

Developments in the Law in 2011: Civil Law

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Abstract

This article is to review and examine the major development of Taiwanese civil law in 2011, mainly focusing on the legislative amendments and judicial practices. Generally, the legislative activities were not alive. By contrast, the courts energetically proposed many creative opinions in order to cater to the social changes. There were a few laws which were legislated or amended, such as the Financial Consumer Protection Act, the Land Act, and the Children and Youth Welfare Act. However, these legislative activities did not substantially involve any important policy reconsideration. Conversely, the judicial practices, especially the Supreme Court judgments, made a considerable number of inspiring and influential decisions concerning diverse issues of civil law. The main issues dealt with by the Court concerned as followed: extinctive prescription, abuse of rights, relation between the principle of good faith and the privity of contract, incidental obligation in contract, practical problems in lease contract, employer liability and right of first purchasing. From these decisions, the Court demonstrated how they adapted to the changing needs of transitional society.

Keywords: common property for ancestor worship, right of name, determination of the object in contract, apparent agency, extinctive prescription, abuse of rights, good faith, Verwirkung, privity of contract, standard contract, incidental obligation, lease contract, employment guaranty, borrowing name for

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registration, damage, negligence, employer liability, liability of business operator, infringement of the right of family relationship, comparative negligence, right of the real claim, bona fide acquisition, right of first purchasing