

Developments in the Law in 2012: Constitutional Law

Wen-Chen Chang*

Abstract

This Article looks into the constitutional development of 2012 in three aspects including constitutional interpretations, important legislation, and key events of political and social mobilization. This Article finds that because the incumbent political party won both presidential and legislative election in the beginning of 2012 and continued its political dominance, not any significant policy change was made, leading to a stable, even somewhat stagnant, constitutional development. Similar stability is also observable in the all twelve constitutional interpretations rendered by the Constitutional Court, which like previous years are mostly concerned with the protection of fundamental rights in the impugned regulations of taxation without much further articulation in fundamental rights or constitutional principles. Noticeably however, the rulings that declared unconstitutionality of challenged laws or regulations seem to be on a steady rise: eight out of twelve declaring in whole or in part unconstitutionality this year. Compared to rather stagnant constitutional politics, civic actions challenging human rights infringement occupied most attention of 2012 as exemplified in constitutional controversies of urban renewal and media monopolies.

Keywords: legislative election, presidential election, constitutional interpretation, urban renewal, media monopoly

* Associate Professor, College of Law, National Taiwan University.
E-mail: wenchenchang@ntu.edu.tw