

Case Study of "Jyôtotanpo"

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It is important to think out the legal framework of "Jyototanpo", proprietary security in Japan, and to study how we can use the principles of the case law in this field.

Upon this point of view, I made an attempt to analyze several cases in this article.

"Jyôtotanpo" has been rationalized by both the doctrine and the case law.

The case law has made this security rationalize in substance by way of solving respective cases, mainly protecting the debtor, whoses oboects of security had perfectly belonged to the creditor by reason of its legal framework.

On the other hand, the doctrine agreed to the effect of the case law, especially by way of making an effort to think out the legal framework. Compared with the doctrine, the case law has been indifferent to the lalgal framework.

Analyzing the cases in this article, I found that the case law took the same way of doing even in recent years.

I think we will be able to think out desirable "Jyôtotanpo" by applying some principles of the case law.