

Developments in the Law in 2016 : Constitutional Law

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Abstract

This Article looks into the constitutional development of 2016 in three aspects including constitutional interpretations, important legislation, and key events of constitutional importance. In the beginning of 2016, Taiwan held both presidential and legislative elections, and witnessed the inauguration of the first woman president as well as the third regime change of government powers since the democratization began in the late 1980s. In addition to the structural transformation to the executive and legislative powers, seven new Grand Justices were appointed to the Constitutional Court, two of whom concurrently served as the President and Vice President of the Judicial Yuan in charge of judicial administration. These fundamental structural changes to the three branches of the government have had significant impacts on constitutional developments in 2016 and subsequent years to come. This Article finds that the majority of the nine interpretations made by the Constitutional Court in 2016 were concerned with the advancement of the right to fair trial and due process, the important legislation included those regarding transitional justice, democracy and electoral laws, and human rights protection for the marginalized, and that the key events of constitutional importance were surrounded with the appointment of new Grand Justices to the Constitutional Court, presidential apologies made to the indigenous peoples, and the controversial timing in death penalty execution.

**Keywords: legislative election, presidential election, regime change,
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transitional justice, indigenous peoples**

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