

Developments in the Civil Law in 2023:

Focusing on the Rulings of the Civil Grand Court Relating

Substantive Civil Law

*Chung-Jau WU**

Abstract

Total 24 civil grand court rulings have been reviewed and observed in the past five years since its implementation. The Supreme Court makes an average of nearly 5 grand court rulings every year. If we add the 7 rulings with unified opinions during the consultation stage, the Supreme Court must make more than 6 grand court rulings every year on average. Compared with Germany where the system originated, the frequency and burden of using the civil grand tribunal by our country's Supreme Court is as high as nearly 10%, which is 12 times as much as in Germany. Among them, according to statistics, the Civil Court ruled that more than 60% were disputed legal issues of civil substantive law.

Over the past five years, the reasoning behind the rulings of Civil Law of the Supreme Court has gradually matured and become more complete. In particular, dialogue with prior judgments, dialogue with different opinions, and the application of legal methods as scientific argumentation methods have made significant progress. The only thing that remains insufficient is that more doctrinal insights should be added to the ruling to discuss according to the issue of theory as a whole, and there should be dialogue with the theory or the minority doctrinal theory. As a country of judicial succession characteristics should be adopted when necessary. There are theoretical and practical insights in comparative law as a

* Professor of Law, College of Law, National Taiwan University.

E-mail: wucjj2@ntu.edu.tw

reference, so that we can win more trust in the judiciary based on detailed arguments for the reasons for the judgment!

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