

Hardships of Same-sex Partnership and The Examination of Effective Social Systems: Based on Qualitative Sociological Research about the Partnership System in Japan

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There is currently no legal framework to protect same-sex partnerships in Japan. Since 2015, the Partnership System has been implemented by over 250 local governments across the country, affirming the relationships of same-sex couples as equal to those of married couples. Despite this progress, same-sex couples continue to face significant hardships due to the absence of a comprehensive institutional security system. The objective of this study is to reveal the hardships faced by same-sex couples in Japan and to examine how the Partnership System, along with other legal systems, can contribute to overcoming those difficulties.

The research employs sociological qualitative methods, utilizing semi-structured interviews. Interviewees include 36 same-sex couples, 4 opposite-sex couples, and 4 singles residing in Hokkaido, Tokyo, Osaka, Hiroshima, Fukuoka, and other areas.

The study uncovers four main challenges faced by same-sex couples, arising from marginalization by the heteronormative society and the marriage system. Regarding legal guarantees, the inability to utilize the marriage system deprives same-sex couples of various benefits and privileges, such as inheritance provisions, tax deductions for a spouse, and the legal status of partners-in-law, which allows for rights and obligations in living together. Secondly, from a social perspective, the regulation of marriage segregates same-sex couples from opposite-sex couples, hindering their acceptance and recognition as legitimate relationships. This lack of proper social understanding

and acceptance not only compels same-sex couples to navigate the challenges of disclosing their relationships to strangers, but also contributes to an identity crisis. Furthermore, the marriage norm places pressure on homosexual individuals to conform to social expectations of marriage, despite being unable to marry or disclose their sexuality. Intersectionality further complicates the issues caused by the lack of legal protection. For instance, same-sex couples with children are unable to gain joint custody. Likewise, individuals with foreign partners face visa-related obstacles, as their partners are ineligible for spouse visas.

Although it lacks legal guarantees, the Partnership System enables same-sex couples to be recognized and treated as legitimate partners by public institutions and their employers. Additionally, the system allows them to update their relationship status on the certificate of residence from “housemate” to “relative,” granting them a degree of official recognition. In promoting societal approval, it plays a role in fostering a more inclusive environment. Furthermore, the system contributes to the process of self-acceptance, allowing same-sex couples to experience a sense of commitment and recognition akin to marriage. Moreover, as a ripple effect of the Partnership System, it sheds light on the existence of same-sex couples within the country, sparking debates on marriage equality. However, the Japanese Partnership System remains inadequate as an institutional security system for same-sex relationships. It lacks the legal framework and comprehensive approval associated with marriage. Moreover, given that many sexual minority individuals in Japanese society remain closeted, it can be challenging for them to benefit from the Partnership System, as it requires them to disclose their sexual orientation in the application and utilization process.

Some same-sex couples employ other strategies to address the lack of legal protections for their relationships. For instance, they establish a legal parent-child relationship to gain family-in-law status. To address inheritance-related issues, they utilize notarized documents to confirm inheritance. Moreover, they

invest significant effort into building and maintaining positive relationships with those around them to compensate for the absence of legal safeguards. Still, same-sex couples continue to live in precarious conditions.

The marriage system provides married couples with rights and obligations. Marriage equality would contribute to the enhanced societal acceptance of same-sex partnerships. It also has positive effects on intersectionality, such as providing joint custody and spouse visas, thus offering stability in their legal circumstances. Additionally, the recognition of marriage equality would stimulate discussions on diversity while demonstrating Japan's inclusive attitude. However, not all same-sex couples embrace the Japanese marriage system without criticism, as it raises several controversial issues.

