

Constitutional Law

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Abstract

This article analyzes the developments in Constitutional Law in 2009. Among the 15 constitutional interpretations rendered by the Grand Justices, both Interpretation No. 654 and 666 are considered the two leading cases. On top of both, three Interpretations, No. 654, 665 and 664, deal with important issues of criminal law. On the methods of constitutional construction, this article finds the Grand Justices often distort the textual meanings and original intents of the statutes in question in order to presume and preserve their (partial) constitutionality. Even in so doing, the Grand Justices always fail to declare the statutes unconstitutional in part. Among the legislations enacted in 2009, Legislative Yuan's ratification of both ICCPR and ICESCR as well as the enactment of their Implementation Act are of the greatest constitutional implications. However, it remains to be watched how the Legislative Yuan could effectively supervise the conclusion and execution of external agreements, such as US-Beef Import Protocol and Taiwan-China agreements. On the executive practice, the simultaneous appointment of both Premier and Vice Premier by the President in September also aroused criticisms for violating Constitution.

Keywords: Grand Justices, Constitutional Interpretation, Declaration of Unconstitutionality, Methods of Constitutional Construction, Presumed Constitutionality of Statutes, ICCPR-ICESCR, external agreements

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