

Developments in the Law in 2018: Constitutional Law

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Abstract

This article looks into the key development of Taiwan's constitutional law in 2018 in three aspects. These aspects include constitutional interpretations, important legislations, and the key events of constitutional importance unfolded in 2018. First, with regard to constitutional interpretations, the Constitutional Court in 2018 rendered altogether fourteen interpretations. The issues involved in these interpretations are complex and diverse, ranging from procedural due process in urban planning and land taking, to property right and right of subsistence involving in pension payments, to legislative discretion in providing drug injury reliefs, to methods for electing legislative council speakers, and to discriminatory measures made in the employments of police and public hospital doctors and their right to work and to public services. Second, with regard to important legislations, key developments were made to continuously carry out judicial reform consensus reached two years ago. To illustrate, the revision to the Court Organic Act was passed to set up grand benches in the Supreme Court and in the Supreme Administrative Court for unification of conflicting legal interpretations, and the enactment of Constitutional Litigation Act was undertaken to transform the Constitutional Court into a full-fledged judicial organ, and to extend the Constitutional Court's jurisdiction to reviewing final judicial judgements in case of unconstitutional violation with fundamental rights and freedoms. Last, but not the least, the key events of constitutional importance in 2018 were all related to the crises of deepening constitutional democracy and the rule of law. The key events unfolded in 2018 included the creation of Transitional Justice Commission,

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the challenges posed by misinformation and fake news to the governance of modern constitutional democracy, the ten vote agendas of public referendums held in conjunction with the local elections on November 24, and, finally, National Taiwan University's presidential election controversy that posed great challenges to academic freedom, University autonomy, majoritarian tyranny and rule of law.

Keywords: Grand Bench, Constitutional Litigation Act, Transitional Justice Commission, Referendum, Misinformation, National Taiwan University Presidential Election Controversy