

Developments in the Judicial Practices of Criminal Law in 2016

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Abstract

This article provides analysis and comments on the practices of Supreme Court of Taiwan in 2016 concerning food fraud and hit-and-run. After analysing the nature and structure of these two crimes, the author found they are by nature offenders of abstract danger, which lack of legitimacy for criminalization. Instead of following the mode of application of offender of abstract danger, a more restrictive interpretation should be adopted to include the assessment on the substantial risk to legal goods. Therefore, there should be an additional element to the crime of food fraud, i.e. the act might constitute the risk of the harm to human health. In contrast, in terms of hit-and-run, each and every element of this crime should be interpreted by virtue of the risk of harm to human life and health.

Keywords: food safety, food fraud, traffic safety, hit-and-run, offender of abstract danger

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