

The Cultural Conflicts and the Criminal Dilemma of Taiwanese Indigenous People

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Abstract

“Culture” is common experience shared by an ethnic group. It, functioning as non-ruling norm, not only portrays the common personality of this ethnic group, but influences their behavior norm in great parts as well. One will act accordingly to his/her expected role standardized by their culture. Also, certain conducts might be legitimate within their ethnic concepts. Unfortunately, from different point of view, one who acts accordingly to his cultural norm might not apply to the contemporary social concepts. It is not too much to say that part of the criminality committed by Taiwanese indigenous people is a perturbation of the conflicts between their native culture and Han culture. To the key point, due to the differences of the cultural concept and profound influence by their traditional habitat, the consciousness of abiding the dominant/major culture – and of course its norm – cannot be achieved by these indigenous people. As a result, the “act/behavior” they commit were not considered as a crime by their own norm.

Recently, Taiwanese society has raised the awareness of cultural differences, especially the culture from the aborigines that is so much unique than others. To put it in effort, administration authority has been attempting to admen/revise those concerned legal provisions in accordance with the cultural mutual respect and autonomous awareness. Nevertheless, other than just revising the “*Wildlife Conservation Act*” and “*The Act Governing the Control and Prohibition of Gun, Cannon, Ammunition and Knife*”, there are so many related issues, such as re-defining crimes that are

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originated/related to cultural conflict and the different penalty models for those ignorant aborigines, require profoundly discussion among our justice system in the future.

Keywords: cultural conflict, crimes of the indigenous people, Wildlife Conservation Act, conflict model, third generation of human rights, decriminalization