

Interdiction for the Budgetary Riders in French Public Financial Law

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Abstract

A contemporary state must rely on its budget system to exercise its power and to govern. Further, the budget, as a system within a state following the rule of law principle, shall be directly subject to the constrains set by constitutional law. In French constitutional law systems, the prevention of non-budget matters from being attached to financial laws is well recognized as one of the most significant principles in the various budget legal systems since the establishment of the Fifth Republic. In the history of the development of the constitutional system of the French Fifth Republic, through the several decisions made by the Conseil Constitutionnel, not only has this abstract principle been effectively concretized, but the limitation of the exercise of budget power has been also clearly defined. This article, referring to French law systems and the positions accepted in French practice, will elaborate the meaning and the development of the principle which prevents non-budget matters from being attached to financial laws. Further, using the French system as a basis of comparison, this article will also elaborate whether such principle is also recognized in the constitutional system of Taiwan, in the hope that such elaboration will provide a basis for future study in this regard.

Keywords: budget, public financial law, budgetary riders, legislative power, non-proposition for increase of budget, French constitution, sincerity of budget, identity of budget

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