

**Legal Certainty and Judicial Review:  
Beginning with Analyzing Relevant Interpretations of Justices  
of Judicial Yuan**

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**Abstract**

This article analyzes how the Justices apply the Principle of Legal Certainty to check the constitutionality of the statutes challenged. It first explains the two rationales of the Principle of Legal Certainty, namely the prior notice and avoiding arbitrary enforcement. It explores then that the Justices apply not only the “foreseeability” standard, which follows the first rationale and is most frequently used by the Justices, but also the so-called “selective enforcement” standard, which follows the second rationale, but regrettably has been only once applied and deserves more attention. This article also takes notice that, according to the Justices, it exists another dimension of legal certainty, which concerns mainly the question, whether certain issues relevant to the fulfillment of human rights have been in detail and thoroughly provided by the statutes challenged.

**Keywords: principle of legal certainty, foreseeability standard, justiciality standard, selective enforcement standard, fair notice, thin ice principle, ordinary people standard, lawyer standard**

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