

## **On the Unification of Legal Opinions by the Constitutional Court and Grand Chambers: A Comparison Between the Two Systems and Their Relationship to Constitutional Review**

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### **Abstract**

The aims of the present paper are to explore the unification of legal opinions by the Constitutional Court and Grand Chambers and to clarify the relationship between the unification of legal opinions and the constitutional review. Article 78 of the Constitution states that "the Judicial Yuan shall have the power to unify the interpretation of statutes and regulations". This constitutional provision means that when different agencies have different views on the application of laws, the Judicial Yuan will unify the legal opinions. Currently, this task is shared by the Constitutional Court and Grand Chambers in accordance with the provisions of Constitutional Procedure Act, Court Organization Act, and Administrative Court Organization Act. Although both the Constitutional Court and Grand Chambers are courts for the unification of legal opinions, there are certain differences in the initiator of the procedure, the nature of the procedure, and the binding effect. In the future, when discussing whether the system of unified interpretation of statutes and regulations by the Constitutional Court should continue to exist or be abolished, the constitutionality of the reform should be taken into consideration. Regarding the relationship between the unification of legal opinions and the constitutional review, for one thing, the constitutional review procedure may become an intermediate proceeding of the Constitutional Court's procedure for the unification of legal opinions, for another, the constitutional review procedure will block the Grand Chambers' procedure for the unification of legal opinions. If

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the unified interpretation judgment of the Constitutional Court and the ruling of Grand Chambers are unconstitutional, they may become the object of constitutional review. In terms of method, Article 42, Paragraph 2 and Article 55 of Constitutional Court Procedure Act can be applied by analogy.

**Keywords: the Constitutional Court, Grand Chambers, Constitutional Court Procedure Act, Court Organization Act, Administrative Court Organization Act, unified interpretation of statutes and regulations, unification of legal opinions**