

# Timely Jurisdiction Claim in the Code of Civil Procedure

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## Abstract

In Taiwan, no systematized interpretation has been provided for the proper relationship between Constitution and the Code of Civil Procedure. No effort has been made on the legislation, interpretation, and application regarding how to effectively apply the basic rights granted by the Constitution to the Code of Civil Procedure of procedure system. Accordingly, this paper aims to discuss: 1) What is the constitutional basis for the latest theory of timely jurisdiction claim originated with the academia of the Code of Civil Procedure in Taiwan. 2) What are the characteristics of this theory when comparing it with similar theories in Germany and Japan? 3) How should it guide the recent amendment of the Code of Civil Procedure? 4) In the future, how should the protection for timely jurisdiction claim be put into effect in the interpretation and application theories of the new Code of Civil Procedure?

**Keywords:** procedural option, due process, procedural right, right to speedy trial, fundamental guarantee