

Annual Review of 2020 on the Civil Procedural Law: The Subjective Scope of Effects of Judgment

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Abstract

In the field of civil procedural law, the issue of how to determine the subjective scope of effects of final judgments is of essential importance. In this regard, the approaches adopted in the judiciary are to be reviewed, particularly in light of the telos of the relevant provisions. This is urgent because inconsistency of the Supreme Court rulings, including those made in 2020, on same types of cases can be observed. As consequence thereof, this review article aims in the first place to provide an overview of the case law, which could serve as foundation for further discussion; some observations or criticism in the literature would also be noted. Given the limited space, it will only address two kinds of effects of judgments, that is the *res judicata* and the so-called issue estoppel: for the former effect, the focus will be on the interpretation of the concepts of the “parties”, “successor of a party”, “possessor of the claimed object”, and the “person on behalf of whom the plaintiff or the defendant litigates” under Art. 401 of Code of Civil Procedure, while for the latter effect, attention will be given to whether and to what extent the courts expand this effect of judgment to the third parties.

Keywords: *res judicata*, issue estoppel, procedural protection, principle of relativity, object in dispute, litigation in one’s own name on another’s behalf

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