

# **The research of the matrimonial property law in Germany**

Kazuhiko MATSUHISA

This research will show how should be revised a matrimonial property regime and distribution of property in a divorce in Japan. This involves the changes of the administrations that concern the variety of marital cohabitation in German Law. There are few viewpoints coped with a variety of marital cohabitation in Japanese Law, because until now a fulltime housewife has outnumbered in Japan. In contrast, German Law had revised of the Civil Law, based on the social transformation. Formerly, there were many fulltime housewife, but in 1970, the population of woman's worker has increased in Germany. In 2007, Federal Minister of Justice announced a draft for a revision of a matrimonial property regime. Moreover, a couple can contract a married agreement, for making matrimonial property relation that corresponds with their marital cohabitation. It is necessary, that this based on the guarantee of the equality and the self-determination between husband and wife. This problem is called the border of freedom to contract and the control of content of marital agreement. In the practice of German court, there are many administrations concerning the intervention in a marital agreement by a court. Their administrations intended that harmonize a couple's intention with an equality of the sexes and established a fair distribution of property in a divorce and divorce benefits. In conclusion, this research shows some opinion of a revision of a matrimonial property law, to be harmonized the Respect for a couple's intention as the choice of their marital cohabitation with the substantial equality between husband and wife in Japan.