

**The Judgement of Investigation Agents' Leaking Secrets
Except Defense: Analysis on the Investigation Secrecy Laws
and Practices of the ROC and the USA Federal Legal System**

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Abstract

In the latest years, the investigation institute has faced the doubts against the Principle of the Secrecy of Investigation and leaking secrets, e.g. which investigation information may be made public or disclosed, and which item belongs to investigation secrecy. According to Paragraph 1 of Article 245 of the Criminal Procedural Law, the Regulation of Investigation Secrecy is significant for investigation agents because they will be punished by Article 132 of the Criminal Law if the investigation agents violate the regulation above.

It goes without saying that this issue addresses not only the peril of investigation secrecy of investigation agents but also the problem of civil, criminal, or administrative responsibility. What's more, the Principle of Investigation Secrecy, e.g. Article 2 of the Regulation of Investigation Secrecy regulates 'Presumption of Innocence' itself in order to protect the rights of fair trial and reputation, privacy and security of defendants and other stakeholders, as well as secret investigations of investigation institutes, which highlights multiple purposes of seeking truth, social justice and fairness. It is thus a tough issue for keeping balance of various benefits under the so-called investigation secrecy.

Furthermore, other countries definitely have encountered this controversy of the Investigation Secrecy and the Freedom of Press. To sum up, this research, namely 'the judgement of investigation agents' leaking secrets except defense: an analysis on the investigation secrecy laws and practices of the R.O.C. and the

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USA federal legal system, focuses on the in-depth discussion of protection of leaking secrets of the R.O.C. through comparison law of the USA federal system. For instance, the relevant regulations of investigation secrecy, court decision, judicial effect of the violation, and the limits of the USA investigation secrecy. At last, this study supplies explanatory analysis on the penalty of leaking secrets of investigation agents amongst the R.O.C. practices so as to be referred to the R.O.C. investigation authority for its regulatory amendment.

Keywords : Secret, Investigation Secrecy, The Principle of the Secrecy of Investigation, Make Public or Disclose, Leaking Secrets except Defense