

Discussions on Reform of Fine Punishment in Taiwan

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Abstract

Since the year of 2001, the fine system in Taiwan has undergone several amendments. Fine is considered as the pecuniary penalty for misdemeanors and as the method to deprive the illegal benefits. The diversification of types and missions of fine indicates that the legislators lack a comprehensive plan for fine punishment. This article suggests that the reform of fine punishment in Taiwan should include the following three aspects. First, simplify the categories and missions of fine. In this regard, selective fining model should be adopted. Fine should become solely for the principal punishment of misdemeanors and no longer assume the task of depriving the proceeds of crime. Second, in order to increase the fairness and transparency of sentencing process and establish the benchmark between imprisonment and fines, day-fine system is recommended. Considering the difficulty in clarifying the economic status of the defendant, the prosecutor's and police's duty to investigate and the court's ability to estimate should be intensified. Third, to minimize the unequal impact on the rich and the poor, we should abolish the commutation of fine into labors, as well as the compulsory enforcement to estate. Legal mechanism such as time extension and revision of day-fine should be introduced for the convicted who lacks capacity to pay. Compulsory measures such as arrest and custody should also be considered for the convicted who is able and yet not willing to pay their fine.

Keywords: Fine, Commuting punishment to fine, Capacity of the court to increase fine, Punishment with fine, Selective fine, Commuting fine to labor, Day-fine system, Principle of equal impact, Short-term sentences

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