

Developments in the Law in 2020: Civil Law

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Abstract

This article reviews, introduces and analyzes the developments of civil practice decisions in 2020.

In 2020, the Supreme Court (Taiwan) had made lots of important decisions in civil law, with brilliant arguments and deeply-detailed explanations, which are of great reference value indeed. This article selects some judgments, which are more representative or have more groundbreaking insights, and briefly introduces the analysis, including but not limited to: the “grand court rulings” made during the year, the “reference judgments” collected by the Supreme Court itself and so on. The searching field includes contract law, tort law, “Sachenrecht” (property law) and family law; specifically, these topics mainly involve: 1. the civil legal issues associated with “Handeln unter fremden Namen” (fake identities); 2. the role of the “doctrine of informed consent” both in tort law and contract law; 3. the tort liability of juridical persons, which is finally certainly recognized by the Taiwanese Supreme Court in 2020; 4. tort liability of internet platform; 5. environmental right as a “protected object” in tort law, especially in Article 195, Paragraph 1 of the Civil Code; 6. the internal agreements of joint debtors; 7. the so-called “ownership assigned as a guarantee” as a type of custom property, which was firstly accepted in the Taiwanese legal practice; 8. the relationship between “right to adequate housing” and “property right”, especially Article 767 of the Civil Code; 9. “Vorkaufsrecht” (right of first refusal) of co-owners; 10. the requirements of adoption in the former version of Civil Code, which was promulgated on December 26, 1930.

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Within the extent of the mentioned topics above, this article reviews the latest developments in the decisions of the Taiwanese Supreme Court, analyzes and compares the historical opinions of judicial practice, and then points out follow-up developments that are worth observing and tracking in the future.

Keywords: Grand Court, doctrine of informed consent, tort liability of juridical persons, custom property, right to adequate housin