

# Theory of “Litigated Object” after the Amendment of the Code of Civil Procedure

Shu-Huan Shyuu

## Abstract

Although “litigated object” is an important legal concept set out clearly in Taiwan’s Code of Civil procedure, the term does not have a statutory definition. As a result, its implication and scope have often become the focus of disputes in both interpretation and utilization theories. Controversy has always surrounded the old and new theories of litigated object. This paper studies the amendment of the Code of Civil procedure and advocates that the new amended rules have embraces the relative theory of litigated object first invented by Taiwan. On the one hand, it criticizes the inappropriateness of the aforementioned contentions and, on the other, proceeds with the interpretation and utilization of the relative theory in the new rules.

**Keyword:** litigated object, procedural option, due process, res judicata, procedural right