

The Interpretations of the Constitutional Court and the Construction of Social Insurance Systems

-- A Study on the Reciprocity of Social Insurance Systems

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Abstract

The social insurance system and universal health insurance have been stated in Article 155 of the Constitution and in Paragraph 5, Article 10 of the Amendment of the Constitution. However, for lacking of the historical and ideological background of a western social welfare states, our legal system shows little connection between the legislation and the value of the Constitution. Legislators are usually influenced by political power struggles and concern only about elections, therefore, the legal system constructed is not consistent with the constitutional values or the reciprocity of the social insurance. Citizens consider the social insurance as a favor bestowed by the government and not a social responsibilities. This makes the improvement of the financial situation of the social insurance systems difficult, especially after the democratization. We are at the crossroad of reconstruction of a society with reciprocal relationship and development toward individualism. The value of the Constitution has been confirmed; but the core of the social insurance system, i.e., reciprocity and solidarity, needs further interpretation by the Constitutional Court. Righteousness of the social policy in a county with major

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resources controlled by the government needs to be examined as well.

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