

Developments in the Law in 2018: Administrative Law

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Abstract

A lot of important events happened in the fields governed by the General of the R.O.C. Administrative Law in 2018, including implementation of the reform of public servants' pension system (implemented from July 1, 2018), disputes about election of the president of National Taiwan University, gas explosions in Kaohsiung City, and the administrative litigation and judgment on the state compensation concerning Xiaolin Village, all of which influenced the basic principles held in the administrative law and were also involved in the administrative effect law and the administrative remedy law. First, the paper briefly explains interpretation of the Grand Justice Council, modification and establishment of applicable regulations, resolutions at the joint meeting of all levels of Administrative Court judges and division-chief judges and judges, appeal decision and development of important theories based on the general system of the administrative law, i.e. division of disputes in public law and private law, indefinite legal concept, administrative discretion, principle of clarity and definiteness of law, principle of legal reservation, principle of due administrative process, principle of non-retroactivity of laws, principle of reliance protection, principle of proportionality, administrative organization law, administrative effect law, administrative remedy law and important rulings and legislation. After reviewing many interpretations of the Grand Justice Council,

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judgments concerning state compensation of the Supreme Administrative Court and the Supreme Court, we can observe the reaction of the courts or the decision of the administrative department in the face of major events. In order to let readers have a complete and refined understanding of the important reforms of the General of the R.O.C. Administrative Law 2018, this paper summarizes the conclusion of the fourteen points worthy of reflection, including making a overall examination of the government's practices, guiding the clear direction about amendment, etc. These problems need to be observed continuously and be researched further in the future.

Keywords: basic principles of Administrative Law, Administrative Organization Law, Administrative effect law, Administrative Litigation Act, administrative discretion, principle of clarity and definiteness of law, Proportionality, administrative disposition, state compensation, compensation for damage