

## A Review of the Administrative Law in 2023

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### Abstract

The following is a review of significant developments in administrative law in 2023, focusing on three key areas:

In terms of principles of administrative law: In Constitutional Court Judgment No. 7 in 2023, the Court adopted a relatively strict standard of review in determining whether the definition of "plant cite" in the Labor Union Act and its subordinate regulations violated the principle of legal reservation and the principle of explicit delegation. In contrast, in Constitutional Court Judgment No. 3 in 2023, regarding the constitutionality of discounting a civil servant's periods of employment in non-state organizations when calculating civil service pensions and consequent clawbacks, the Court tended to uphold the constitutionality of the relevant provisions by way of exception, citing "particularly important public interests" to justify violations of the prohibition of an individualized law and the principle of non-retroactive.

In terms of administrative action law: Regarding oral administrative acts that fail to provide instructions for relief, there is no explicit legal provision governing their legal effects. In its Ruling No. 2 in 2023, the Supreme Administrative Court held that Article 98, paragraph 3 of the Administrative Procedure Act should be applied by analogy, extending the remedy period to one year.

In terms of administrative remedies act: In its Judgment No. 163 in 2023, the Supreme Administrative Court recognized that, in addition to Article 4 of the Administrative Litigation Act, which governs administrative litigation with an administrative act as the object of revocation, there should be another type of formation litigation (to revoke a public law guaranty contract) to complete the

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administrative remedy system. This is a commendable development. Furthermore, in its Ruling No. 1706 in 2023, the Supreme Court held that the protected legal interests under the front section of second paragraph of Article 2 of the State Compensation Law should not be limited to right stipulated in the front section of first paragraph of Article 184 of the Civil Code, and may extend to "pure economic loss." This has groundbreaking implications for the development of the state compensation law system.

**Keywords: Principle of Legal Reservation, Principle of Explicit Delegation, Prohibition of an Individualized Law, Non-Retroactive Principle, Principle of Proportionality, Home Quarantine, Instructions for Relief, Political Issue, Formation Litigation, Pure Economic Loss**