

Japanese Law Explained

Legal Process for Traffic Accidents in Japan

Traffic accidents are stressful anywhere, but Japanese rules and procedures might be more overwhelming for the unaware due to language barriers and complicated procedures.

Here is a summary for those unfortunately involved in a traffic accident in Japan.

1. Police Report

When involved in a traffic accident, the first thing to do is to notify the police. After reporting to the police, a Traffic Accident Certificate can be obtained a few days later. This certificate is necessary proof for various accident-related procedures, including properly filing an insurance claim.

It is still possible to seek compensation for damages even if the police are not informed; however, the at-fault party may use this as an excuse to avoid responsibility.

2. Medical Checkup

Whenever a party is involved in an accident, they should consult a doctor. Some injuries turn out to be more serious than expected, and insurance will not cover unreported injuries.

In addition, medical expenses and related costs when consulting with a doctor may be covered by insurance.

3. Claim Damages

If the at-fault party is insured, the insurance company will be the primary point of contact concerning compensation. Additionally, insurance purchased by an individual may also cover damage and injury notwithstanding who is at-fault.

If negotiations with the insurance company do not go well, one can seek compensation via a civil lawsuit. In some cases, the victim may bring an action not only against the driver but also against the driver's employer if the driver was working in the scope of employment when the accident occurred.

Seeking damages is complicated and reaching a settlement without a full understanding of the terms and conditions is risky. It is highly recommended that parties involved in an accident consult a lawyer before accepting any settlement.

4. Criminal Procedure

Besides any damage claims, any criminal proceedings will proceed separately. The police begin its investigation by collecting evidence. The accused party may be arrested if necessary. If the police find possible criminal liability, the case is referred to a prosecutor. The prosecutor conducts further investigation and decides whether to bring the case to criminal court. If prosecuted, the accused party becomes a defendant in criminal court.

The penalties for any traffic crime vary depending on severity but typically involve fines, imprisonment, or suspension of the accused's driver's license.

5. Why Miyake & Partners

If involved in a traffic accident, our firm offers clear, thorough legal guidance and strategic representation throughout the entire process, from negotiations with insurers to final settlement, to ensure clients are fully informed and compensated. With extensive experience in negotiation and litigation, we are well-equipped to safeguard our clients' interests.

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