

Developments in the Law in 2015 : Criminal Law

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Abstract

On December 17, 2015, the criminal law was amended and “subordination” of confiscation system was abolished. Confiscation was re-defined as the legal effect beyond punishment. It is independent. The judge declared that confiscation is no longer upon conviction as condition. Even though the defendant is deceased or not able to be responsible and the judge cannot convict the defendant, according to the amended article, the criminal properties or benefits are still judged as confiscation. In addition, based on the amendment of the criminal law, even though the criminal indirectly passes the criminal properties or benefits to the third party; for instance, the embezzler gives the stolen money to minor children, they can still be confiscated. New confiscation regulation has been effective and implemented from July 1, 2016. However, criminal legal circle and judiciary field will have to learn the explanation of the article and practice of the system. This study aims to introduce and analyze the origin of the reform of confiscation system, legal base related to confiscation and the explanation and interpretation of related articles as the reference for the interaction between academia and practice circle.

Keywords: confiscation, criminal benefits, contraband goods, crime doesn't pay, criminal sanction

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