

Developments in the Law in 2019-2020: Tax Law

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Abstract

By reviewing the revisions of the tax laws in 2019 and 2020, the relative interpretations of constitutional court, we can understand the recent development of fiscal law. Based on the interpretation of Judicial Yuan's Interpretation No. 745, the income tax law is therefore amended to allow the necessary expenses of wage earners to be proved by the enumerated method and deducted in real amounts when they exceed the statutory quota, in order to comply with the constitutional equality taxation according the ability to pay principle and the derived principle of objective net value; inspired by the interpretation of No. 701, the income tax law is amended to include a special deduction for long-term care, in order to maintain the constitutional protection of the right to survival, and at the same time, the principle of equality taxation according the ability to pay principle and the derived principle of subjective net worth; in addition, the management and use of foreign capital remittance and taxation regulations, for tax residents of Taiwan, those who hold capitals or taxable income in overseas accounts remitted according to the regulations will be given a lower tax rate calculation Taxation, is based on inherent legislation, but it does not exist in theory. The actual results of the disputes about the principle of equality and tax amnesty are still to be seen. The special regulations for the prevention and treatment of severe special infectious pneumonia and the relief and revitalization provide employers with Double deductions for employees' salaries, and exemption from income tax due to government subsidies or subsidies affected by the epidemic, should be based on the principles of public welfare, incentives and needs to provide tax concessions,

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but these concessions should not be excessive or repeated Give. The revision of the preservation procedure of the tax collection and collection law to improve the relevant requirements for restricting the exit of taxpayers is worthy of approval. In addition, this article puts forward a simple and concise analysis of the interpretations of No. 779 and No. 788 for reference.

Keywords: equality principle, taxation according ability to pay principle, objective net worth principle, subjective net worth principle, right to survival guarantee, principle of public welfare, principle of reward, principle of need, principle of proportion