

Developments in the Law in 2017-2018: Social Law

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Abstract

On the basis of social law system with the view of public law, this article focuses on the developments of legislations and constitutional jurisprudence of the social law from 2017 to 2018. Regarding to the legislative developments, the most controversial issue was the pension reform implemented by the acts of the occupational pension schemes for civil servants, military personnel and public school teachers. The constitutional issues arising from this reform, such as deprivation of property, violence of non-retrospection principles of law and protection of legitimate expectation will be mentioned. The pension reform in the context of transitional justice will be also explained. Furthermore, this article is conducted to analysis the Judicial Yuan Interpretation No. 753, 766 and 767 in which the constitutionality of regulations in field of the National Health Insurance Act, National Pension Act, and Drug Injured Relief Act was examined. The Grand Justices not only recognized the right to health and the category of social compensation under the social law, but also disclosed the scrutiny standard of principle of legal reservation, principle of clarity and definiteness of law, principle of clarity and definiteness of legislative authorization, and principle of proportionality in case of social law. With the establishment of the notion of social compensation and the new legislations tackling the problems of transitional justice after the party alternation in 2016, this article will also review and comment on the argument that defines the monetary benefits provided by the February 28 Incident Disposition and Compensation Act and the Compensation Act for Wrongful Trials on Charges of Sedition and Spionage During the Martial Law Period as a social compensation instrument in field of social law. With the

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development of the legal doctrines and constitutional jurisprudence, the social law in Taiwan is no more confined to adoption of foreign legal theories and legislatives, but has its roots in our constitutional values and legal systems.

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