

Developments in the Law in 2020: Confiscation Procedure Law

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Abstract

This article discusses issues related to confiscation procedure law with a selection of judgments with both theoretical and practical importance from the Supreme Court in 2020, so as to observe the practical trend of the new confiscation procedure law after its implementation since the year of 2016. These issues to be selected and discussed in this article include: 1. third person participation of Non-conviction-based Asset Confiscation, especially the Fugitive defendant in overseas. 2. Two practical controversies of the extended confiscation: 2.1 the “hidden” extended confiscation in Anti-Corruption Act; 2.2 the standards of proof in the extended confiscation. 3. the relation between confiscation and the limitation of appealing to the Supreme Court. It has been four and a half years since the new provisions of criminal confiscation in both the Criminal Code and in the Criminal Procedure Law came into effect to the end of 2020, in comparison with confiscation substantive law, where there have been a lot of discussions and research in literature and the judgements made by the Supreme Court are also gradually growing and the quality of judgments are improving, confiscation procedure law has been long ignored in literature and research field by contrast, this article aims to point out some of the practical issues as seen above and hopes to motivate more discussions and research in the field of confiscation procedure law.

**Keywords: Confiscation, NCBC (Non-Conviction-Based-Confiscation),
Extended Confiscation, Right to Appeal, Judicial Yuan
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