

Legal Safeguards and Effectiveness Evaluation of Family Pension Support Policies in China and Japan

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Abstract

As the aging process in China accelerates, the challenges facing pension policies are increasingly prominent, becoming a focal point of societal attention. Japan's legal framework and implementation of family pension support policies are relatively well-established, while China still has significant room for improvement in legal safeguards and practical implementation. Learning from Japan's relevant policies could reduce the costs associated with the reform of China's pension system. This paper compares family pension-related policies in China and Japan, providing suggestions and summarizing them based on actual circumstances, aiming to further improve relevant laws and regulations and enhance the support and effectiveness of family pension systems.

Keywords

Family Pension, Legal Safeguards, Tax Incentives, Caregiver Support, Sino-Japanese Comparison

1. Introduction

Amid the global wave of population aging, China and Japan, as countries with high degrees of aging, face particularly prominent pension challenges, especially regarding the sustainability of family-based pension models. Family pension, deeply rooted in the cultural traditions of both nations, carries the essential functions of emotional comfort and spiritual care. It also serves as a crucial foundation for addressing the challenges posed by aging. However, with family structures becoming smaller and more nuclear, and the rapid development of social economies, the traditional family pension model is encountering unprecedented challenges, such as insufficient pension resources and the increasing burden of caregiving.

Against this backdrop, China's 14th Five-Year Plan clearly proposes the construction of an integrated pension service system that combines healthcare and elderly care. This system aims to better meet the diverse and multi-level needs of the elderly population, particularly the elderly with severe disabilities and cognitive impairments, by integrating pension and medical resources and innovating service models. This strategic deployment not only reflects the country's high level of attention to pension issues but also points the way for the future development of pension services. In contrast, Japan, as one of the countries that entered an aging society earlier, has seen significant results in the legal construction and implementation of family pension support policies. For instance, the implementation of the Long-Term Care Insurance Law has

effectively alleviated the economic pressure on family pensions and promoted the improvement of the pension service system.

This paper will review existing research results, such as Zhang and Wang's (2022) A Comparative Study on the Aging Phenomenon and Pension Models in China and Japan, Wu's (2023) The Development of Japan's Home Care Service Mechanism and Its Implications for China, and Liao's (2021) A Comparative Analysis and Reflection on the Pension Systems of China and Japan. Through a cross-cultural comparative analysis of legal safeguards and their effectiveness, the paper aims to explore the localization potential of Japan's experience and proposes a series of innovative policies adapted to China's national conditions. These suggestions, merging the wisdom of both countries, will not only provide theoretical support for improving China's family pension support system but will also lead practical exploration, promoting the comprehensive upgrade and sustainable development of pension services.

2. Legal Framework of Family Pension Support Policies in China and Japan

2.1 Legal Framework of Japan's Family Pension Support Policies

Strategic Planning and Legal Pioneering

To proactively address the challenges posed by population aging, Japan began formulating a series of strategic plans and legal regulations in the 1980s. In 1986, Japan enacted the General Principles Concerning Measures for the Aged Society (長寿社会対策大綱), marking the beginning of a systematic response to aging. Subsequently, the Gold Plan (黄金计划), a ten-year strategy for the promotion of health and welfare for the elderly, was introduced in 1989 and updated as the New Gold Plan in 1994, which further detailed specific measures for elderly health and welfare. In 1995, the introduction of the General Principles Concerning Measures for the Aged Society (高齢社会対策大綱) further strengthened national-level strategic planning.

Simultaneously, Japan prioritized legislative actions. Since the 1960s, a series of laws have been successively enacted, including the Elderly Welfare Act (老人福祉法), the Elderly Health Act (老人保健法), and the Long-Term Care Insurance Act (介護保険法), forming a legal framework for elderly care services that ensures the rights of the elderly are effectively protected. These laws not only standardize the provision of elderly care services but also establish a systematic evaluation framework for elderly care institutions, thereby promoting the standardization and development of the elderly care industry. The Japanese government has continuously adjusted and improved the elderly healthcare system in response to changing circumstances. From the introduction of the Free Medical Care for the Elderly program in 1973, to the implementation of the Elderly Health Act (老人保健法) in 1982, and the launch of the Medical System for the Elderly (高齢老年人医疗制度) in 2008, followed by the Medical Fee Remuneration System (诊疗报酬制度) in 2014, these policies have not only reduced the medical burden on the elderly but have also facilitated the efficient allocation of medical resources. Furthermore, they have propelled the healthcare system toward greater efficiency and convenience.

2.2 Legal Framework of China's Family Pension Support Policies

With the advancement of reform and opening up, China's socio-economic system has gradually transformed, yet the pension service system has largely remained centered on family-based care. During this period, the state began to focus on improving pension services, but the primary emphasis was still on enhancing basic living security. Meanwhile, as the economy developed, some cities and regions began exploring preliminary attempts at socialized pension services, such as nursing homes and community-based elder care models.

Entering the new phase of the 21st century, China's aging process has accelerated significantly, making pension issues increasingly urgent. To actively respond to this trend, the state has accelerated the construction of the pension service system, continuously deepening and expanding its coverage. Currently, a comprehensive, multi-dimensional pension service system with wide coverage has taken shape, designed to

effectively address the challenges posed by an aging population and ensure the steady improvement of the quality of life and social welfare for the elderly.

In the field of social security, China has established a comprehensive protection system that includes basic pension insurance, basic medical insurance, and long-term care insurance, aimed at providing a solid economic and health safety net for the elderly. Additionally, a series of policies encouraging the employment of the elderly have been implemented, effectively alleviating the supply-demand imbalance in the labor market and promoting the social integration and personal value realization of the elderly. Moreover, the Chinese government actively promotes the deepening of community-based elderly care models by strengthening the construction of community elderly care service facilities, enriching the content and forms of services, and extending the reach of pension services into homes. This approach has ignited enthusiasm across society, driving the pension services sector towards marketization and professionalization, thereby significantly enhancing the coverage, efficiency, and quality of these services

Implementation Paths of Family Elderly Care Support Policies in Japan

(1) Implementation Paths of Japan's Family Elderly Care Support Policies

Support for Family Caregivers: The Japanese government provides financial subsidies, leave systems, training services, and other support measures for family caregivers through legislation, primarily through the Long-Term Care Insurance Act. This law offers financial assistance, leave rights protection, and professional training for family caregivers, such as establishing caregiver allowances to alleviate economic pressure, implementing flexible leave systems to ensure rest rights, and conducting professional training to enhance caregiving skills.

Tax Incentives: To encourage participation from all sectors of society in family elderly care, the Japanese government has introduced tax incentive policies, which include tax reductions for businesses that serve family caregivers and personal income tax exemptions for caregivers. These dual incentives promote shared responsibility for elderly care.

Family Elderly Care Services: Japan has established a diversified framework for family elderly care services, which includes visiting nursing services, day care services, and short-term respite care services. These services provide convenient and efficient elderly care through a combination of government subsidies and market-based operations.

Long-Term Care Insurance System: Japan has implemented a long-term care insurance system, which is a joint responsibility of the government and society, aimed at encouraging home-based elderly care and reducing the burden on the medical system. This system not only provides comprehensive and professional elderly care services but also significantly alleviates the heavy pressure on family caregivers.

3. Recommendations

Both Japan and China have unique characteristics in the legal guarantees and implementation paths of their family elderly care support policies. Japan effectively promotes the development of family elderly care through a well-established legal system and diverse support measures. In contrast, while China has initially built a legal framework for family elderly care support policies, there is still significant room for improvement in implementation and policy effectiveness. In the future, China should draw on Japan's successful experiences, which can be summarized in the following points:

Strengthen Planning and Top-Level Design: Japan has successfully addressed the challenges of an aging population through strategic planning and proactive legislation. China should emulate this approach by formulating a 30-year strategy for aging population response, guiding all sectors of society to participate in elderly affairs, enhancing capacity building, and vigorously developing industries related to the elderly, thereby promoting a positive interaction between elderly care and economic development.

Comprehensive Policies to Fill Gaps: Japan has established a comprehensive policy system to address aging, covering multiple areas such as elderly care, healthcare, and housing. China should learn from this experience by adopting comprehensive policies, further refining regulations in areas such as elderly housing

and finance based on existing fiscal, taxation, and financial policies, and encouraging more enterprises and social entities to participate in elderly care.

Implement Active Elderly Care Policies and Improve the Policy System: Japan timely adjusts its policies based on changing circumstances, such as introducing free healthcare for the elderly and long-term care insurance systems. China should keep pace by reforming and improving its elderly healthcare system, relaxing childbirth policies while researching childcare subsidies, gradually raising the retirement age, piloting free health check-ups for residents over 40, and exploring an elderly care system suited to national conditions.

Form a Collaborative Development Force: Addressing population aging requires a collective effort from society as a whole. Japan has achieved effective supply of elderly care services by leveraging the roles of local governments, social entities, businesses, and individuals. China should enhance the service functions of local governments, clarify the responsibilities of various levels of government in elderly care services, and encourage active participation from enterprises and social entities, forming a development pattern of elderly care characterized by government guidance, market operation, and social participation.

4. Conclusion

In summary, both Japan and China have demonstrated significant achievements in the legal guarantees of family elderly care support policies. China has laid a solid legal foundation and institutional guarantee for family elderly care through systematic elderly care planning strategies and regulations, effectively alleviating issues related to insufficient elderly resources and increased caregiving burdens. Meanwhile, Japan has upgraded its elderly care service system comprehensively through earlier experiences in responding to aging, implementing laws such as the Elderly Welfare Act and the Long-Term Care Insurance Act, and providing comprehensive and multi-tiered care services for the elderly. The active exploration and practice of legal guarantees in both countries not only promote the sustainable development of the family elderly care model but also offer valuable experiences for the global challenge of population aging. In the future, as policies continue to improve and innovate, the family elderly care support systems in both Japan and China will become more robust, further enhancing the quality of life for the elderly.

Notes:

- (1) “Medical System for the Elderly” (2008): A partial out-of-pocket payment system for high-income elderly individuals was implemented.
- (2) “Medical Service Remuneration” System (2014): This system promotes a transformation of the medical system towards “occasional hospitalization, primarily receiving medical services at home.”
- (3) Care Insurance Act (1997 established, 2000 implemented): This law is the core legislation of Japan's care insurance system, outlining the basic framework of the care insurance system, payment of premiums, provision of care services, and sharing of care insurance costs.
- (4) Tax Special Measures Act and related tax provisions: The Japanese government modifies tax laws, such as the Tax Special Measures Act, to provide tax reductions or exemptions for qualifying enterprises and individuals, aiming to encourage societal participation in family care through tax incentives.
- (5) Care Insurance Act and related supporting regulations: Although family care services are not explicitly defined in a specific law, Japan's family care service system is often closely linked to the care insurance system. The care insurance system, as stipulated by the Care Insurance Act, covers not only institutional care but also family care services, such as home care and day care services.
- (6) Care Insurance, also known as “managed care,” involves insurance companies entering the nursing service market, combining the roles of the insured and care service providers. This type of insurance provides coverage for expenses incurred when insured individuals reside in elderly centers, nursing homes, or rehabilitation centers, or receive home care. In Japan, care insurance is a fundamental social security system, alongside national health insurance and national pension

insurance, encouraging home-based elderly care while alleviating the burden on medical institutions.

- (7) Personal Income Tax Law of the People's Republic of China (implemented since 1980, revised multiple times): This law regulates the collection and reduction of personal income tax.
- (8) Social Insurance Law of the People's Republic of China (effective July 1, 2011): This law outlines the basic framework of China's social insurance system, including basic pension insurance, basic medical insurance, work injury insurance, unemployment insurance, and maternity insurance. Among these, basic pension insurance is an important component of the pension insurance system.

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Conflicts of Interest

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