

## **Developments in the Law in 2017: Constitutional Law**

*Hui-chieh Su*\*

### **Abstract**

This article looks into the development of Taiwan's constitutional law in 2017 in three aspects: constitutional interpretations, important legislations, and key events of constitutional importance. Among the 16 decisions the Constitutional Court made in 2017, this article discusses Judicial Yuan (J.Y.) Interpretations No. 744, 747, 748, 749, 755 and 756. No. 744 strengthened the standard to scrutinize the prior restraint of speech. No. 747 referred the J.Y. Interpretation itself as a legal source for judging the initial case. No. 748 declared the relevant Civil Code provisions not including same-sex marriage unconstitutional. No. 749 subtly reviewed restrictions on the freedom of work. No. 755 and 756 continued to move away from the special factual power relationship. Through these Interpretations, the Taiwanese Constitutional Court fortifies protection of fundamental rights in terms of timely remedy and thorough scrutiny. As for legislations, the Legislative Yuan passed/amended three important acts to consolidate democracy and to implement transitional justice on the thirtieth anniversary of the end of martial regime: the Political Parties Act, the Referendum Act and the Act on Promoting Transitional Justice. In addition to these mentioned advancements, President Tsai initiated a second round of comprehensive judicial reform in the democratized island country. However, the controversy over the budget for Forward-Looking Infrastructure Development Program reveals the problem of special budget once again.

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\* Assistant Professor, College of Law, National Taiwan University.  
E-mail: huichiehsu@ntu.edu.tw

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