

# Fetal and Injury Accidents Caused by Explosion and Criminal Liability Arising from Negligence

—— A Theoretical Consideration on “Fundamental Parts of Causation” as Objects of Foresight ——

Katsunori KAI

The issue on “fundamental parts of causation” as objects of foresight in criminal negligence is one of very important and difficult subjects. In the case of Shibuya-Onsen (SHIESPA) Explosion this issue was an important point. The Supreme Court found the defendant, who belonged to the design section of a construction company, guilty in 2016. However the logic is not enough to satisfy the principle of culpability, because it abstracts facts on the progress of causation of “fundamental parts of causation” as objects of foresight in criminal negligence.

According to my opinion, “fundamental parts of causation” as objects of foresight in criminal negligence should be based on facts as soon as possible from the viewpoint of the principle of culpability. It is true that it is difficult to find it in such case of explosion, but we should make an effort to build such a theory in all cases. Therefore in this paper I try to analyze and consider theories of precedents and doctrines on “fundamental parts of causation” as objects of foresight in criminal negligence, which the case of Shibuya-Onsen (SHIESPA) Explosion caused to do so, and show a new framework and trend of “fundamental parts of causation” as Objects of Foresight.