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Japan

Enforcement of Judgments in Civil and Commercial Matters

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This country-specific Q&A provides an overview of enforcement of judgments in civil and commercial matters laws and regulations applicable in Japan.

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Japan: Enforcement of Judgments in Civil and Commercial Matters

1. What international conventions, treaties or other arrangements apply to the enforcement of foreign judgments in your jurisdiction and in what circumstances do they apply?

In general, there are no international conventions, treaties, or other arrangements that apply to the enforcement of foreign judgments in Japan. Although Japan has signed conventions covering specific industrial areas, such as the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001, this article focuses on enforcement mechanisms not based on these industry-specific conventions.

2. What, if any, reservations has your jurisdiction made to such treaties?

This question does not apply to Japan. The country has not signed either the Hague Choice of Courts Convention 2005 or the Hague Judgments Convention 2019.

3. Can foreign judgments be enforced in your jurisdiction where there is not a convention or treaty or other arrangement, e.g. under the general law?

Yes. Article 118 of the Code of Civil Procedure (Act No. 109 of 26 June 1996) outlines the conditions for recognising foreign judgments in Japan. The requirements for recognition set out in Article 118 are as follows:

- (a) The foreign judgment is final and binding;
- (b) The foreign court had jurisdiction over the case on which the foreign judgment was rendered;
- (c) The judgment debtor received appropriate service to commence litigation;
- (d) The judgment and court procedure conform with public policy in Japan; and
- (e) Reciprocal enforcement of Japanese judgments in the country that issued the foreign judgment.

A judgment creditor can enforce a foreign judgment by

obtaining an execution judgment from a competent Japanese court under Article 24 of the Civil Execution Act (Act No. 4 of 30 March 1979). Conversely, foreign judgments that meet all these above requirements are recognised automatically in Japan without any additional procedures.

4. What basic criteria does a foreign judgment have to satisfy before it can be enforced in your jurisdiction? Is it limited to money judgments or does it extend to other forms of relief?

Japanese law recognises three categories of civil judgment:

- (a) performance judgment (*kyufu hanketsu*);
- (b) declaratory judgment (*kakunin hanketsu*); and
- (c) judgment that creates or modifies legal relationship (*keisei hanketsu*).

Foreign judgments falling under these categories will be recognised automatically, without any additional procedures, provided the requirements set out in Article 118 of the Code of Civil Procedure for the recognition of foreign judgments are met. Of these three categories, only a performance judgment is enforceable in Japan, since the purpose of this type of judgment is realised through compulsory execution procedures (*minji shikko tetsuzuki*) that cover the enforcement of both money and non-money judgments. The other types of judgments cannot be enforced through these procedures.

5. What is the procedure for enforcement of foreign judgments pursuant to such conventions, treaties or arrangements in your jurisdiction?

These mechanisms cannot be used in Japan to enforce foreign judgments, unless they are enforced based on industry-specific conventions that Japan has signed up to.

6. If applicable, what is the procedure for enforcement of foreign judgments under the

general law in your jurisdiction?

To enforce a foreign judgment in Japan, a judgment creditor must follow the two-step procedure outlined below.

First, the judgment creditor must obtain an execution judgment (shikko hanketsu) from a competent district court in Japan. This step is not required to enforce a judgment rendered by a Japanese court.

Once the judgment creditor has obtained an execution judgment confirming that the foreign judgment fulfils all the recognition requirements set out in Article 118 of the Code of Civil Procedure, they can apply for compulsory execution procedures by submitting the execution judgment as confirmation of a legal obligation (saimu meigi). This is one of the documents required for compulsory execution procedures. These procedures involve the court seizing and liquidating the debtor's property and distributing the proceeds to the creditor in order to recover debts. The procedures are the same as those for enforcing a judgment rendered by a Japanese court.

7. What, if any, formal requirements do the courts of your jurisdiction impose upon foreign judgments before they can be enforced? For example, must the judgment be apostilled?

Foreign judgments are recognised without any additional procedures provided they fulfil the requirements set out in Article 118 of the Code of Civil Procedure. This is known as the automatic recognition of a foreign judgment.

In order to enforce a foreign judgment, however, the following two steps must be completed:

- (i) obtaining an execution judgment of the foreign judgment and
- (ii) applying for compulsory execution procedures.

In order to obtain an execution judgment – the additional requirement for the compulsory execution of a foreign judgment as opposed to a domestic one – the foreign judgment must be submitted to the court with a Japanese translation, pursuant to Article 74 of the Court Act (Act No.59 of 16 April 1947) if it is not already written in Japanese.

8. How long does it usually take to enforce or

register a foreign judgment in your jurisdiction? Is there a summary procedure available?

In order to enforce a foreign judgment in Japan, two steps must be taken. The first is to obtain an execution judgment. This process usually takes between one and three months. It can take longer if the judgment debtor challenges the enforceability of the judgment.

The second step involves compulsory execution procedures. This involves a court seizing and liquidating the debtor's property and distributing the proceeds to the creditor in order to recover debts. These procedures are the same as those used to enforce a judgment rendered by a Japanese court.

According to statistics on cases in 2025 provided by the Supreme Court of Japan, the time taken for compulsory execution procedures before district courts are as follows: – within three months for approximately 59% of cases, – within six months for approximately 76% of cases, and – within twelve months for approximately 88% of cases.

9. Is it possible to obtain interim relief (e.g. an injunction to restrain disposal of assets) while the enforcement or registration procedure takes place?

When a Japanese court receives an application for provisional relief, it has jurisdiction if (a) a Japanese court has jurisdiction over the merit of the case, or (b) the assets to be provisionally seized or the assets in dispute are located in Japan pursuant to Article 11 of the Civil Provisional Remedies Act (Act No. 91 of 22 December 1989). Therefore, if a Japanese court does not have a jurisdiction over the merits of the case, a Japanese court shall have jurisdiction over the preliminary relief only if the assets to be provisionally seized or the assets in dispute are in Japan. The relevant court will grant provisional relief if the applicant *prima facie* proves the existence of the claim and the necessity of such relief, as set out in Article 13 of the Civil Provisional Remedies Act.

The issue arises when the judgment creditor applies for both preliminary relief and execution judgment, which is the first step in the enforcement process for a foreign judgment. When hearing an application for provisional relief, the court must closely examine whether it is necessary to issue preliminary relief at that stage. The decision will depend on the underlying facts.

Once an execution judgment has been issued, the court hearing the application for provisional relief is highly

likely to reject it. This is because, at this stage, the judgment creditor has already obtained confirmation of a legal obligation (*saimu meigi*) for compulsory execution procedures, meaning provisional relief is usually no longer necessary. In such cases, the judgment creditor would need to demonstrate exceptional circumstances in order to obtain preliminary relief.

10. What is the limitation period for enforcing a foreign judgment in your jurisdiction?

The Civil Code (Act No.89 of 27 April 1896) sets out the rules on limitation periods under Japanese law. Article 169 of the Civil Code provides that the limitation period for rights or claims determined by a judgment is ten years from the day after the judgment becomes final and binding. However, this does not apply to rights or claims that are not yet due and payable at the time the judgment becomes final and binding.

As there is no provision stating a different limitation period for rights or claims determined by a foreign judgment, it is reasonable to assume that the limitation period for such rights or claims is also ten years. Commentators generally agree that Article 169 of the Civil Code applies *mutatis mutandis* to rights or claims determined by a foreign judgment.

11. On what grounds can the enforcement of foreign judgments be challenged in your jurisdiction?

Article 118 of the Code of Civil Procedure sets out the criteria for recognising a foreign judgment in Japan. Any foreign judgment meeting all the requirements described in response to Question 3 above will be recognised automatically in Japan without additional procedures.

To enforce a foreign judgment, the judgment creditor must first obtain an execution judgment. During this process, the court will verify that the foreign judgment meets all the necessary criteria. Therefore, the judgment debtor may submit jurisdictional objections or argue that the court should refuse to issue an execution judgment on the grounds that the foreign judgment does not meet any of the above recognition requirements. The following are examples of such challenges.

(a) A challenge regarding the finality and binding nature of foreign judgments The judgment debtor may challenge the finality and binding nature of the foreign judgment if it is, for example, subject to an appeal in the country where it was issued.

(b) A challenge regarding the foreign court's jurisdiction The judgment debtor may argue that the foreign court did not have jurisdiction over the merits of the case.

(c) A challenge regarding the proper service The judgment debtor may argue that the method of service used did not comply with the requirements of the relevant convention or the law of the country in which litigation was conducted.

(d) A challenge regarding public policy As a representative example, the Supreme Court of Japan has repeatedly held that a foreign judgment awarding punitive damages is contrary to public policy in Japan and therefore refused to enforce such a foreign judgment.

(e) A challenge regarding reciprocity The judgment debtor may argue that there is no reciprocity with the country in which the foreign judgment was made. However, a Japanese court is required to examine reciprocity even if the judgment debtor does not raise this issue.

Japanese courts have found reciprocity with the following jurisdictions: Australia (e.g. New South Wales and Queensland), Germany, France, Hong Kong, Singapore, South Korea, Switzerland (e.g. Zurich), the UK and the US (e.g. California, Oregon, Hawaii, Minnesota, Virginia, Maryland, New York, Nevada and Washington, D.C.). As only a small percentage of judgments have been made publicly available in Japan so far, an exhaustive list of jurisdictions with which Japanese courts have found reciprocity is unavailable. On the other hand, the Japanese court denied reciprocity with China.

12. Will the courts in your jurisdiction reconsider the merits of the judgment to be enforced?

No, Article 24.4 of the Civil Execution Act prohibits a court from reconsidering the merits of a foreign judgment.

However, it is commonly held that the judgment debtor is permitted to present arguments based on events that occurred after the time period on which the foreign court based its decision on the facts and arguments were submitted. For example, the judgment debtor could submit an argument that they are no longer liable due to payment of the debt in proceedings for the enforcement of the foreign judgment.

13. Will the courts in your jurisdiction examine whether the foreign court had jurisdiction over the defendant? If so, what criteria will they apply

to this?

Yes. According to Article 118.1 of the Code of Civil Procedure, a Japanese court must find that '[t]he jurisdiction of the foreign court is recognized under laws, regulations, conventions, or treaties.' This jurisdiction is called as indirect jurisdiction.

A Japanese court will determine the issue of indirect jurisdiction based on Japanese law. In this regard, the Supreme Court of Japan holds the view that the criteria used to determine whether a foreign court has jurisdiction is similar to that used by a Japanese court to determine its own jurisdiction over international cases. In its judgment dated 24 April 2014, the Supreme Court of Japan held that the criteria for determining whether a foreign court has jurisdiction over a case for which a foreign judgment has been issued shall, in principle, be based on the rules regarding Japanese courts' jurisdiction over international cases set out in the Code of Civil Procedure. In addition to this general rule, the Supreme Court held that, based on the underlying facts of the specific case, it should be determined whether it is appropriate based on reasonableness (*jouri*) for Japanese courts to recognise the foreign judgment.

14. Do the courts in your jurisdiction impose any requirements on the way in which the defendant was served with the proceedings? Can foreign judgments in default be enforced?

Yes. According to Article 118.2 of the Code of Civil Procedure, one of the requirements for recognising a foreign judgment is that '[t]he defeated defendant has been served (excluding a service by publication or any other service similar thereto) of a summons or order necessary for the commencement of the suit or has appeared without receiving such service.' Service by publication (*koji sotatsu*) is a special method employed when the defendant's address is unknown. In accordance with the protocol, the court will post the documents on the court bulletin board for a designated period. Following this, service will be deemed to have been completed. As Article 118.2 does not specify the required form of service other than that service by publication does not qualify, this issue is open to interpretation. The prevailing view is that the validity of service should be determined by the law of the country in which the judgment was made.

Judgments in default can be recognised and enforced, provided that the parties had an appropriate opportunity to present their case to the competent foreign court. For example, in a Tokyo District Court Judgment from 24

February 1998, the lower court recognised a judgment in default issued by a German court. The Japanese lower court ruled that the defendant had received service other than by publication and had had the opportunity to defend themselves before the competent foreign court.

15. Do the courts in your jurisdiction have a discretion over whether or not to recognise foreign judgments?

No. A foreign judgment that meets all the requirements set out in Article 118 of the Code of Civil Procedure is automatically recognised in Japan.

A judgment creditor is not required to apply to a court for recognition of a foreign judgment in Japan. However, in order to enforce a foreign judgment, the judgment creditor must first obtain an execution judgment based on Article 24 of the Civil Execution Act.

16. Are there any types of foreign judgment which cannot be enforced in your jurisdiction? For example can foreign judgments for punitive or multiple damages be enforced?

Any foreign judgments that fail to meet the requirements set out in Article 118 of the Code of Civil Procedure are not enforceable. For instance, a foreign judgment for punitive damages is not enforceable in Japan as it contravenes public policy. In accordance with Article 118.3 of the Code of Civil Procedure, a foreign judgment must not contravene public policy in Japan. The Supreme Court of Japan has ruled that the purpose of damages in tort law is to provide compensation rather than punishment. However, punitive damages are inconsistent with this principle. This means that a foreign judgment that awards punitive damages is not enforceable in Japan. The Supreme Court of Japan has repeatedly confirmed this view in judgments including those dated 11 July 1997 and 25 May 2021. However, if a foreign judgment includes both compensatory and punitive damages as remedies, the judgment creditor can partially enforce the foreign judgment relating to the compensatory damages as long as it fulfils other requirements pursuant to Article 118 of the Code of Civil Procedure.

17. Can enforcement procedures be started in your jurisdiction if there is a pending appeal in the foreign jurisdiction?

No, according to Article 118 of the Code of Civil

Procedure, a foreign judgment will only be recognised if it is final and binding. Should the court ascertain that an appeal is pending in the foreign jurisdiction, it will refuse to issue an execution judgment. In the absence of an execution judgment, the judgment creditor is unable to initiate compulsory execution procedures as outlined in the Civil Execution Act. For instance, in a case involving a French judgment, the Tokyo District Court (Judgment on 19 March 2008) ruled that it was not final and binding because there was a pending appeal in France.

18. Can you appeal a decision recognising or enforcing a foreign judgment in your jurisdiction?

Yes, the procedure for appealing an execution judgment is the same as the procedure for appealing a judgment rendered by a Japanese court. In general, a district court judgment can be appealed to a relevant high court.

19. Can interest be claimed on the judgment sum in your jurisdiction? If so on what basis and at what rate?

A judgment creditor can enforce interest on the judgment sum, regardless of any express statements regarding interest in the judgment. In its judgment dated 11 July 1997, the Supreme Court of Japan ruled that even when interest on the judgment sum is not specified in the foreign judgment, the judgment creditor can claim interest on the judgment sum provided that the law of the country in which the judgment was issued permits this and the judgment is enforceable under the law. The interest rate is determined by the law of the country in which the foreign judgment was issued.

20. Do the courts of your jurisdiction require a foreign judgment to be converted into local currency for the purposes of enforcement?

No, a foreign judgment in a foreign currency can be enforced without conversion into Japanese yen.

21. Can the costs of enforcement (e.g. court costs, as well as the parties' costs of instructing lawyers and other professionals) be recovered from the judgment debtor in your jurisdiction?

The judgment debtor is responsible for the costs of the compulsory execution procedures because, if they voluntarily fulfil their obligations specified in the judgment, the judgment creditor is not required to go

through the compulsory procedure. In accordance with Article 42 of the Civil Execution Act, the judgment debtor is responsible for converting certain costs of compulsory execution procedures.

With regard to the costs of instructing counsel, it is important to note that only certain types of limited costs can be recovered from the judgment debtor under the Civil Execution Act. These include counsel's travel costs, fees for appearing in courts, and accommodation costs for attending court hearings, the prices of which are listed in legislation.

22. Are third parties allowed to fund enforcement action in your jurisdiction? If so, are there any restrictions on this and can third party funders be made liable for the costs incurred by the other side?

It depends on the arrangements. Although there is currently no legislation in Japan that specifically aims to regulate third-party funding, existing laws and regulations, including professional ethical rules, provide a framework for evaluating permissible arrangements. For instance, third-party funders are prohibited from acquiring disputed claims for enforcement purposes.

Third-party funders may be held financially responsible for costs incurred by the other party depending on the arrangement. However, as it is uncommon in Japanese litigation practice for the losing party to bear the prevailing party's counsel costs, funding agreements would not typically include such a term.

23. What do you think will be the most significant developments in the enforcement process in your jurisdiction in the next 5 years?

Court proceedings in Japan are scheduled to finally be digitised within the next few years. This has been a protracted process, as legislative changes were required to implement online civil proceedings. The relevant reforms to the Code of Civil Procedure came into force in 2026. Reforms to the Civil Execution Act and other relevant legislation are scheduled to fully come into force in 2028. For instance, online filing will become the standard method for submitting a complaint that initiates legal proceedings. Services will be delivered and hearings held online, and judgments will be issued electronically.

Another significant development will be the creation of a database of judgements. This is scheduled to be operational in 2027. Once implemented, the database will

store and widely disseminate all civil judgments rendered electronically following the reform of the Code of Civil Procedure. While the public can currently access civil judgments by visiting a courthouse, only a small percentage of judgments are published by courts or the parties involved. Therefore, meaningful statistical analysis of civil judgments will be feasible from 2027 onwards. The database will be a valuable resource for academics, litigators, and businesses, enabling them to refine their analyses and develop new insights and services.

The language used in court proceedings in Japan is Japanese pursuant to Article 74 of the Court Act. Dealing with international cases before Japanese courts necessitates additional time and costs due to bilingual procedures. In this regard, the reform of the Arbitration Act which came into force in 2024 established an exception to this general rule. The court now has the discretion to allow the award creditor to submit a foreign arbitral award in a language other than Japanese, without a Japanese translation, in order to enforce the foreign award in Japan. As Japanese courts deal with an increasing number of international cases, the same exception should be implemented to enforce foreign judgments in Japan in the future.

24. Has your country ratified the Hague Choice of Courts Convention 2005, and if so when did it (or will it) come into force? If not, do you expect it to in the foreseeable future?

Japan is not a signatory of the Hague Choice of Courts Convention 2005. While there are positive views on

joining the Convention from the perspective of improving harmonisation, there are also cautious opinions concerning inconsistencies with the rules of international jurisdiction under Japanese law. With the reform of the Arbitration Act and the digitisation of court procedures through the reform of the Code of Civil Procedure now complete, the Japanese government is considering improving global harmonisation of court proceedings in Japan. As part of this government's initiative, Japan may join the convention in the near future.

25. Has your country ratified the Hague Judgments Convention 2019, and if so when did it (or will it) come into force? If not, do you expect it to in the foreseeable future?

1. Japan is not a signatory of the Hague Judgments Convention 2019. As demonstrated by the success of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (New York Convention) in enforcing foreign arbitral awards, some welcome the prospect that increased participation in the Hague Judgments Convention 2019 will lead to a more stable international framework for the enforcement of foreign judgments. On the other hand, there are also cautious voices arguing that the requirements for enforcement should be determined independently based on the law of the country in which the judgment is enforced. As stated above, since the Japanese government is aiming to make Japanese court proceedings more global, it may also choose to join the convention in the near future.

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