expenses of citizens. One of the most known is their intervention in traffic disputes. Even when gangs are not directly involved in the different kind of accidents, they can be hired to solve these kind of disputes. The recourse to yakuza intervention (at least for certain activities within the *minbō* business) is considered convenient due to the inadequacies of the legal system. The Japanese legal system results slow and complex, implying high costs in money and time for citizens who go through civil cases, before a conclusion is reached (Hill 2003:119).

Jiage, or land-sharking, is another activity which suits yakuza's way of doing business. Their role in the land-sharking, is that to free lands, or buildings, from the previous owners: to this purpose they are willing to use any tactics, from loud music, threats, car crashing within the property. One reason that brought to the establishment of *jiage* is that Japanese law makes it very hard to evict tenants from property, even in the cases when contract terms are violated; nevertheless, real-estate agents didn't hesitate to employ yakuza to clear a given site which would have been a big source of income (Hill 2003).

It was around the 1960s that yakuza got seriously involved in *sokaiya*. *Sokaiya* are basically corporate blackmailers, who having bought one share of a company, are allowed to attend the company's annual general shareholders' meeting, and there threaten managers to

disclose sensitive information about either their business or private life scandals, usually in exchange of money; or they may have been hired from other competitive companies (Hill 2003).

Keizai yakuza

From the middle 1980s to the 1990 the Japanese economy reached the highest levels, in particular regarding real estate and stock market values. No one was better suited than the *bakuto* to take advantage of this economic growth. They started to invest in real estate and stock markets making huge deals. At the same time, banks were handing out as much loans as possible, making the big mistake to not check out their clients. The *Keizai yakuza*, or economic gangsters, were enjoying this mistake more than anyone else. During the Bubble Economy yakuza got deeper involved in the construction industry, and began to get their hands on the booming pirate video industry. One of the main investment at this time were the golf courses, yakuza began to build an empire around them (Kaplan and Dubro 2003).

Eventually the Bubble collapsed, dragging down with it stock markets values, land prices, golf courses, and the like. The deflation of the economy showed how far yakuza penetrated the Japanese society, and a decade of scandals followed (Kaplan and Dubro 2003).

As a consequence of the above mentioned changes within yakuza activities, and attitudes towards the citizens at local level and due to international factors (seen in the next chapter), Japan for the first time is driven to take serious measures against the yakuza.

Now that a clear overview of yakuza has been given, the attention can be turned to the stronger measures taken by the authorities among the 1992 and 2012, and see what happened during those same years within yakuza gangs.

Chapter 2

In this chapter, attention will be paid to the reasons that drove to the enactment of the law, and why the “anti-yakuza law” has been drafted in the way it is. Then, focus will be directed on the main innovations, measures, and goals of this law. Since the period taken in consideration in this work goes from the 1992 to the 2012, we will also look at the implementation of some existing rules, and new ones, always in regard to the fight against organized crime, aiming at the reduction, and elimination, of the illegitimate yakuza business, and to the gangs’ members’ isolation from society.

Towards the anti- bōryokudan law

To give an understanding of the crime situation involving organized crime, during the years before the implementation of the “anti-yakuza law”, statistically it seems that

Between 1960 and 1992, yakuza members were responsible for 15 to 20 percent of all homicide cases, 10 to 20 percent of the burglaries, 15 to 25 percent of assaults, 30 to 40 percent of blackmail, and 40 to 50 percent of intimidation. They also fill Japan’s penal institutions, comprising some 40 percent of the prison population. (Kaplan and Dubro 2003:129)

As we have seen in the previous chapter, at the beginning of the 1990s, after the recent changes in yakuza attitudes towards common people, their deeper involvement, and consequently growing power and influence, on both levels of economy and politics (government-authorities), the need for more serious measures against the yakuza was clear.

In addition to the above mentioned, two more factors, at political and international level, gave the go-ahead to the draw up of new yakuza-control measures. On one end,

scandals kept on surfacing at the expenses of the LDP party, and when in August 1989 Kaifu Toshiki became Prime Minister, he tried to repair the party's image: among the other reforms under his leadership there was the stimulus for the proposal of what would become the *Bōtaihō*. On the other end, the international factor was driven mostly by the USA: first of all, American law-enforcement officers were well aware of Japanese yakuza operating on US soil since the early 1980s; second, after the end of the Cold War, industrialized countries, having defeated communism, turned to the fight against organized crime and drug offences; third, in regard of its political interests, in America eyes the two things, fight against organized crime and drugs offences, were the same. Japan situation was different: the yakuza involvement in drugs' offences was not really significant, indeed the revenue from drug dealing was at most one-third of the yakuza business (Hill 2003); and furthermore, unlike their American counterparts, Japanese organized crime dealt mainly with amphetamines, instead of cocaine and heroin.

In the 1986 at G7 Tokyo Economic Summit, the nations which participated, released a joint declaration in support of an improved international cooperation in anti-drugs measures; in the 1988 at the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the countries who agreed, were required an international cooperation to punish money-laundering, and to identify and seize the drug dealing's illegal profits. At the time of the convention Japan didn't sign, and it was criticized for that. So in this context, and to maintain good relations with the US which was increasing threats of economic retaliation, Japan Prime Minister Kaifu decided to join a 'global partnership in the war against drugs' with Bush in 1989. (Hill 2003)

After the first crackdown on yakuza in the 1960s, it resulted evident that the existing laws were not helping police, instead they kind of made the situation even worst, leading the small syndicates towards alliances with the bigger and more powerful ones. One of the main

problem was that the Japanese law-enforcement force was dealing with organized crime through the enforcement of laws intended for individual criminal activities. Moreover, yakuza's activities often involved the *threat*, but not the use of violence itself: it is hard to prove use of threats in court, although it may be possible with the aid of witnesses, who at the time were not willing to cooperate, due to fear of retaliation and absence of witnesses' protection system.

Building the Bill: NPA at work

In November 1990 the NPA put together a group of fifteen men, made up of external academics and legal experts, who were commissioned to draft an anti-*bōryokudan* law. The members of the group were kept secret, except for the chairman Professor Narita from Yokohama University, and two representatives from the *Nichibenren* (JFB – Japan Federation of Bar Association). After only four meetings, the last of which on February 6th 1991, the group published their initial proposal, although they have been given two or three years to prepare it. Among the critics to this speed drafting work, Miyagi suggested that the NPA had already some work done on this project; while according to Shimamura, due to the fact that the law was prepared under the NPA's conditions of secrecy, it went through a different procedure avoiding legislative deliberative committee and legislative office under Ministry of Justice (MOJ)'s supervision. (Hill 2000)

Twenty days later, on February 27th, the NPA published its 'Basic Considerations on the Bill Concerning *Bōryokudan* Countermeasures' (*bōryokudan taisaku ni kan-suru hoan no kihonteki na kangaekata*). The content of this document is what would later become the bill itself, a part from two provisions included here, but dropped in the final draft: illegally gained profits' seizure, and *bōryokudan* exclusion from certain industries.

There are two existing approaches aiming to the fight of the organized crime which could have worked as datum point for those drafting the Japanese new anti-yakuza law: the European model, and the American RICO statute. These two systems have been briefly introduced in the appendix. Under RICO influence, the seizure of illegally gained profits was suggested, but dropped mainly for three reasons: the difficulties to distinguish what was illegally gained from what was legitimate; because seizure would come under criminal law, while as we will see the bill relies on administrative law, consequently there would have been the risk of a double punishment; finally, at the same time the anti- *bōryokudan*'s bill was being drafted by the NPA, the MOJ was working on another law which would allow Japan to conform to the requirements of the UN Convention Against Illicit Drugs and Psychotropic Substances. Since MOJ included among the law's provisions the seizure of drug trafficking's revenues under criminal law, it seemed wiser to wait to see its results before extending the seizure further in the NPA's bill.

The other dumped measure was *bōryokudan* exclusion from certain industries, focusing on particular on their involvement in debt-collection, real-estate racketeering and bankruptcy management. It was excluded from the final bill because it could have been in conflict with the article 22 of the 1947 Constitution, which guarantees individuals' freedom to choose their own occupation. Nevertheless, this was not the only reason, which eventually a good legal case could have overcome: the other cause was due to the fact that *bōryokudan* exclusion would have given rise to long discussion with the different ministries in charge of the measure's targeted industries; therefore, NPA gave up on this provision to quickly get to the enactment and implementation of the law. (Hill 2000)

After one month from the approval of the cabinet for the legislation's submission, finally in May 1991, the 暴力団員による不当な行為の防止等に関する法律 *Bōryokudan-*

in ni yoru futōna kōi no bōshinado ni kansuru hōritsu (Law Regarding the Prevention of Unjust Acts by *Bōryokudan* Members) was passed into law by the Diet. Law's name is usually abbreviated in *bōryokudan taisaku ho* (*bōryokudan* countermeasures law), eventually cut in 暴対法 *Bōtaihō*.

暴対法 **The *Bōtaihō***

The 暴対法 *Bōtaihō* (Law No. 77 – May 15, 1991) was implemented on March 1992. Article 1 of the law states its purpose: it aim to the control of the intimidation and violence acts carried out by the *bōryokudan*. At the same time it undertakes the responsibilities to provide for the promotion of activity of civic public service organizations to prevent dangers to citizens' life raising from gangs' turf wars; to secure the safe and peaceful people's daily life and to protect their freedom and rights.

The *Bōtaihō* relies completely on 行政法 *gyōsei-hō* “administrative law”, unlike the other two models (described above) which are parts of the criminal legal code. Where a violation of the 刑法 *keihō* “criminal law” can be subjected to prosecution and punishment, acts that break administrative law are subjected to an injunction, and only after the injunction violation a punishment can be inflicted. Due to the nature of *yakuza*'s activities often involved in grey-zone, hence on the verge of legitimacy, involved more often in threats than in real violent acts (like in *minbō* cases), given the demand to a certain extent of their services and since the lack of witnesses willing to cooperate, being the gangs tied to legitimate business, the adoption of an administrative law model seemed the best choice. This is because it provides the option of a “warning” (the injunction), and at a later stage, if the injunction is violate, with the possible obtainment of more evidences, a punishment, or further measures, can be carried on.

An analysis of the law has been here carried on, based on its English translation, which can be found on the English version of the NPA website. The anti-*bōryokudan* law's biggest innovation is the fact that it empowers authorities to 'criminalize' under certain circumstances, yakuza organizations that had been able to work on a legitimate way until its enactment. According to Article 3, the Prefectural Public Safety Commission is enabled to designate a gang as 'very likely [...] to commit collectively and habitually illegal acts of violence' (Art.3, Law No. 77 – May 15, 1991) if the said gang entails all the items contained in the article: like take advantage of the gang's influence as means of threat to obtain something in return; according to the percentage of members within the said gang holding criminal records; whether or not, the gang has organized on a hierarchical structure, under the control of a person who either represent the gang itself, or its management. The following Article 4, applies quite the same items to the designation of union of gangs.

Articles 5, 6, 7, 8, provide the guideline to follow by The Public Safety Commission in the designation procedure. In order to respect the formal requirement related to the thesis length, I am going to focus mainly on the Art. 9 that regards the activities forbidden to the designated gangs, and these articles that are more directly connected to the purpose of this chapter; while an overview of the remaining articles will be still provided in the appendix .

A 指定暴力団 *shitei bōryokudan* “designated gang” is forbidden to engage in all those kind of activities which require violent demands. Violent demands are defined by the law as ‘acts provided for in Article 9’: implying acts committed displaying the influence of the designated gang to which he belongs, or another hierarchically superior designated gang. The main act forbidden by Art. 9 is “extortion”: it occupies good half of the article, focusing on the different activities in which yakuza are involved. It forbids designated gangs' members to demand any person “[...]to offer money, valuables or other material advantages [...]” in compensation for the several “services”, or threats, provided by yakuza: such as

[...]revealing publicly unknown facts related to the person[...], “[...]for contracting, commissioning or entrusting to accept taking orders for the whole or part of the said business, the delivery of materials or any other goods or the offer of services related to the said business in spite of their refusal. [...]”, “[...]for tacitly approving him to conduct the business irrespective of whatever pretext they may do it for [...]”, “[...] for any other remunerative services related to his daily business [...]”, “[...]for consumption involving the payment of interests exceeding the limit for interests [...]”, “[...]to demand any debtor to fulfill his monetary obligations by showing rude or violent statement or behavior or by visiting or telephoning in an embarrassing way [...],

and the like. In the section 8 of article 9 attention is paid to *bōryokudan* members’ demands in regards to financing business, and money lending against people will, or on preferential treatments. Other sections of the same article aim at yakuza involvement in vacating buildings against people’s will; against properties’ occupation and consequent showing off of names, or gangs’ authority, demanding to whoever owns, or has interests in the said property, to offer money or other valuables “[...]as a fee for surrendering or any other similar pretext in return for ceasing demonstration of dominance over the said land [...]”. The last two sections of the article focus on traffic accidents, prohibiting gangs’ members from being involved in settling amicably on losses and damage incurred during a given accident “[...]on a promise of compensation and to demand an offer of money and other valuables as a compensation for the loss and damage incurred [...]”. Connected to the same circumstances, section 14 forbids yakuza from pretending loss or damages incurred in traffic accidents, or from exaggerating the extent of these, when it is not the case, demanding “[...]to offer money or other valuables by way of a compensation for loss or damage or on any other similar pretext, or to indiscriminately demand money and other valuables in compensation for damage or any other similar pretext, claiming that a loss has been incurred in selling, buying, and other induced transactions of goods [...]”.

As asserted in the following Articles 10, 12-3, 12-5, law provisions do not address only to gang’s members but they are broadened also to people who ‘demand, request or

suggest designated gangsters to execute violent demanding acts' (Article 10); designated gangsters who 'demand, request or suggest any person to execute quasi-violent demanding acts related to the designated gang which the said designated gangster belongs to or related to the hierarchically superior designated gang.' (Article 12-3); and to the people who fall under the items contained in Article 12.5, which prohibits 'Quasi-violent Demanding Acts', described by the law as 'acts provided for in Article 9 conducted by a person other than gangsters belonging to a designated gang, taking advantage of the influence of the said designated gang or its hierarchically superior designated gang defined in the same article'.

(Law No. 77 – May 15, 1991)

As for the measures against violent and quasi-violent demanding acts: regardless of whom did it, according to the law, when the Prefectural Public Safety Commission finds that any of the demanding acts violating the above mentioned provisions are committed, it may firstly order the perpetrator to stop the said acts, or if deemed necessary it may order appropriate actions. In case, the perpetrator is likely to further repeat the said acts, the Commission may order necessary actions to prevent them for a period no longer than one year.

In addition, the law address the Prefectural Public Safety Commission to provide assistance, including material, advice, instructions and short training courses, to business operators on how to deal with the unjust demands.

To enable the Prefectural Public Safety Commission to prevent dangers to citizens' life and assure their safety and protection (as purposes stated in Article 1), the law allows it to prohibit the designated gangsters, or gangs, to use their office. When the Commission believes certain circumstances to be a possible source of danger, it may order a ban to the office's use for a period not longer than three months, with the possibility of extending the order, only once, for other three months. This restriction usually apply in case of gangs' wars, among designated

groups, when different acts of violence, including use of lethal weapons, are perpetrated within, or aimed at, the said office. Office usage is also commonly forbidden when it is likely to be used, during gangs' warfare, for: purposes of meetings for a large number of gangsters; conspiracy, leadership, giving orders or communication for the purpose of the said gangland war; the manufacture and storage of lethal weapons and other matters which are considered likely to be used for the said gangland war. Furthermore, representatives of designated gang are liable for the damages caused to third parties during gangs' wars, involving the said designated gang.

According to the law, designated gang's members are strictly forbidden to coerce or induce any person to affiliate to the said designated gang, or any other designated gang; they are forbidden to impede secession to the members; they shall not coerce or induce, any person, nor provide tools or money, to carry out *yubitsume* (finger-cutting ritual) and *irezumi* (tattooing). Designated groups' members shall also not request, suggest, or assist, other designated members, or people, to carry out any of the above mentioned acts.

Facing the violations of any of these provisions, including the office's restriction usage, the Prefectural Public Safety Commission may order the said designated gang's member to stop, the said act, or take the necessary actions; if the perpetrator is found likely to repeat the violation of the act, the Commission may order actions necessary to the prevention, for a period no longer than one year.

From the Art.31 on, the law focus on the promotion of the Anti-violence campaign, and other matters, that are not strictly linked to my research, therefore an overview can be found in the appendix.

***Bōtaihō* revisions**

Since its implementation, the law has gone through several revisions, mostly due to the fact that yakuza adapted their business and activities so as to avoid, or elude, its provisions.

The first revision was enacted in the 1993, focusing on four main changes. It stressed attention on the process of secession and rehabilitation of designated gangs' members, prohibiting the obstruction to the secession by the organizations, including the finger-cutting ritual as a condition, or money compensation. The second change improved upon the juveniles' recruitment; the third, encouraged the assistance to the members who wanted to leave the gangs, promoting campaigns among the public against the discriminations towards the former members; and, the last, increased the number of type of violent demands included in Article 9, adding the ban of yakuza's involvement in stockbrokers' business, companies' share selling and compensation's demands to leave premises, or remove gang paraphernalia. (Hill 2000)

It was edited for the second time in the 1997, with other five developments. Article 9 was further broadened: ban of debts' collection under unjust circumstances; prohibition of phone calls, visits, rough language or other kind of acts which would bother people, aimed to debts' repayment. The second development regarded the addressee of the Prefectural Public Safety Commission injunctions: with the first edition, the law allowed injunctions only towards the perpetrator of the violent demanding act, while with revision, injunctions could be directed to the designated yakuza in authority positions over the lower-level lawbreakers. The integration of 'quasi-violent demanding acts' coincided with the measures carried out in this year, and it was due to the *bōryokudan* members' evasion of the law; in direct connection with the latter, it was a widening of the provisions about the assistance for the victims of yakuza's demands. And lastly, an improvement regarding the restriction of gang office's

usage, before limited to inter-gang wars, now expanded also to intra-group conflicts. (Hill 2000)

In the 2006 *Bōtaihō* revision, the focus was mainly on the prevention of the flow of financial resources from *bōryokudan* gangs, promoting the exclusion of the organizations in different business' sectors such as stock markets, sporting circles and public works' projects. (Hays 2009)

A further editing was carried out in 2008, when the Article 9 was stretched out to include a new clause as violent demanding act: the harassment and extortion of government officials. In addition, yakuza groups were made responsible for the economic damage caused by their activities; while gangs' bosses were made liable for their subordinates' acts in civil court. (Hays 2009 - Adelstein 2014)

The last edition of the anti-*bōryokudan* law dates back to the 2012, and its main development was the strengthening of regulations against *bōryokudan*. Due to the continuous turf wars, for the citizens' sake, was introduced the criminalization of the establishment of new gangs' offices, as well as the prowling around the neighborhood of the rival members' houses. The Prefectural Public Safety Commission was empowered with the chance to impose stricter regulations on the business of the gangs labelled as repeat attackers: thanks to this measure, labelled members can be arrested as soon as they extort contribution as protection money, when demand participation in public works projects, and when they make any kind of unlawful requests. Finally, due to the fear of reprisals, citizens kept on hesitate to file lawsuit against *bōryokudan* offices' usage, so this revision enable authorized Prefectural Centers to file lawsuit on behalf of people's demanding injunctions. (Hays 2009 – Mangoni 2012 – White paper on police 2012)

Following the anti- *bōryokudan* law

During the years following the implementation of the *Bōtaihō*, other laws have been issued, not only on local basis by Japanese authorities, but also at international level. While the *Bōtaihō* pays attention mainly on the “relationships” between gangs and people, and the related activities (as we have seen: extortion, protection money, traffic accidents and so on), those other provisions, even if not strictly directed to the yakuza in their statements, aim to weaken gangs’ other activities, sources of income, and more in general the organizations themselves (a list of those measures can be found in the appendix). These are the cases for instance of racketeering, money-laundering; measures to improve the control of organized crime, such as the introduction of interception methods; a new gun law; better conditions for witnesses, encouraging them to cooperate. And finally, several provisions with the goal of keeping the yakuza out of the community have been enacted, like in the case on banks being forbidden to extend loans to organized crime, and later on, the prohibition to let gangs’ members to open bank accounts. Similar measures have been taken by insurance companies, and to a greater degree, the purpose of yakuza confinement out of the community is dealt with the new implemented Prefectural Ordinances, which ban yakuza commercial relations with the societies’ members, even within gangs’ legal business. Moreover, lately more attention has been paid to *bōryokudan*, on international level, recognizing the threat of the yakuza changing more and more from organized crime in transnational organized crime.

In 2009 the Saga region (Kyushu) was the first to adopt the prefectural Ordinance. The Ordinance decreed criminal organizations’ affiliates’ expulsion from the prefectural territory. Following Saga, all the 47 prefectures of Japan have enacted analogous Ordinances: these carry the same purpose, but are slightly differentiated in their content depending on the local situation. The main goal is to isolate *bōryokudan* members through the ban of their commercial relations with the societies’ members, even within yakuza legal business. Police encourages companies to break their ties with organizations’ activities, stressing the risk, in

case of refusal, to suffer public opinion and consequent loss of reputation. Following the Ordinances' promulgation, yakuza had no longer access to public works' projects; denied chances to open new offices; printer shops were enabled to refuse to print *bōryokudan*'s business cards; as well as, hotel were enabled to cancel reservations when they find out yakuza presence behind them. (Mangoni 2012) The contract's recommended exclusionary clause, addresses to organized crime members and clarifies that yakuza are not allowed to stay in a certain hotel (if it is the case); or, more in general, that their involvement is not wanted in said activity signed up in the contract. (Adelstein 2011)

On October 1st 2011 Ordinances came into effect in the last two prefectures: Tokyo and Okinawa. The 東京都暴力団排除条例 *Tōkyōto bōryokudan haijo jōrei* (Tokyo's prefecture organized crime exclusionary ordinance), vary in details but basically follows the same principle of the ones of the other provinces, criminalizing sharing profits with the *bōryokudan* or paying them off. People who are caught doing business with yakuza, or paying protection money, will not be victims anymore, in addition as lawbreakers of the new ordinance, they will be treated as criminals. The first time someone get caught may be just warned, then his name will be made public, and further penalties include fines or imprisonment. Foreign firms are not exceptions inasmuch this ordinance extent its provisions to all the companies operating within Tokyo. One peculiarity of Tokyo's Ordinance is that it contains a clause 'do tell, and we won't ask' (Adelstein 2011) which implies that if the person go to the police and confess that he has been involved with the yakuza, before they go to said person, police will help him to sever relations, without any penalty occurrence (exception is made for involvement with yakuza as means of threatening people). Among the basic measures towards the elimination of gangs' activities there are: *bōryokudan* exclusion from public works' bidding; the support for training and education of youth, so that they will not end up filling yakuza ranks; a further promotion for the separation from the gang;

strengthening of police force to better protect citizens from yakuza fighting repercussions. The role of the people according to the Ordinance are: to provide guidance and advice to youths, to avoid their joining the gangs, or becoming yakuza victims; to strive against any kind of involvement of crime organizations in festival, fireworks supplies, and the like; to make sure when signing a contract that the other party is not a member or gang's affiliated; to insert organized crime exclusionary clause in companies' contracts. Yakuza have been further forbidden by the ordinance to: open new offices, or operate in the old ones, in a 200 meters extended area around school premises; introduce youths into gang's offices without a good reason; carry out any form of extortion, or blackmail; use other people's name to conceal gangsters' involvement; and ban to ask payoffs for services supply, including the use of the gang power to offer protection.

To sum up: in this chapter we have gone through the anti-*bōryokudan* law enacted in the 1992, its revisions, and the recent prefectural ordinances last implemented in 2011 in Tokyo and Okinawa. From this overview, it can be said that while America (in the RICO statute) clearly states the purpose to eradicate organized crime in the US, the measures taken by the Japanese government against organized crime carry the goal of isolating *bōryokudan* members from the society, breaking the connections between the common citizens and the gangs' members on business level, and within both legitimate and non-legitimate activities, with the greater goal of driving the illegal business to the extinction. In the next chapter we are going to see what happened to yakuza organizations, and activities, during the years from the 1992 and the 2012, while the provisions included in this chapter were being enacted.

Chapter 3

During the years of the Bubble Economy, as seen in the first chapter, yakuza reached the highest levels of power on both grounds, economic and political. At a later stage, with the Bubble collapse they gradually lost that power, together with the decrease in tolerance from society which changed the conditions of *bōryokudan* members' lives. In addition, the government decided to take serious measures against organized crime as we have seen in the previous chapters, beginning with the implementation of the *Bōtaihō* in the 1992. In this chapter, attention will be paid to what happened to yakuza organizations, what changes occurred, in regard of their affiliation, their activities, and their business, during the given period, from the 1992 and the 2012, bearing in mind the above mentioned changes in the economic and legal surroundings.

First of all, through statistical data, taken from the White Papers on Crime and the White Papers on Police (published on the NPA websites, by the NPA and the Ministry of Justice MOJ), I am going to look at whether or not, and how, the numbers changed during the years, displaying an increase, or decrease, in *bōryokudan* involvement in the different offences. To avoid an endless list of digits, I am going to take into account mainly the Japanese version of the White Paper on Crime of 1993, which reports data of the 1992, hence the year of the *Bōtaihō* enactment; the White Paper on Crime of the 2010, which reports data of the 2009, hence one year after the latest revision, not considering the revision of the 2012 because those data would overstep the time gap considered in this work; and the White Paper on Crime of the 2013 which reports data of the 2012. To follow, using secondary literature I

am going to report other data and information which also show a part of what has been going on within the yakuza world.

Statistics from the National Police Agency (NPA) and Ministry of Justice (MOJ)

The main focus within these statistics will be on the most typical yakuza activities (gambling, extortion, prostitution, drug offences and weapon offences), but also other offences such as homicide, assault, robbery, theft and scam are going to be taken in consideration since the number is relatively significant. Moreover, homicide and assault may be further considered part of the extortion business, as a display of intimidation and threats, ended up in the wrong way, carried out by the gangs' members.

1. Gambling_ In 1992 yakuza arrested for gambling were less than 3000, decreasing to 124 in 2009, and to 52 in 2012.
2. Extortion_ In 1992 yakuza arrested for extortion were about 4000; reduced to 900 in 2009, and to 649 in 2012.
3. Prostitution_ In 1992 yakuza arrested for prostitution were around 300; while in 2009, members arrested for the violation of the Anti-Prostitution Act were 42; and 27 in 2012.
4. Drug offences_ In 1992 yakuza arrested for drug offences were about 6500; in 2009, organized crime arrestees for the violation of Stimulants Control Law were 1965; and 1543 in 2012.
5. Weapon offences_ In 1992 yakuza arrested for weapon offences were around 1600; in 2009, gangs' members arrested for the violation of the Sword and Firearms Control Law were 254; going down to 143 in 2012.
6. Homicide_ In 1992 yakuza arrested for homicide were about 250; going down in 2009 to 77, and decreasing even more to just 14 in 2012.

7. Simple assault_ In 1992 yakuza arrested for simple assault were almost 5000; going down to around 1200 in 2009; decreasing to only 879 in 2012.
8. Aggravated assault_ In 1992 yakuza arrested for aggravated assault were around 1800; in 2009 considerably decreased to 367; followed by another slight decrease in 2012 to 345.
9. Robbery_ In 1992 yakuza arrested for robbery were around 300. In 2009 they decreased to 96, and in 2012 to 51.
10. Theft_ On theft offences no data were found regarding the 1992, but yakuza arrestees were 750 in 2009, and 561 in 2012.
11. Scam _ The same goes for scam offences, no data were found in regards of the 1992; in 2009 gangs' members arrested were 904, and 945 in 2012.

From this overview it can easily be seen an high grade of reduction in yakuza members' arrestees. The immediate conclusion that may be drawn is that gangs' illegitimate activities have consequently decreased. The same can be said if we look at the total number of the gangs' members in the same years: 90.600 in the 1992; 80.900 in the 2009; and 63.200 in 2012.

Nevertheless, as we will see in the next sections of the chapter, there are some people who believes that actually yakuza illegal activities are not ceasing, indeed they are moving towards other directions, and taking new shapes, as for instance the thought, supported by Rankin 2012, of the trend among the organizations of moving deeper underground. Accordingly, if this is the case, "official" data from the statistics would show just one side of the reality, and since the subject is organized crime, hence organizations which work mainly in the illegitimate business, it is not totally wrong to think that data may not display the actual situation. This point will be further discussed later, in the "discussion" section.

Yakuza population

An important change should be noted in regard of the yakuza population. *Bōryokudan* members are classified in two groups, the 構成員 *kōsei-in* and the 総数構成員 *jun kōsei-in*. The *kōsei-in* are the official members, those registered on the organizations' member list; while the *jun kōsei-in* are non-regular members, who are associated to yakuza: they make use organizations' influence; cooperate with *bōryokudan*; and are often involved in yakuza business, in crime committing as well as funds and arms providing (Nakamura 2007). What is worth noting is that during those years, there has been a switch between the number of members belonging to these two groups. Indeed, in 1992 there were 56.600 official members and 34.000 unofficial (or associated) out of the total 90.600; in 2009, the total 80.900 were divided in 38.600 *kōsei-in* and 42.300 *jun kōsei-in*; and finally, the 2012 data count 28.800 *kōsei-in* against 34.400 *jun kōsei-in*, displaying a sharp reversal of the 1992 tendency (平成 5 年版 犯罪白書, 1993-平成 22 年版 犯罪白書, 2010-平成 25 年版 犯罪白書, 2013).

Regarding the affiliation to the several organizations, as we have seen in chapter one, due to the police crackdown before the implementation of the *Bōtaihō*, and the new provisions that followed, including the anti-*bōryokudan* law itself, yakuza found themselves being pushed out of their offices; out of their banks; out of their usual business with people, even out of the legitimate activities used as cover; they found themselves pushed out from their own society. Therefore the organizations, in particular the smaller and weaker ones, to protect themselves adopted more and more the tendency to form alliances, and affiliations, with the bigger and more powerful gangs. As a result, the three groups –Yamaguchi-gumi, Sumiyoshi-kai and Inagawa-kai-, which were already enjoying a certain degree of supremacy (beginning from the 1970s), grew further, accounting today for almost the three-quarters of the total yakuza population. The Yamaguchi-gumi remains the biggest syndicate, still keeping 44% share of

the market in 2011 (Adelstein April 2011). Recently, it seems that because of blood relations, the Inagawa-kai is also passed under the Yamaguchi-gumi control; the biggest yakuza organization now has the monopoly on more than half of all the yakuza in Japan. (Adelstein April 2011)

Moreover, in accord with the principle of survival, since 2008, after the revision of the *Bōtaihō* that made gangs' bosses liable to civil compensations for damages caused by subordinates, the Yamaguchi-gumi has incremented the 偽装破門 *gisō hamon* (fake expulsion) practice. The syndicate increased the number of dismissed members, who are those formally expelled from the gangs in accordance with the standard yakuza protocol: the details of the dismissed are sent to the police and the other gangs, who are requested to treat the ex-members as civilians from then on. Among the analysts there is the suspect that most of these dismissals, around 2.000 per year by the Yamaguchi-gumi, are false, and that they are used as an expedient to avoid the connections with the organizations while the ex-members keep on working for the syndicate. (Rankin Feb. 13, 2012)

Furthermore, as pointed out by Rankin, all these numbers refers only to the known yakuza members, when it is reasonable to believe that an increasing number of unknown members are becoming active, following the just mentioned trend of the *gisō hamon* practice (Rankin Feb. 13, 2012). This supposed increasing of secrecy and invisibility could be in accord with the theory of gangs going deeper underground.

Construction Industry

The construction industry, has been one among the yakuza business for a long time. A 2007 survey of 3.000 construction firms conducted by the NPA on yakuza activity in the construction industry, indicated a decline in *bōryokudan* involvement in this sector. Two-third of the respondents, who were asked whether or not had received improper demands from a

yakuza-connected contractor within the past twelve months, answered that they had not heard of any connections between construction firms and gangs in that area within the last five years. Apparently, yakuza organizations still maintain control of at least one third of the construction industry. Moreover, according to Rankin's paper, *bōryokudan* have slightly shifted their attention to activities such as demolition work, debris-removal, asbestos-removal, and waste disposal, which are in direct connection with the construction industry, and that are strictly subjected to regulations which drive up the services' costs. Yakuza involved in this new business, simply elude regulations like company licenses, safety measures, training for workers, permits to dump waste, employing foreign migrant workers and dumping potentially toxic waste illegally in remote rural areas. In doing so, they are able to supply for the same services of a legal company, to a very low prices. (NPA 2007 in Rankin Feb. 13, 2012)

Moreover, it seems that a good half of the 2011 shooting incidents occurred at construction companies, including the one which murdered a construction company president in Fukuoka on November; and the shooting, outside his office, of the deputy chief of the Fukuoka branch of the Federation of Civil Engineering Unions on January 2012. (Rankin Feb. 13, 2012)

Introduction in clean-up and rebuilding projects

Following the Tohoku tsunami and earthquake on March 2011, reports on yakuza activities connected to these disasters were opposing. On one side, gangs' members offered assistance and support: they sent food and emergency supplies; according to Rankin paper, some men also believed, that at the time, yakuza were handing out envelopes containing money. But on the other side, where destruction comes, need for clean-up and rebuilding projects follow: yakuza took full advantage of the situation. Due to the precarious situation, there was little space left to care about papers and credentials, and *bōryokudan* easily managed to start their business there. It seems that they picked up men off the street,

supplying laborers to nuclear plants. The work of yakuza labor-broker, in theory, does not involve any scam: indeed, they just negotiate the wages of the laborers with the industry recruiter (usually high wages), and deduct a commission out of it, leaving the rest to the workers. For instance, at Fukushima Nuclear Plant No.1 there was an high demand for laborers, who should have worked in very dangerous conditions: according to one journalist, 10% of the men who arrived to work on the site were provided by yakuza brokers (Suzuki 2011:40-1 in Rankin Feb. 13, 2012). Moreover, while usually there is a strict control on personnel entering nuclear power plants, Fukushima Nuclear Plant No. 1 was not the case, and yakuza brokers' laborers entered the site without anyone caring about: one subcontractor, reported in Rankin paper, even admitted that they kept regular skilled laborers in safe areas, sending unskilled yakuza laborers to the most dangerous spots (Rankin Feb. 13, 2012).

Use of violence

According to the data from the NPA and MOJ in the first part of the chapter, the yakuza's use of violence has declined. *Bōryokudan* organizations are considered among the least murderous crime gangs in the world today (Rankin Feb. 13, 2012:6). Although there is still the presence of violence use, like in the cases reported below, most problems lately come from the Kudō-Kai organization in Fukuoka.

In March 2000, a telephone dating club was firebombed in Kobe, where four people died; it is presumed that the attack was carried by a faction of the Yamaguchi to which the club refused to pay protection money, because it was already paying another faction of the same gang. (The New York Times - April 2000)

In 2007 in Nagasaki, the city's mayor was shot to death in front of everyone at the main train station. Even though the murderer, a member of a local branch of the Yamaguchi-gumi, has

confessed, the motive remained unclear, but the police suspected a dispute over public works projects. (The New York Times- April 2007)

In 2008, the Dojinkai, top yakuza gang for long time, was brought to court by 600 resident who wanted them out of their neighborhood in Kurume. According to the Dojinkai leaders, who willing sat down for a 90-min interview, they have always lived peacefully and respectfully with the neighbors; and believed that some outsider were taking advantage of their internal conflict to get them out. (The New York Times 2008)

The Kudō-Kai

In October 2012, in Kita-Kyushu a woman has been chased on her way home, by a supposed gang member swinging a machete; both, her and the taxi driver who tried to help, were injured. The incident is directly connected to the recent affixed sign on the entrance of the woman's bar 'No yakuza allowed'. (Asahi Shimbun Oct. 23,2012) Cited in the same article, the case of a bar owner who goes to work in sneakers, instead of heels, to be ready to run if necessary.

Apparently the prefecture of Fukuoka is the base of the Kudō-Kai, considered the most violent gang of the century. Many incidents have been caused by this group over the past 10 years, including firebombs, shooting, vandalism, use of grenades thrown in offices or houses of companies and individuals who dare to refuse their demands. When Fukuoka's citizens grouped to protest against the Kudō-Kai, the chief organizer was shot and injured; while a grenade was thrown in the group's office. The Kudo-kai attacked the house of the Prime Minister Abe; in a court case of 2008, prosecutors lost all their witnesses, except for one, because they had been threaten with retaliation, in case of testimony against the gang. In another court case, fearing jury intimidation, for the first time since the reintroduction of the

jury system in Japan in 2009, the trial was entrusted to a single presiding judge. Despite all this, the kudo-kai has not yet been punished. (Rankin Feb. 13, 2012)

In an interview to the captain of one of the Kudō-Kai's sub-groups, Mr. Kimura, the man denied the involvement of Kudo-kai behind the recent violence, although he admitted the chance of the work of individual gang members. Mr. Kimura said that due to the recent restrictions, Kudō-Kai economic deals have been hurt, without going into further details. During the interview, he added that the police was in part responsible for this violence, trying to separate the kudo-kai from the community; in this regard, he affirmed "If they crush us, organized crime will just become harder to see, and more violent, like in Mexico [...]" (The New York Time –February 2012).

From yakuza to mafia

Although there are many, especially among the older members, who want to preserve the traditional yakuza ways of being and doing business, it doesn't look like things are going that way. In an interview, one yakuza boss said

"If the police are going to harass everyone like this just for being yakuza, or just for being associated with yakuza, then we might as well become a secret society like the Mafia. Everything would be better for us that way: the police wouldn't be able to use the Anti-Yakuza Law on us, and if one of our boys gets busted he won't get a longer sentence just because he's a yakuza." (Rankin Feb. 20, 2012:8)

In his 2003 book, Hill already argued the possibility of categorizing yakuza groups as mafias, concluding that "[...]the yakuza are indeed the Japanese mafia becomes one justifiable not purely on the theoretical grounds of their provision of protection, but in terms of their increasingly and unambiguously sociopathic behavior." (Hill 2003: 276). Miyazaki Manabu, an advocate of the rights of yakuza gangs to exist and operate, says, "By reducing the range of legal activities available to the yakuza, the Anti-Yakuza Law has actually had the

effect of encouraging them to evolve into mafia-like syndicates (Miyazaki 2007:349, in Rankin Feb. 13, 2012:8). In addition, the Japanese tabloids have devoted considerable space to the 'mafia-ization' of the yakuza (Rankin Feb. 13, 2012:8). It seems that in the recent years, yakuza have been more mafia-oriented organizations, meaning that although they kept their traditional facades, their activities are changing, moving towards more hidden and insidious crimes. Characterized in general by the tendency to go deeper underground, this new kind of gangsters exemplified in the Kudō-Kai and their business features: the rise of aggressive loansharking schemes, white collar crimes, robberies, and financial scams that directly target the public. Together with the increase of secrecy and invisibility, several yakuza cultural traits, as we have seen in chapter one, are disappearing. The finger-cutting ritual is almost extinct. The tattoo have acquired quite a different meaning: first of all, is not anymore a yakuza signifier, but is being gradually accepted at every level of the society; full-body tattoos are less popular, now they are more oriented towards arms' or backs' tattoo, or none. (Rankin Feb. 13, 2012).

Corporate world

Following Rankin paper, it seems that although since the 1980s gangs' members are still involved on a certain degree in *sōkaiya* (corporate blackmail) and *jiage* (the persuasion of landowners to sell their properties), today yakuza business in the corporate world has changed. *Kinyuya*, for instance, are corporate money-lenders who accept shares as guarantee on huge loans. The financial supporter companies of the *kinyuya* are often yakuza organizations' fronts' companies. Other two new types of activities are the *keizaigoro* and the *yakara*. The *keizaigoro* are extortionists who advice on supposedly valuable investments, and then require payment in return. The *yakara* are speculators who artificially inflate stock prices to gain short term revenues.

Within the corporate world, there is one activity from which, even though they tried, they didn't manage to expel yakuza presence: real estate and stock market. One investigator, reported in Rankin, admitted the difficulty in spotting the yakuza operators in the field: indeed, *bōryokudan* front companies help them to build corporate relations, to win credibility with banks, to filter criminal profits into the upper world, or to evade tax, enabling them to keep on with their extortion rackets at corporate level (NHK 2008, in Rankin Feb. 13, 2012). A common trick used by the yakuza to buy shares is that of using other people's names, often the ones of homeless people who in return are paid with an apartment and a steady job. Some *bōryokudan* offices have a 'dealing room', filled with computers used for stock-trading using false identities. In this way, the illicit revenues deriving from the organized crime illegal business flow into Japan's stock market (Rankin Feb. 13, 2012).

Up until now we have learned that within yakuza organizations there has been a decrease in the use of violence (according to the NPA and MOJ data), with some surge in connection with the Kudō-Kai gang activities. According to the White Papers on Crime data of yakuza arrestees, each of the offences reported has gone through a significant decrease, except maybe for scam offences which present a slight increase. Regarding the number of the organizations' members, data show a decrease since the 1992 to the 2012, even though it is not so striking as in the arrestees' case; moreover, a reversal in the proportion between the number of official and non-regular members has been noted. Furthermore, we have seen how yakuza presence is still rooted within the construction industry, and the corporate world, and the theory among some experts of a supposed 'mafia-ization' of the organizations. In the following section I am going to look at these information in connection with the goals which the provisions analyzed in chapter 2 aim at, to see whether or not, those measures are working accordingly to their purposes.

Discussion

Since the 1992, with the enactment of the anti-*bōryokudan* law, till the 2012 (time gap on which this work has been conducted), several law, and measures, have been implemented to fight organized crime in Japan. Among those provisions, none actually states in its purpose “to eradicate the yakuza”, but generally they aim at the control of *bōryokudan* intimidation and violent acts, and at their isolation from the society, banning, among the others, yakuza commercial relations with the societies’ members.

According to the results within *bōryokudan* organizations that we have seen in the previous sections, it seems that in part the laws may be actually working as supposed to: indeed, use of violence has decreased, as well as gangs’ members’ arrestees. Nevertheless, there are still some matters to be addressed. First of all, the fact that yakuza arrestees are decreased does not mean that their involvement in given activities has been reduced. Indeed, the above mention practice of dismissing members, and the “activation” of unknown members, may correspond to arrestees in the category of “non-gangsters” criminals. Moreover, even though it decreased, the number of members of yakuza organizations is still quite high, it means that they have to be involved in some kind of business if they want to survive. Regarding the isolation from the society, it seems again as in different matters around the yakuza that the issue is contrasting. On one side, the new century has seen the emergence of anti-yakuza campaigns, with a great commitment of the citizens who carried them out in close cooperation with the police. Citizens’ groups distribute posters and pamphlets, they advertise their activities on radio stations, run advisory services; at the same time, the police gives instructions on how to deal with gangs, visiting business, factories, town halls and temples. There have been civic anti-yakuza demonstrations, and even cases of people confronting directly gangs’ members with loud demonstrations in front of their office (Rankin Feb. 20, 2012). But on the other side, according to Rankin, it can be said that the real factor, triggering those campaigns is not

strictly connected to yakuza use of violence, but more money-oriented. For instance, the presence of gangs' offices affects house prices in the surrounding area, or make property more difficult to sell; or, the chance of yakuza introducing protection rackets in a given area, worries owners of unlicensed bar, sex clubs, and these kind of business, who have most to lose. This thought can be confirmed by the fact that in the cases when anti-yakuza campaigns are successful, they do not force yakuza to disband, but to move somewhere else. On the gangs' side, relocation may result very annoying, but it does not impede the development of their activities, nor reduce their presence.

According to Rankin, and his sources, the effect of this campaign is resulting in driving yakuza “[...]toward greater secrecy, duplicity, and ruthlessness, thereby potentially worsening the overall situation. [...]” (Rankin Feb. 20, 2012:3). In addition to the other factors that seem pointing in this direction: the reversal in official and non-regular members' number.

One consequence of the provisions implemented during those years is the growth of the Yamaguchi-gumi, which now has under its control more than half of the yakuza world. If on one side this huge growth has made the syndicate too powerful, it is also true that it has made it harder to control. The first signs of a control decline have already been seen in 2005 when the Kodo-kai took over control of the Yamaguchi-gumi. They started to not follow the unwritten rules always existing between yakuza and police. A part from the less significant acts, such as end of cooperation with the law enforcement, or no confession of crimes, more serious is the fact that they started to gather information, and pictures, of police officers and their family. Police was not happy when they found out. According to Adelstein, when organized crime challenges the police authority, it is a clear sign that they are out of control. Even a former yakuza boss admitted “We have always existed with the tacit recognition of the police and the government. When we challenge the cops, we really did become outlaws. The Kodo-kai ruined it for us all”. (Adelstein March 2011)

Among the experts within the yakuza field, there are different opinions in regards of the outcomes of the laws' implementation on yakuza organizations. In his 2004 paper Hill stated:

One certainty is that Japan's illegal markets will not disappear therefore guaranteeing the existence of organized crime. While the yakuza will be profoundly changed by wider social, political and economic developments, it is unlikely that they will disappear any time soon. While recent legal developments have adversely affected the yakuza, continued evidence of links between senior political figures and yakuza members means we must be deeply skeptical as to the commitment of Japan's political elite to serious, proactive organized crime countermeasures. (Hill 2004:113)

According to the 2007 Nakamura's paper, there were serious skepticisms regarding the effects of the anti- *bōryokudan* law's implementation. Indeed, during the years between the 1992 and the 2007, the huge number of arrests carried out, showed an increase in the arrestees for violent crime, with a sharp decreased of Yakuza presence among them. At the time the critics said

Because the Yakuza has been losing their influence over the underworld, violent crime, not committed by the Yakuza but committed by other hoodlums, foreigners in particular, has significantly increased. In other words, the underworld in Japan is losing its power balance" (Nakamura 2007:124).

Both the works of Hill and Nakamura date back to the time when the most significant law enactment was the *Bōtaihō*, which still had to go through other revisions in the following years. More recent are the evaluations of Atsushi Mizoguchi and Mangoni. In an interview of the 2011, Mizoguchi has been asked about the presumed effectiveness of the ordinances' enforcement. He answered firstly pointing out that the ordinances are going to penalize just the citizens; then he added:

The Anti-Gang Law that went into force in 1992 failed to root out the ambiguities that existed in Japan. It is absurd to expect that law, or the new ordinances that have just gone into effect, will eradicate the yakuza. While I don't have the actual figures, I am certain the organized crime sections in the police have increased their manpower. I

would say the maintaining of such numbers are the police's subtle way of indicating they still want the *bōryokudan* to stick around. (Japantoday Oct. 2011)

He also stressed “If Japan were to modify its Criminal Code to state, “Organized crime groups are forbidden,” it would be simple. I suppose that would be the only way to get rid of them”. He continued:

Since the first eradication campaign by the police in 1964, nearly 50 years have passed, and despite up and down fluctuations in the total number of gang members, the yakuza have barely budged an inch. They have even improved their situations through better organizing. This has also led to the three major syndicates that were once local organizations—the Yamaguchi-gumi, Inagawa-kai and Sumiyoshi Rengo—taking over more territory and focusing their strengths. (Japantoday Oct. 2011)

Concluding that

I think the ultimate fate of the gangs has already been sealed. This will come about not through the results of police investigations or dragnets, but simply in synch with the decline of the Japanese economy. Since the gangs are a parasite that lives off the economy, when that economy slumps, the gangs' economy will necessarily decline as well. That's all there is to it. (Japantoday Oct. 2011)

On the same line of thoughts is Mangoni, who in his paper “*The 'Yakuza' and the freezing of assets by the Americans*” concludes:

[...]The Yakuza appears to be still too well rooted in the social body to think that the organization can be completely liquidated in the very near future. Finally, it should be noted that unlike the numerous criminal organization operating in other Countries, the Yakuza groups have never been in open conflict with the Japanese State. Rarely endangering the lives of the citizens, they are still tolerated by the social body, even if less than decades ago. They reign over a grey zone of the society, trying to influence, through arbitration in the corridors, the operation of the business system and manipulation of the sector of political representation.” (Mangoni 2012:81)

Kuchikomi in his article is of the same opinion, stating that:

[...]I think the ultimate fate of the gangs has already been sealed. This will come about not through the results of police investigations or dragnets, but simply in synch with the decline of the Japanese economy. Since the gangs are a parasite that lives off the

economy, when that economy slumps, the gangs' economy will necessarily decline as well. That's all there is to it. (Kuchikomi 2011)

Finally, to conclude it seems to me that the provisions implemented between the 1992 and the 2012, have worked successfully in reducing the display, and use, of violence and intimidation by the yakuza, and this goes perfectly in accord with the stated aim of the *Bōtaihō*. Regarding the illegitimate activities in which yakuza are involved, even though the significant decrease in gangs' members arrestees connected to these offences, it cannot be said for sure the extent of influence exerted by the laws' implementations, because there are other issues to be considered, as the economic factors, considered, by the above mentioned experts, as a crucial element in sealing the gangs' fate; and the theory that see yakuza organizations moving underground, followed by an increasing secrecy and invisibility. About the prefectural ordinances, as explained in the introduction, it may be a bit early to draw conclusions on their effects because of the short time since their implementation, but from the information gathered, it can be said that even though they may be working in breaking commercial legitimate relations with citizens, they are not going to prevent people from "demanding services" to organized crime. As quoted in Rankin 2012:

The fact is, when you've got a problem that no one else can solve – not the police, not your lawyer, your agent, your company, or whatever – at times like that there are people who can apply a bit of pressure and solve it for you. Pressure groups, and, well okay, people in the underworld.... Even though you know it's wrong, sometimes it's the only way to get your problem sorted out." (Fuji TV, 2011 in Rankin Feb. 20, 2012:7)

Furthermore,

As is well known, yakuza gangs are the largest criminal organizations in Japan. They infest every region of the country, using violence to intimidate the public. It cannot be denied, however, that, due to confusion over noble-sounding words such as *giri* and the *ninjo*, there is a pernicious tendency in our society to tolerate the existence of these gangs, or to regard them as exciting and exotic (NPA 2007a:1 in Rankin Feb. 20, 2012).

Today, according to Rankin, few Japanese accept this view of the gangs. However, it seems that even though people are well-aware of the real nature of the yakuza, as organized crime, it “[...]does not preclude a degree of respect for their achievements. [...]” (Rankin Feb. 20,2012:7).

Conclusion

To conclude: none of the provisions, and implementation of existing laws, enacted between the 1992 and the 2012, actually talked about the eradication of the yakuza, but they refer to the control, or the confinement, of *bōryokudan* who as we have seen, had broken the unwritten social contract of leaving the citizens out of their business and wars. Yakuza did in the past, and still do now, occupy a place within the Japanese society, they have a role that the Japanese judicial system unconsciously guarantee them. Most of their activities as problem-solvers and enforcers are due to lacks, or too expensive, or simply malfunctioning, legal system. This is the reason why the *minbō* originated in the first place. On the same line, *bōryokudan* success in stock market derives from inadequacy of the rules which should keep them out of it; blackmailing would not exist if there was nothing to use against corporations; and moneylending is strictly connected with dysfunction of job market, pension system, and savings and loans services.

From the information I have gathered and worked with, I answer my research question, drawing the conclusion that the laws, implemented between the 1992 and the 2012, in part do what they are supposed to. Accordingly with the aim stated in the Art. 1 of anti-*bōryokudan* law "...it aim to the control of the intimidation and violence acts...", positive outcomes have been observed, especially in the decrease of the violence use. As for the reduction of illegal activities in which yakuza are involved, effects are less evident, due to different reasons, as the ability of the gangs to easily move towards new kind of activities; the theory which support the increasing secrecy and invisibility of the organizations; and the reversal of the proportion of the numbers of official and non-regular members, followed by the possibility of

the existence of unknown members, and the increase in the adoption of the “fake expulsion” practice. Finally, in regard of the prefectural ordinances: considering the short time since their implementation, apparently they are working in accord with their purpose of keeping yakuza out from legal business relations with the citizens, but until there is a demand for “problems that no one else can solve”, organized crime activities will never be totally legitimate, and yakuza will be isolate from the society only on the surface.

Appendix

- *Oyabun-kobun* structure_ The *oyabun-kobun*, or father role- child role, is a relationship between the *oyabun*, the boss who has the function of protecting, advising and helping, the *kobun*, the subordinates, in return of their loyalty and services.

- *Yubitsume*, or finger-cutting ritual, was used mainly as a punishment for acts that were not serious enough to deserve death. It consisted in a ceremony in which the top joint of the little finger is severed: the purpose of this punishment was that of weakening the hand's grasp of the sword, meaning less independence and more need of boss' protection. This ritual can also apply as form of apology, independently choose by the member, and in this case, the phalanx is wrapped in fine cloth and handed to the boss. Finger-cutting can occur more than once, in which case it is carried out on other fingers, or another joint of the first. (Kaplan and Dubro 2003)

- *Giri* and the *ninjo*_ They are two concepts that came to be considered the core of yakuza's code. Both embodied in the Bushidō, always taken in great consideration by the yakuza, *giri* means strong sense of duty, and perfectly applies to the organizations believes because it carries the values of loyalty, gratitude, and moral debt; while *ninjo*, refers to human feelings, or emotion, and it is associated with generosity or sympathy toward the weak and the disadvantaged. Combined, the two concepts, mean 'obligation versus compassion', thanks to that the 'yakuza greatly enhanced their standing in society, showing that, like the best samurai, they could combine compassion and kindness with their martial skills'. (Kaplan and Dubro 2003)

- *Irezumi*, Japanese tattoo_ Tattoo were first a mark for the criminals, using different symbols in different places depending on the severity of the crime. At the same time, Japanese tattoo's designs were considered to be the world's finest, dating back hundreds of years; they are also mentioned in Chinese accounts of the third century. During the time, tattooing patterns became more complex; during the seventeenth century, full body tattoos characterized mainly gamblers and laborers who worked with their bodies exposed (carpenters, masons..). The Tokugawa tried periodically to ban the tattoos without any luck. Due to its traditional agonizing process, tattooing soon became a tool to test strength, often chose by bakuto to display their courage, toughness, and masculinity. Furthermore, having a tattoo also meant being marked as misfit, as someone who won't be able anymore, or who choose not to, being part of the Japanese society. Indeed, the irezumi, became a practice deeper involved with the underworld. While it keeps on being a mark of great respect among yakuza, it also means exclusion from society, for instance tattooed people in Japan are not accepted in saunas and public baths to this day. (Kaplan and Dubro 2003)

- 1956 the Prostitution Prevention Law was enacted: described as a law “full of holes”, it is defined as “sexual intercourse with an unspecified other party for compensation or for a promise of compensation”, as pointed out by Hill ‘this means that any sexual services that exclude vaginal penetration fall outside the provisions of this law’ (Hill 2003:114).

- The yakuza and the police _Between police and yakuza there has always been a complicity, which has been reinforced by the close ties that gangs retain with the government, the same connection that exerted significant influence on the

legitimization of yakuza within the society. On one side, a number of Japanese police agents admired and identified with the *giri* and *ninjo*, the two pillars of yakuza's values; on the other side, yakuza have always respected the police and understood their duty of law enforcement.

The close relationship between police and yakuza came to end around the early years of the 1990s for different reasons: the main cause has been the *minbō*; in addition yakuza filtering through Japanese society, authorities, and economy had gone too far, corruption and scandals which had followed made Japan realize the need of doing something.

As police started to take actions against gangs, the inadequacy of the law enforcement system became clear: it seemed way too lenient versus the kind of activities yakuza usually deal with, such as hiding assets, impeding loan collection, bad-loan cases, and the like. Japanese system lacked in the basic tools, necessary to organized crime fighting and corruption, that most of the industrialized countries already had for long time: it lacked laws against racketeering or money laundering; it didn't allow electronic surveillance or undercover operations and it didn't provide for immunity to witnesses. Among the other reasons, those lacks in the system were due to the big amount of black money that the politicians were enjoying, together, or thanks to, their collaboration with organized crime (Kaplan and Dubro 2003).

- European model and RICO statute: possible datum point_ The European model is rooted under the Napoleonic code of 1810, which has had great influence on those European countries usually considered examples of laws targeting criminal associations such as Italy, France and Germany. In this three nations, the law aims to the criminalization of the criminal gangs' membership: the difficulty lays in defining

'criminal association' without stepping into the violations of free association rights. Moreover, this approach doesn't really help when it comes to the actual eradication of organized crime.

The American Racketeer Influenced and Corrupt Organizations Act (RICO) was enacted on October 15, 1970 clearly stating the purpose to eradicate organized crime in the US. What is significant of this approach is that it target the entire criminal gang, not the individual members, therefore an entire organized crime group can be prosecuted for the totality of its criminal activities. RICO statute also enable the seizure of the gangs' assets gained through RICO violations; punishments can vary from a fine up to 25.000 dollars, to twenty years of prison, or a combination of both; moreover, it allows the victims of the given criminal organization to sue them and demand for damages and legal costs. Regardless these positive features, RICO has its criticism and problems as well, as for instance the need of sufficient evidence for a successful prosecution; the reliability of informers. To make it up for the lacks in the approach, witnesses' protection system and electronic surveillance have been authorized, as well as controlled delivery, undercover operations and sting operations, but all this is under the strict surveillance of the competent authorities which have to give permissions and release warrants (usually limited in duration and scope).

- The 暴対法 *Bōtaihō* _ Overview of the thesis' missing articles:
 - Articles 5, 6, 7, 8, provide the guideline to follow in the designation procedure. The Public Safety Commission cannot directly designate gangs, but it has to go through different steps. First comes a public hearing of statements, after the gang's representative has being notified well in advance of the reason for the designation, and of the date and place of the hearing. At the hearing, the

gang's representative, or his substitute, may express his opinion about the supposed designation, and bring evidence in the gang's defense. In the case in which no representative of the said gang shows up, without any reason, or any chance of make notification, after 30 days the Commission may proceed to the designation without hearing of statements (Art. 5, Law No. 77 – May 15, 1991).

After the hearing, the Prefectural Public Safety Commission shall apply for a designation's confirmation of the National Public Safety Commission, handing in documents which attest that the said gang meets the conditions for designation, together with a protocol of the held hearing of statements. The National Public Safety Commission shall hear the opinions of expert jurors, and then, based on those, decide whether or not the said gang meets the conditions for being designated. Once a decision is reached, Prefectural Public Safety Commission will be informed, and it will act in accordance, not designating the gang in case the National Public Safety Commission deem it not to be appropriate (Art. 6, Law No. 77 – May 15, 1991). Finally, a designation shall be effective upon its publication in the Official Gazette by the Prefectural Public safety Commission, who will also publish in the same any further change in the matter (Art. 7, Law No. 77 – May 15, 1991). The designation remains effective for three years, but it can be repealed in case of dissolution of the said gang(s), or in case it doesn't meet anymore the conditions for designation. If the Commission retain the necessity for a repeal, it would have to go through the same process described above for the designation (Art. 8, Law No. 77 – May 15, 1991).

- From the Article 31 on, the law proceeds listing what people the Prefectural Public Safety Commission may nominate as members of the Anti-Violence Campaign Promotion Center; what kind of activities this Promotion Center should be involved with, which regard mostly counseling and consultation services for the community; information given; promotion for the acceptance of seceded members; and the like.

In the last part, the *Bōtaihō* focuses on the way the Prefectural Public Safety Commission should act in particular cases: what orders to follow; some guidelines on delegation of power; and the last five Articles cite the penal provisions, in terms of years of penal servitude and/or amount of fines, deriving from the violation of the orders issued in the previous Articles.

- Laws implemented between the 1992 and the 2012:
- 1991 Japan was the last among the G-7 nations to enact a money laundering law.
- On December 23rd 1994, “Naples Political Declaration and Global Action Plan against Organized Transnational Crime” was released by the UN. It recognizes the growing threat of organized crime, identifies organized transnational crime as a major concern of all countries, and it calls for a joint response from the international community. Delegates committed to an harder crackdown on organized crime in their own countries and a closer cooperation with the others. As reported in the article of The Washington Post “*138 nations join plan to fight crime*”: “[...] The conference urged countries to tighten their laws to prevent criminal organizations from benefit from international loopholes. The declaration said that the new laws covering such thing as ‘criminal associations’ and

'conspiracy' also should be introduced where necessary to strengthen the hand of local law enforcers and ease international coordination. States also should exchange information and experience to increase the level of international cooperation.' (The Washington Post, Nov. 24th 1994)

- On March 1995 the Act for Prevention of Unlawful Activities by criminal gang members has been issued, aiming to the traditional racketeering; following the same purpose the revision to the commerce law in December 1997 banned the *sokaiya* (racketeers)'s pay off by large listed companies.

- On August 18th 1999 three laws were enacted. The Law Concerning Punishment of Organized Crime, Control of Crime Proceeds and Other Matters, which focused on hardening punishments for those who were charged with organized crimes, targeting the individual who committed the crime (one of the eleven included in the Penal Code of 1907) as a group activity, and punishing the said person as for an aggravated crime. This law also carried out more provisions for money-laundering, among the others it establishes the freezing measure making sure that property and value of the proceeded crime are confiscated, as well as it plans measures to run this confiscations within international cooperation. (Yoshinaka 1999)

The second law promulgated in 1999 was the Interception of Communications for Criminal Investigation Act, which went into effect from August 1st. The main provision of the Act introduced the possibility of interception methods as part of the investigations: even though it was limited, it represented a big step forward. Only four types of organized criminal activities were allowed to be investigate with interceptions: those involving

drugs; guns; premeditated murders carried out by groups; and mass people smuggling into Japan. Interception was to be authorized by warrants, which last 10 days, and could be renewed on 10 days-basis, for no longer than 30 days. It contained further regulations for those involved in the use of interceptions; for those who may, or may not be, the targets of the interceptions; and the like. (Yoshinaka 1999)

Finally, the third one was actually a revision of the Code of Criminal Procedure of 1948, which enabled the judges to prohibit to ask questions about witness' living and working places in court, in case of danger of retaliation from the people they are testifying against. (Yoshinaka 1999)

- In 2006 the Money Lending Business Restriction Law was amended, making the penalty for un-registered business operations harder and establishing new penal provisions for high-interest-rate money lending.
- In 2007 a new gun law was issued, fixing a maximum fine of 30 million of yen, and a prison sentence from 5 years to life, in case of gun-shooting on gangs' behalf.
- In 2008 an informal ban was addressed to yakuza appearance on television (Adelstein April 2011). In November of the same year the Japanese Bank Association worked out a model clause prohibiting member banks to extend loans to organized crime members. (The Asahi Shimbun May 2013)
- In September 2009 the same Japanese Bank Association, established another model clause to forbid yakuza to open accounts.

- In April 2011 The Act on Prevention of Transfer of Criminal Proceeds was amended, adding provisions for confirmation at the time of transaction and call forwarding service providers to Specified Business Operators, and strengthening penalties for illicit transfer of savings passbooks and the like. (White paper on Police 2012)

- On July 24th 2011, President Obama signed an Executive Order which included Japanese *bōryokudan* among the transnational organized criminal organizations recognized as threat to the national security of the US, and as such with this order he orders the freezing, or seizure, of their assets.

- In December 2012, the General Insurance Association of Japan, after previously banning sales of car insurance to *bōryokudan* members, enacted a model clause to expel yakuza from the insurance business, pressing its member companies to adopt it.

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