

Domestic Violence Prevention and Civil Protection Order

*Wan-Shan, Lin**

Abstract

This article aims to discuss the law and regulations of domestic violence and intimate partner violence. The Domestic Violence Prevention Act is a comprehensive legislation, and there are many points worth discussing. Among those, this article especially focuses on the civil protection orders and their penal provisions when it comes to violating a civil protection order. In order to answer the issues below, this article compares and contrasts the regulations of the civil protection orders in the Domestic Violence Prevention Act in Taiwan and the Act on the Prevention of Spousal Violence and the Protection of Victims in Japan. The reason why this article used the comparative law method to explore the Japanese law is because 1) the Taiwanese law and the Japanese law have similarities and differences, and 2) the comparative analysis is useful to examine the Taiwanese law.

This article focuses on several issues, specifically. For example, first, it aims to identify the characteristics of the domestic violence to the general crime, and to discuss if it is necessary to make a special law, the Domestic Violence Prevention Act, and if it is necessary to establish a new system for domestic violence prevention. Related to this point, the article also specifies that even if the same-sex couple relationship is not considered a family or marriage yet in Taiwan and Japan, the domestic violence victim within the same-sex couples' relationship is still protected by the Taiwanese and Japanese law system, and how it is practiced. Second, the article examines the problems of the Domestic Violence Prevention Act in Taiwan and the Act on the Prevention of Spousal Violence and the Protection of Victims in Japan, such as the expansion of a

* Assistant Professor, School of Law, Fujen Catholic University.

E-mail: 135269@mail.fju.edu.tw

scope and the definition of domestic violence. Third, there is a discussion about the legal interest of the offense of domestic violence and the crime of violation of a protection order, and the articles deliberates if the crime of violation of a protection order is against basic principles of Penal Code.

Keywords: domestic violence, domestic violence prevention, civil protection order, offense of domestic violence, crime of violation of a protection order, intimate partner violence, same-sex couple relationship, homosexual, sexual minority, LGBTQ