# Patient-Offender System of Drug User: The Implications and Review of the Mutual Shaping of Grand Chambers and Criminal Policy

*Jun-Ru Lin*[*]

## Abstract

Firstly, this article provides a detailed analysis of five criminal grand chamber discourses following the 2020 amendment to the Narcotics Hazard Prevention Act. It examines the interplay between legal interpretation and criminal policy through institutional functions, ruling texts, and empirical data. The study illustrates how criminal policy influences the grand chamber and how the grand chamber, in turn, shapes criminal policy. By delineating this mutual shaping process, the article elucidates the reasoning basis for interpretation and the significance of policy planning. Secondly, the article explores the legal framework for the treatment of drug users through two dimensions propounded by the grand chamber: "intersecting criminal dispositions" and "floating criminal responsibility." It highlights issues such as the imbalance between criminal dispositions, the mixed relationships within criminal dispositions, and challenges in determining culpability for drug use and applying clinical responsibility concepts. The article critically examines the grand chamber's criminal policy reasoning. The study then delves into the operational development of drug user treatment, investigating mechanisms of "application and exclusion" and "diversion and matching." It describes how treatment standards shape the treatment subjects, potentially leading to social exclusion. The article identifies limitations in enhancing diversion and matching mechanisms and their root causes, examining the institutional predicament of basing drug user treatment on "criminal

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[*] Managing Partner/Founder (Attorney-at-law), Zhen-Li Law Firm; Ph. D. Candidate, College of Law, National Chengchi University.

E-mail: aaronlin.nccu@gmail.com

arrest as the foundation for intervention." Finally, the article argues for a reconsideration of the meaning of treatment provided by the criminal justice system. It emphasizes the need to focus on the punitive aspects intertwined with treatment, the subjects and implications of punishment, and the obstacles to recovery posed by stigma. By observing the institutional operating mechanisms of the grand chamber, this study contributes to understanding the relationship between legal interpretation and criminal policy. It explores the institutional content and underlying assumptions of drug user treatment, proposing more appropriate legal interpretations and policy designs. This approach is beneficial for contemplating the evolving functions of the criminal justice system.