

Developments in the Law in 2012: Criminal Law

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Abstract

This paper is intended to review the developments in criminal law in Taiwan in 2012. Two most discussed criminal law issues in this year were whether medical negligence should be decriminalized and whether a university professor should be harshly punished as a government officer. Several criminal statutes were modified: Article 286 of the Criminal Law (Offense of Child Abuse) and Article 2, 4 and 13 of the Smuggling Act. The revisions of the Smuggling Act were to clarify the scope of punishment. The government proposed to revise Article 185-3 of Criminal Law. But these proposals have yet been accepted by legislators. In the year of 2012, the Council of Grand Justice made no interpretations related to criminal law. As to the Supreme Court, judges in criminal divisions spent most of their time on the definition of 'sale' and some related issues. In this year, we can see that the Supreme Court has changed its mind on the concurrent applications of child rape or juvenile rape. In addition, some attention should be paid on the discrepancy between certain court decisions and prevalent legal theories.

Keywords: government official, medical negligence, child abuse, smuggling, confession, turn oneself in, drug trafficking, sex assault, mistake in attack, conspirator

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