

International Law and Recent Criminal Legislation in Taiwan

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Abstract

This article aims to explore the recent criminal legislation in the light of the impacts from international law's adaption. The main point will focus on the influence of international law on Taiwan's criminal law as well as the responding strategies of Taiwan's legislators. Although Taiwan lacks in international participation, the Taiwanese legislator still tries to incorporate international law into the provisions of criminal code. However, this development might bring about the illegitimate expansion of criminal sanctions. In order to restrict the punishment, the author classifies incorporation of international law into criminal legislation as three different modes, including a reason reference model, an implement act model and a district organization model, then discussing how the Taiwanese legislator could face the political pressure of incorporation of international law on the one hand. In addition to the abstract discussions of theoretical aspects, the author will also comment the recent criminal legislation on Organized Crime Prevention Act, Child and Youth Sexual Exploitation Prevention Act, Anti-Corruption Act, Money Laundering Control Act, Terrorism Financing Prevention Act as well as the interpretation of ICCPR in Taiwan's criminal practice.

Keywords: International Law, Criminal Legislation, Harmonization, Organized Crime, Corruption, Money Laundering, Financing of Terrorism.

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