

Mother, child to sue Japan local gov't over 'unconstitutional' gaming time limit ordinance

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TAKAMATSU -- A high school student and his mother intend to file a lawsuit against the Kagawa Prefectural Government in western Japan this summer, claiming that its controversial ordinance aiming to curb internet and video game addiction among young people by limiting their screen time violates the Constitution.

The ordinance passed by the Kagawa Prefectural Assembly earlier this year sets a limit of one hour per day, or 90 minutes on holidays, for children aged below 18 to spend playing video games or online. Although there is no penalty for not adhering to it, residents are expected to follow it as a form of social responsibility. It is the first ordinance of its kind passed by a local council, and has already stirred up controversy nationwide. But now it's being taken to court for legal scrutiny.

According to the attorney for the 17-year-old student and his 42-year-old mother who live in the city of Takamatsu, the two claim that the ordinance's provisions are unconstitutional. Specific reference was made to Article 6, which stipulates that the primary responsibility for enforcing the limits lies with parents or guardians, and Article 18, which specifies guidelines on limitations of gaming time.

These two provisions have sparked criticism and skepticism since the events leading to its original enactment, with some questioning whether it constitutes an intervention into household matters. The mother and son argue that the ordinance infringes on the right to the pursuit of happiness, the right to privacy, and the right to self-determination guaranteed by Article 13 of the Constitution.

Regarding Article 18 of the local ordinance, the national government expressed its view in March, saying, "We are not aware of any effectiveness or scientific basis concerning time limits for playing games." Using this as a foundation for their argument, the student and his mother commented, "The ordinance's aims cannot be justified scientifically."

Because the national government is not planning to take any legislative measures incorporating time limit regulations, the two also insist that the ordinance violates Article 94 of the Constitution, which provides the right for local public entities to enact their own ordinances only within the extent of the law.

It was also revealed after the ordinance was passed that the wording of numerous phrases within its text was similar to public comments submitted by those supporting its enactment. The two also plan to point out what they say was a nontransparent enactment process in the lawsuit.

The high school boy commented, "I feel that the ordinance's enactment was forced

through while lacking scientific evidence and raising questions about its unconstitutionality. I decided to file this suit because I thought there were many problems." He says he will raise expenses to cover the lawsuit by crowdfunding.

Meanwhile, Kagawa Prefecture Gov. Keizo Hamada said in a regular press conference on May 18, "Although I am aware of the news, I will refrain from comment as there is no information on the lawsuit's specifics."

(Japanese original by Yukinao Kin, Takamatsu Bureau)