

**A Legal Analysis of the “Status-Connection” between the
People and State, with regard to Problems concerning the
“Nationality” of the Taiwanese**

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Abstract

The protection of constitutional human rights and Constitutional reform are highly correlated, and play a pre-eminent role in construction and implementation of “citizenship”. Besides, the inauguration of the citizenship system is based on the status-connection between the state and people, and further involves the definition of the concept of “citizen” and its acquisition. In the light of other legal systems, “nationality” is the most significant symbol in the identification of a citizen, as well as a universal system of status-connection between the state and the people. However, what is the rationale on which this hinge relation is based? Concisely speaking, what is the genuine meaning of “nationality”? Is it a status-connection created by the law *per se*? Or are there some pre-existent rationales behind these legal norms? The aforesaid issues are the core problems that this article addresses. This article, in structure works from the present to the past, and takes legal norms as preceding nomology. It refers to present effective laws to discern the distinctions between nationality, residential registration, and foreign residency to assign the definition in practical matters and explanation. Furthermore, this article traces the historical path to study the original reasons for producing these laws and their progression, and goes on to examine the nomological relation between the people and the state to understand the evolution of the nationality of Taiwanese. Finally, it sums up with related topics arising from the problem

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of nationality, such as the national identity, sovereignty of state, and citizen consciousness.

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