

Japan's Remilitarization, Passive Constitutional Amendment Discourse

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Abstract

This journal aims to observe the Japanese remilitarization plan of some elements of Japanese politics to amend the Pacifism constitution in article 9 related to military capabilities and the factors behind it. Japan's plan to amend Article 9 is a step that is considered important to make it easier for Japan to fulfil its national interests in the field of defence and security in the Pacific and East Asia regions. A qualitative approach is carried out to observe the facts that occur and is followed by using several concepts in analysing the phenomenon. The data collection technique that will be used is to find library research data. The perspective of Neorealism, the Concept of National Interest and Foreign Policy are used as the basis and direction to answer issues related to Japanese remilitarization and the discourse on the amendment of Article 9 of the Japanese Pacifism Constitution and the reasons behind the plan.

Keywords: Remilitarization, Passive Constitutional, Amendment





1. Introduction

During World War II, Japan was a very aggressive and confrontational state. Its military invasion has spread to almost all Asia Pacific countries. With confrontational ways, Japan showed how its foreign policy was at that time, until finally on August 15, 1945, two important cities in Japan, Hiroshima and Nagasaki, were destroyed by the allied atomic bombs.

Japan's defeat in World War II was marked by the signing of the Japanese surrender agreement to the Allies, which was stated in the Potsdam Declaration on August 26, 1945. As a result, Japan had to accept the fact that its once proud military strength had to be disarmed by the Allied forces, which consisted mostly of soldiers. United States of America. The United States took over the Japanese government system and Japan had to submit to the United States system, and also had to recognize the United States Navy General, Douglas Mac Arthur as the supreme commander of the Pacific Allied powers, as the occupation officer in Japan (Mardialina, 2013).

After Japan was conquered by America in World War II, Japan has carried out various reforms to transform itself from a state that has military power into a non-military state. The reforms carried out, much influenced by America as the state that occupied Japan, were not limited only to the economic and social fields but also in the field of law. One of America's influences on legal reform was the amendment to the Japanese constitution.

In the pre-war period, the prevailing constitution was the Meiji Constitution which was considered one of the causes of aggression by Japan. The Meiji Constitution, is Japan's earliest basic law. The Meiji Constitution established a clear boundary between the executive power and the absolute power of the Emperor. In the Meiji Constitution, Tenno is the supreme ruler, and vassal in the cabinet, whose Prime



Minister is to be elected by the Imperial Privy Council (Smitsu-in) which lasts until 1947 (Damartyas, 2018).

As a consequence of Japan's defeat in World War II. The United States drafted a new constitution for Japan to replace the Meiji constitution which was considered the cause of Japanese aggression. Japan based on the 1947 constitution changed its identity, especially in its national defense policy, namely the Pacifist constitution with a defense system focused on self-defense only. For world security, the United States also made changes to the provisions of the Japanese constitution which indicated that Japan would no longer develop military power in the future. The new constitution stipulates three basic principles, one of which emphasizes the peace-loving attitude of the Japanese state. To implement this principle, Article 9 of the 1947 Japanese constitution expressly mentions the prohibition of military use (Mardialina, 2013). Based on article 9 of the 1947 Japanese constitution which states (Hook & McCormack, 2005):

Article 9: (1) Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. (2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

Based on article 9, Japan is not only not allowed to carry out acts of war in any form but is also not allowed to have military power in any form. However, since the beginning of the article, there have been efforts to make it open to reinterpretation to address the possibility of Japanese remilitarization if necessary in order to defend itself (Dower, 1999). The first amendment to article 9 made at the Diet session in establishing the constitution in 1946 by Hitoshi Ashida led to the addition of the phrase "In order to accomplish the aim of the preceding paragraph." This addition



paved the way for interpretation of the constitution by allowing Japan to have armed forces for purposes other than engaging in aggressive warfare or settling international disputes (Muhammad Fadilah & Sudirman, 2018).

Currently, countries in the world are competing to improve the capacity of their countries in various sectors to keep abreast of developments in the international community and especially to respond to issues related to the sovereignty of their countries. The current trend of defense and security issues is starting to re-align its importance with economic issues after the issue of security was put aside after World War II and the Cold War. At this time, almost all countries in the world are concerned about their security and defense.

The East Asia region has long been full of dynamics regarding relations between countries in the region. China has the largest population in the world, and not only that, its economic development is also very advanced, then Japan with its technological advantages, North Korea with its nuclear power, and Taiwan with the firmness to stand alone as a free state.

The end of the Cold War, the strategic security environment in East Asia is marked by the possibility of reducing US military forces, the uncertainty shown by the rise of the Chinese military, ballistic missile tests and North Korea's nuclear problem as well as the existence of other unresolved conflicts in the East Asia region causing stakeholders in Japan began to talk about revisiting the pacifist constitution that Japan had adopted since 1946 (Mardialina, 2013).

Japan is increasingly concerned about its defense and security with China's increasing military activity around islets in the disputed East China Sea. China is trying to change the status quo unilaterally in the East China Sea, the South China Sea, as well as on the borders with India and Hong Kong. The Chinese coast guard fleet has repeatedly entered Japanese waters and recently a Chinese submarine was



detected at sea near Japan's southern coast. The rapid advancement of China's military power and technology, as well as North Korea's missile and nuclear programs are increasingly putting pressure on Japan. Japanese pacifism is shrinking with increasing threats to Japan's security. With this, amendments to the Passive Constitution and remilitarization began to be pursued by Japan.

2. Literature Review

2.1. Neorealism Perspective

The neorealism perspective is based on the same assumptions as realism, but differs in several postulates and prescriptions. For example, if the realism perspective believes that the state's actions are determined by its national interests and its actions in the international arena, then as developed by Kenneth Waltz (1992) the neorealism perspective believes that there is an international structure effect that affects state actions in it (Vinsensio Dugis, 2018). It can be said that the neorealism perspective has the basic assumption that the international system is anarchic without an authority that can set laws, the system affects the state as a rational actor (maximizing results and minimizing losses), making states selfish to survive. In addition, neorealists argue that the international system forces the state to formulate its foreign policy (Sinaga, 2007).

Based on the perspective of neorealism, it can be seen that Japan is aware of the anarchic situation of the international system. This situation poses various threats to Japan, such as North Korea launching ballistic missiles and conducting nuclear tests and China building military capabilities. Regional security conditions in Asia Pacific, especially East Asia, as a dynamic of the international system make Japan feel that its interests will be threatened if it does not take action to respond to the dynamics of the threat. So in order to survive, Japan sought to increase its strength as a way to protect itself. The Japanese government believes that remilitarization and amendments to the



Pacific Constitution can be a strategy for Japan to minimize risks and maximize national defense in the military field.

2.2. National Interest Concept

The concept of national interest is very ambiguous, but it becomes very important in attempts to explain, define, predict or make prescriptions about international behavior. International relations scholars and practitioners unanimously agree that the primary justification for state action is the national interest (Coulombis & Wolfe, 1986). National interest is defined as an effort to pursue power, where power is everything that can develop and maintain control of a state over other states, which can be done by use hard power or soft power. The national interest of a state can be realized by having the capability and in this journal it is focused on military capability.

According to Hans J. Morgenthau, the national interest of every state is the pursuit of power to gain the defense of one state over another. The national interest will be achieved through foreign policy, foreign policy is made based on the national interest to fulfil the needs of the state. After the World War II, Japan had limited military defense but Japan developed its strength in East Asia through its economy and technology. With its economic and technological capabilities, Japan can carry out its foreign policy to achieve Japan's national interests.

2.3. Foreign Policy Concept

The definition of foreign policy according to KJ Holsti is an idea or action created by policy makers to manage the policies, behavior, or actions of one or more countries, in the physical environment around the world. Holsti explains foreign policy as all actions and activities of the state towards its external environment in an



effort to gain benefits from that environment, foreign policy is made by considering various internal and external conditions that support the formulation of the policy (Holsti, 1992).

External factors in foreign policy that influence the formulation of foreign policy include the structure of the characteristic system or the structure of the world economy, the actions of other actors, regional problems, international law, world opinion. Internal factors that influence the formulation of foreign policy are issues that are at the internal level of the state, while external factors are activities across national borders and are influenced by factors outside the state (Arifiyanto, 2013).

So it can be said, foreign policy is aimed at everything that is outside a state. By considering the internal conditions of a state, and also considering the external conditions of the state, namely the international system (Wibowo, 2015). Foreign policy can be in the form of a reaction to what is happening in the international system which in this journal refers to Japan's external environment, namely the Pacific and East Asia regions which are hit by security issues related to North Korea's nuclear weapons and the rise of the military in China.

3. Research Methodology

This journal uses qualitative research methods, namely research that does not use the calculation process and the power of numbers, but uses data descriptions. This journal describes the problem comprehensively by using the facts obtained and looking at the nature of the existing variables and examining the causal relationship between variables. The data collection technique uses library research techniques that come from book sources, or other media such as official and non-official reports, journals, or printed news such as newspapers and online news.

4. Results and Discussion

4.1. Threat from North Korea



North Korea poses a threat to Japan with its militaristic and aggressive policies in an effort to unify the Korean peninsula. North Korea even had time to trigger an open war with South Korea in 1950-1953 which ended with the status quo condition (Arifiyanto, 2013). North Korea, which is very secretive, makes various assumptions about North Korea

North Korea has repeatedly done things that increase tensions in the Pacific region, the things North Korea did became a serious destabilizing factor for security, not only Japan but of the entire region and the international community. In particular regarding the nuclear and missiles that have been successfully developed by North Korea, coupled with provocative behavior such as pointing its missiles at Japan that has been carried out by North Korea, has posed a serious threat to Japan's national security.

North Korea continues to strengthen its troops throughout the Korean Peninsula through defense of weapons with the principle of self-reliance, namely the principle of independence taken from the Juche ideology created by Kim Il Sung. Juche is defined as self-confidence and independence in meeting their own needs without being dependent on other countries. Juche is at the core of Kim Il Sung's political control (Lee & Cho, 2000).

Based on information from the Association to the Federation of American Scientists (FAS), North Korea is a state with the lowest nuclear capacity compared to the eight other nuclear countries. However, over a long period of time North Korea's missile industry has grown more capable of extending the range of its missiles. The Nodong missile for example – has the ability to reach Japan which was successfully tested in 1994. North Korea also has a multi stage rocket with a range of 2500 km, named Taepodong 1 which was successfully tested in space in August 1998. According to data from the Stockholm International Peace Research Institute (SIPRI).



), on October 9, 2006, North Korea successfully conducted its first nuclear test, and on May 25, 2009 also successfully carried out its second nuclear test (Gumay, 2016).

The development of the North Korean nuclear issue is very important for Japan, because the nuclear developed by North Korea makes Japan feel its national security is threatened. This can be a serious threat to Japan because of its geographical proximity to North Korea. The most serious threat in North Korea's nuclear development is the threat to other countries that fall within the scope of the Nodong Missile range, which can reach the entire Korean Peninsula and some mainland in Japan. With the nuclear development in North Korea, it creates tension in the Pacific and East Asia regions which becomes a security dilemma. A security dilemma occurs when a state builds facilities to maintain the security of its own state but will be considered a threat to other states (Holsti, 1992).

4.2. Threat from China

In 2010 China surpassed Japan's economy as the second fastest growing economy in the world, then China also showed increasing aggressiveness in maritime territorial claims in the East and South China Seas (Purwaka, 2018). This began to be considered by Japan as a threat to its national defense. Today, China is a very influential state politically, economically and militarily. The international community has recognized China's presence as a major player in the region with its active participation in the non-traditional security sector (Arifiyanto, 2013). However, what worries Japan is the rapid and widespread increase in military capability and modernization of defense equipment, supported by the high and constant increase in defense spending, this condition is running without a clear status and clear vision of the military which is the goal of China's military modernization.

According to Global Firepower, in 2018 China had a total army of 2,693,000 personnel, of which 2,183,000 were active soldiers and 510,000 were reservists.



Meanwhile there are 750,000,000 people who can be prepared to become soldiers if needed at any time. On the ground defense side, China has 9,000 combat vehicles, 7,716 tanks, and 10,296 artillery pieces. In terms of sea defense, China has 714 warships consisting of 1 aircraft carrier named Liaoning, 50 frigates class ships, 29 destroyers, 39 corvettes class ships, 73 submarines, 220 patrol boats, and also 29 minesweepers. For air defense, China has a total of 3,035 aircraft consisting of 1,125 fighter aircraft, 1,527 attack aircraft, 722 transport aircraft, 353 training aircraft, 985 helicopters, 281 of which are combat helicopters. In terms of defense budget China allocates \$151 billion for its defense (Damartyas, 2018).

China's military development is a dilemma for Japan's national security. For decades Japan has been paying attention to China's military development, especially in 2010 Japan's concerns are increasing. The increase in China's military began to develop when China's economy had advanced, China's economic development had begun in the 1970s (Damartyas, 2018). The increase in China's military power is evidenced by the increasing number of military capabilities both land, sea and air.

4.3. Discourse on the Amendment of the Pacific Constitution

During the Cold War, Japan adopted an isolationist regional strategy in which Japan pursued economic progress while avoiding any political role in international security matters and Japan entrusted its role in international security matters to the United States. However, Japan's passivity on security issues became a question at the beginning of the post-Cold War era (Mardialina, 2013). Security threats in the East Asia Region are increasing. Based on the geographical environment, the so-called core countries in East Asia are Japan, China, South Korea and North Korea. Various problems that exist in East Asia, both those that are remnants of old problems and emerging political issues, contain many issues that are quite sensitive and can develop into disturbances to regional stability (Irsan, 2007).



Under the Passive Constitution's Basic Policy for National Defense, Japan has built a modest defense capability under the Passive Constitution for defense-oriented purposes only without becoming a military power that can threaten other states. However, Japan cannot always be passive if Japan does not want to become an easy target for countries that continue to increase their state's capacity in various sectors, especially the defense and security side. Shinzo Abe (Prime Minister of Japan 2006-2020) who is aware of the need for transformation of Japan's defense policy to rise to become an independent state.

Looking at the reality of the threat that exists from the East Asian region, Japan has strong reasons to decide to develop a real armed force and not just for mere defense. With the growing threat from neighboring countries, Japan should be able to respond with progress and improvement in adequate military capabilities like those of other countries in the world. However, the existence of article 9 of the 1947 constitution has limited the authority of the JSDF which only has a minimum power for self-defense purposes and limits the development of military weapons.

In 2018, Shinzo Abe announced that he wanted to amend Article 9 of the Passive Constitution by adding a third article regarding the SDF so that the SDF would gain legal status in law (Al Hakim, 2019). So far, the Japanese government understands that it is a violation of the constitution if Japan uses its defense power to defend other countries while Japan itself is not under direct attack. Shinzo Abe wanted to change the previous Interpretation, thus allowing Japan to use the SDF to counter attacks against Japanese allies (Roza, 2013).

Shinzo Abe stated that Japan is back and he stressed that Japan must remain a global and maritime guardian in areas such as trade, investment and the environment, and will cooperate with other democracies throughout the Asia Pacific region. Japan made a change by introducing proactive pacifism as a tool for the Japanese military's return. On 17 December 2013, the idea of proactive pacifism was approved by the



Cabinet regarding Japan's first National Security Strategy (NSS) together with the new National Defense Program Guidelines (NDPG) (Laksono, 2018).

After reforming its foreign policy and especially with the reinterpretation of article 9, Japan changed civilian control over the military which was originally subjective civilian control into objective civilian control or civilian control through increasing military professionalism (Muhammad Fadilah & Sudirman, 2018). Japan no longer relies on Article 9 of the Passive constitution as the main instrument to determine the direction of its military so that this can be understood as an additional discourse in foreign policy studies. The Japanese Ministry of Defense in 2015, has increased the independence of the SDF to be able to act without the strict control of the Japanese civilian government as has happened in the past (Muhammad Fadilah & Sudirman, 2018).

5. Conclusion

In recent years, threats in the Pacific and East Asia have begun to increase, such as China's increasingly rapid military development and the threat of North Korea's nuclear development, so Japan wants to make its military offensive again by amending article 9 of the Pacific Constitution and increasing its military power. Therefore, Japan changed its defense policy in 2013 in the National Defense Program Guidelines and changed the Defense Agency to the Ministry of Defense.

Japan approved a controversial law that could change their state's foreign policy in the field of security. This law change allowed the Japanese military to fight overseas for the first time since the Second World War. Prime Minister Shinzo Abe has "forced" this revision by arguing that the law is essential to Japan's military doctrine of collective self-defense. After losing in the world war II, Japan's pacifist constitution states that military force cannot be used arbitrarily to resolve conflicts except for self-defense. Japan adheres to a passive military force. Shinzo Abe made



changes to a law that would allow Japan's military to mobilize troops abroad on the condition that Japan or its allies are attacked.

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Jurnal Diplomasi Pertahanan,

Volume 7, Nomor 3, 2021

E-ISSN 2746-8496

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