

Developments in the Law in 2013: Domestic and Civil Procedure Law

Shu-Huan Shyuu *

Abstract

In recent years, the significant amendment of Code of Civil Procedure and the reenactment of Law of Domestic Proceeding constitute the major revolution of civil and domestic procedure. It should be reviewed whether the trial practice implement the essential thoughts of the amendment and enactment to bring this system into full play. In the aspect of civil procedure, this study would investigate how to apply fundamental rights of procedure such as fair trial right and right of procedural options to civil procedure and how to perform the system of concentrated trial; on the other hand, in the aspect of domestic procedure, this study would investigate how to expand the extent of consolidation of civil and domestic actions for the purpose of integration of domestic procedure, and how to adjust principles of trial to meet the requirement of different types of domestic cases, and how to try a litigation by non-contentious procedure to fast and adequately protect rights of disadvantaged minority, and last, how to use a preliminary injunction to respond to emergency before the judgment of domestic non-contentious cases. Upon the review of Supreme Court's judgment in 2013, we can see that the trial practice has quite achieved the goals of revolution of system of civil procedure, and has attended the aim of Law of Domestic Proceeding.

Keywords: jurisdiction, principle of evidence collection, non-contentiousness hearing, preliminary injunction, fair trial right, right of procedural options, joinder of issues, concentrated trial.

* Professor of Law, College of Law, National Taiwan University.
E-mail: shyuush@ntu.edu.tw