

Developments in the Law in 2016: Administrative Law

Maw-In Tsai *

Abstract

This article analyzes the development of administrative law in practice in 2016. Though not a review of academic literatures, this analysis intends to maintain its academic quality by selecting those materials important in theory and not in event itself. Selected from the field of general principles of administrative law, the materials include the following three major sources: recent legislations, Interpretations of Constitutional Court (Grand Justice) and Administrative Court decisions. There are not many law amendments in 2016. Regarding constitutional interpretations, the Constitutional Court rendered a total of 9 Interpretations (No.735 to No.743) in 2016 and addressed many issues of importance on public law issues. Being the highest and final court, the Constitutional Court has long been recognized for its positive contribution to the democracy and rule of law in Taiwan. As to the Administrative Courts, they have produced many more decisions of good quality in recent years, indicating their improving research capacity, in spite of heavy workload. In their decisions, the Courts have cited more and more scholarly works to reinforce their opinions. On the other hand, the academia has been holding seminars to discuss the court decisions from time to time. It is obvious that there have been more interchanges between both sides than ever. In response to the improving research capacity of the Administrative Courts, the academia has to advance its breadth and depth in its research so that it may continue to have a positive influence on the practice. Other than the court decisions, many decisions of Administrative Appeal Commissions are also worth

* Professor, College of Law, National Taiwan University
E-mail: mawin@mail2000.com.tw

studying for their academic significance. Due to the limits of time and human resources, further research on them could only be expected in the future.

Keywords: administrative court, Administrative Procedure Law, Administrative Litigation Act, J.Y. Interpretation, Administrative Law