

A Contention between Policy and Law in Videogame Arcades Regulation: An Analysis of Judgments of “Distance Limitation of Videogame Arcades” in Administrative Courts

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The present study purports to offer a legal basis for videogame arcades regulation to facilitate the promulgation and passage of the Electronic Game Arcade Business Regulation Act. It selects “permission basis” as its regulation model. The problem is that local governments implement the policy of prohibiting videogame arcades outright. In order to prevent the establishment of videogame arcades, they typically extend the limit distance between arcades and the schools and hospitals from 50 to 1000 or 1500 meters. This policy practice creates the unusual situation of serious contention between policy and law, which, at the same time, triggers legal doubts and relative administrative suits. The Supreme Administrative Court held committee discussions twice in 2005 and 2007, respectively, in which resolutions were made after discussion. In order to provide both materials for academic discussion and references for practical trials, this paper focuses on coordinating the relative judgments and further, analyzing and examining them.

Keywords: videogame arcades regulation, freedom to enterprise, distance limitation, local autonomy, requirement of a statute for state actions, principle of proportionality

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