

Developments in the Law in 2015: Civil Law

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Abstract

This article is to review and examine the major development of Taiwanese civil law in 2015, mainly focusing on the legislative amendments and judicial practices. Generally, the legislative activities were not alive. By contrast, the courts energetically proposed many creative opinions in order to cater to the social changes. The amendments of the Civil Code concerned Part I General Principles, Part IV Family and Part V Succession. Some few articles were modified but they did not substantially involve any important policy reconsideration. Conversely, the judicial practices, especially the Supreme Court judgments, made a considerable number of inspiring and influential decisions concerning diverse issues of civil law. The main issues dealt with by the Court concerned as followed: apparent authority, extinctive prescription, abuse of rights or principle of good faith, impracticability or frustration of purpose, unjust enrichment, ownership-in-common, de facto spouse etc. From these decisions, the Court demonstrated how they adapted to the changing needs of transitional society.

Keywords: amendment on Civil Code Part I General Principles, amendment on Civil Code Part IV Family, amendment on Civil Code Part V Succession, apparent authority, extinctive prescription, abuse of rights or principle of good faith, impracticability or frustration of purpose, unjust enrichment, ownership-in-common, de facto spouse

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