

**Vom Katalog zur Generalklausel hin zur speziellen gesetzlichen Regelung:
Japanische Irrtumsregelungen**

Sandra Hotz, Zürich

- I. Irrtumskatalog nach *Kyû-minpô*
- II. Generalklausel nach Art. 95 *Minpô*
- III. Generalklausel und Rezeption deutscher Irrtumstheorien
- IV. Ausserhalb der Generalklausel : neue Irrtumslehren
- V. Spezielle gesetzliche Regelungen zum Verbraucherschutz im Vertrag
- VI. Im Rechtsvergleich zum deutschen und schweizerischen Recht

[p. 178 – 186]

SUMMARY

When codifying its Civil Code (Minpô), Japan chose a blanket clause for its error regulation instead of the initially drafted error catalogue. In consequence, the provision was rearranged by law researchers and judicature, which finally resulted in the emergence of theories outside the law of errors. If sufficient material has accumulated on a new type of interference of intention, e.g., of the consumer in a consumer contract, this should generally prompt the codification of a special legal regulation. The question is, what kind of regulation? The author points out the materialization of the classical error regulation, specifically the expansive rearrangement of the blanket clause, as one possibility instead of the creation of numerous special bodies of law. The Japanese model is a rudimentary example of this.