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SUMMARY OF DOCTORAL DISSERTATION

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THE FIGHT AGAINST THE YAKUZA IN JAPAN'S INTERNAL
SECURITY SYSTEM FROM 1991 TO 2021

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Abstract

The dissertation, entitled „The fight against the yakuza in Japan's internal security system from 1991 to 2021”, is devoted to the characterisation and analysis of the fight against the domestic variety of organised crime, the yakuza, which is extremely dangerous to public and constitutional order and, consequently, to the political, social and economic stability of the Japanese state. The creation of internal security policy, alongside international security, is one of the most important responsibilities of the state. It is the main area of the state's internal policy and concerns the dangers occurring within the country, as well as the methods of counteracting them. It is aimed at eliminating the threats resulting from the malfunctioning of the state, while at the same time ensuring an adequate level of tranquillity and protecting against the negative consequences of violations of social order¹. In the structure of national security, internal security plays an equal role with external security.

Internally, despite the numerous threats of natural disasters, it is organised crime that has caused the most concern for the stability and functioning of the entire state as well as individual citizens, having a destabilising effect on the economy, citizens' sense of security and the image of the country, a point on which Japan is particularly sensitive. In theory, therefore, the fight against this phenomenon should be a priority task for the authorities.

However, before the yakuza became a destabilising element of the state it grew into a force which, as a result of tragic historical events (World War II), became an informal (non-legal) element of the state's internal security system. Only after time, as a result of democratic changes in the organisation and functioning of the state, did it lose its status, and the fight against it became one of the main objectives in the internal security system of the Land of the Blossoming Cherry. The process of this change was spread out over time. Initially without much effect, it gradually began to accelerate from 1991, when the first piece of legislation directly targeting the yakuza was drafted and enacted. From that year onwards, the real fight against the yakuza began, which gained momentum at the turn of the century that continues to this day. Hence, the timeframe included in the theme of the work (1991-2021) reflects a period of actual and indeed successful struggle against the yakuza. The success achieved was an implication of the creation of an effective system to combat organised crime, where the process of enacting and enacting legal norms against the yakuza played a central role, amendment of those already in place and the modernisation of the structure

¹ M. Ciszek, *Theoretical foundations of state security*, „Prospion. European Social and Humanities Studies, 2011, no 2, pp. 165-174.

and working methods of the police (covering not only strictly criminal, but also preventive and administrative activities), rehabilitation, restrictions on the sources of yakuza activity, and cooperation with the public, especially in the area of raising its awareness.

However, effective measures against the yakuza have had the side-effect of the emergence of new organised crime groups: domestic ones known as hangure and foreign ones, mainly Chinese, and an increase in common crime, especially directed against senior citizens.

The threats posed by organised crime activities around the world are analogous. The experiences of others in combating such threats are valuable sources of knowledge that can influence the development of their own internal security policy concepts. Japan may provide an interesting example of how to deal with threats to this type of security.

Publications on yakuza available on the Polish market are relatively narrow in nature and usually refer to the phenomenon of organised crime in the Empire of Japan itself, omitting or treating marginally the problem of fighting it. In the international literature, the problem of the fight against the yakuza is also generally discussed in a fragmented manner. It has mainly analysed the consequences resulting from the implementation of certain legal norms (primarily this first piece of legislation), without examining the issue as a whole. The author is of the opinion that the issue of the fight against organised crime should be studied holistically. Hence, there was a need to supplement the research in this area.

The aim of this dissertation is to systematise knowledge on the fight against Japanese organised crime, to review and analyse it from the perspective of a practitioner, and to attempt to define the place occupied by the yakuza in Japanese society and its relations with the political class. The place occupied, in turn, determines the roles played by the yakuza, and this is related to the intensity of the authorities actions against the gangs.

In order to achieve the stated aims of the thesis, the following research questions were posed:

- What is and what threats does organised crime pose to the internal security of the state?
- Where did the yakuza come from, how do they operate and what impact do they have on the social, economic and political life of the country?
- What role did and does the yakuza play today in Japan's internal security system?
- Has public opinion influenced the fight against the yakuza, and what impact has it had?
- What tools have the Japanese services been given and how effective have they been to fight the yakuza?
- What defensive tactics have the yakuza adopted and what does the future hold?

This thesis attempts to verify the following research hypotheses:

- the yakuza is an informal element of Japan's internal security system;

- the intensity of the fight against the yakuza depends on the attitude of public opinion.

The thesis is divided into four thematically related parts. Security in general, as well as internal security, are not homogeneous concepts. Hence, the dissertation begins with a chapter defining the concepts of security and internal security, characterising the state's internal security system and policy in this area and presenting one of the main threats to internal security, i.e. organised crime.

In the second part, a specific type of organised crime, the yakuza, is presented in detail. The genesis and history of the yakuza, its activities and the impact it has had and continues to have on society, the economy and political life in Japan are discussed, what organisational structures it had and how it functioned.

The historical background of the fight against the yakuza constitutes the next stage of the work. The chapter describes the internal security policy pursued in Japan, taking into account its historical realities. The internal security system, the previous methods of fighting the yakuza and the new tools that the police have been given by politicians are characterised. The results achieved in the fight against organised crime are also presented and evaluated.

The final chapter of the dissertation describes the prospects for yakuza activity, analyses new directions in the fight against yakuza and identifies emerging yakuza threats, as well as what future strategy Japanese law enforcement agencies can take on this issue and what response can be expected from the yakuza.

The dissertation closes with a conclusion, in which the main conclusions and findings from the analysis of the legislation and available literature are included. There are also appendices illustrating and supplementing the issues studied, a glossary of Japanese terms and a list of literature used in its preparation. Both the appendices and the glossary of Japanese terms used in the work are intended to improve the clarity of the work.

The work makes use of English-language source materials in the form of legal acts, as well as analyses, statistical data and projects carried out by the National Police Agency and the Ministry of Justice. Information from other governmental sources and non-governmental organisations was also drawn upon. Available literature has been reviewed subject, including newspaper articles. Studies on security theory, Japan's political and legal system and historical works have also been used, given that the origins of Japanese organised crime are still embedded in the feudal era. The key to understanding and properly interpreting the actions of Japanese authorities or the behaviour of society, as well as the criminal groups themselves, is to learn about the culture and traditions of the Land of the Rising Sun, which is diametrically opposed to the West. Hence, works have been used to provide an insight into these issues. Academic publications usually lack descriptions of the mechanisms of organised crime or treat them in a superficial manner.

Without knowledge of these mechanisms, it is difficult to understand the principles of operation of criminal groups and thus to develop effective methods of counteracting them. For this reason, the study also made use of publications by investigative journalists specialising in describing the activities of yakuza. Unfortunately, it was not possible to access many works due to the limited access to libraries caused by the pandemic sanctions.

In terms of the choice of research methodology used in the dissertation, it would seem that the realist theory, according to which the need to ensure national security rests with the state, protected militarily from external threats, while at the same time building a certain order within the country and the well-being of society, would be the most accurate. However, this theory does not take into account the new challenges and threats facing states today, which may include organised crime or terrorism, but also poverty, resulting from growing economic disparities within a state, or the increased number of disasters resulting from climate change, as well as the empowerment of individuals or entire social groups. Realist theory also fails to take into account cultural, institutional and normative considerations, which have a huge impact on the level of security. These new challenges and threats to security have been highlighted by constructivists, who consider constructivism to be the most comprehensive methodology for the study of issues related to security in the broadest sense. According to the theories of constructivism, the means to "understand the security of different actors is to grasp its subjective aspects, which is done through their own communicative experience that allows us to understand their identity, their threat perception and the protective and positive actions taken to shape their security"². The third main paradigm found in the social sciences is liberalism, according to which security is the goal of different actors in social, political or economic life, and not just the state³. As new and increasingly blur the distinction between already identified threats, the dissertation is the result of using all three basic research paradigms.

The dissertation mainly employs research methods in the form of a content analysis of the literature on the subject and an analysis of specific pieces of legislation regulating anti-yakuza issues, as well as own experiences. The institutional-legal method was used to select specific legal acts. The historical method was used to put into broad perspective the cause and effect relationships of events affecting Japan's security, including the genesis of these events. The comparative (comparative) method was used to compare phenomena and processes related to organised crime and its suppression in different regions of the world, as well as in the Land of the Cherry Blossom. A statistical method was also used to quantitatively and qualitatively analyse this type of criminal activity in Japan. A predictive method was used to study the direction of change in Japanese

² R. Zięba, On the identity of security sciences, "Zeszyty Naukowe AON", 2012, no. 1, p. 16.

³ Ibidem, pp. 14-21.

organised crime. From the empirical research, an observation was made in Tokyo's entertainment district of Kabukichō - the motherland of the yakuza. Unfortunately, due to the SARS-CoV-2 virus pandemic, it was not possible to conduct the remaining empirical research - a survey and an interview, which had been planned to be carried out in Tokyo and Osaka, as well as Kobe - the cradle of the oldest and largest criminal organisation in the Land of the Rising Sun.

The research provided an insight into the little-known issue of combating organised crime in Japan. The analysed matter may be an interesting example of how to deal with organised crime and what mistakes to avoid in fighting it. It may also contribute to a broad discussion on the origins, phenomenon and aetiology of organised crime and, above all, the role of politicians as creators of institutions and legal systems aimed at preventing and combating this type of crime. It can also serve as a starting point for further, more detailed research into the fight against organised crime.

In order to enrich the content of the dissertation, as well as to make it easier to navigate this rather exotic topic, Japanese vocabulary was used. For the transcription of Japanese words, the international transcription of J.C.Hepburn was used.