

J. Y. Interpretation No.50 (August 13, 1955) *

ISSUE: Should a person undertaking the military service in another's place be treated as a serviceman?

RELEVANT LAWS:

Armed Forces Criminal Act (陸海空軍刑法) ; Conscription Act (兵役法) ; Interpretation Yuan Tze No. 2684 (司法院院字第二六八四號解釋) .

KEYWORDS:

military conscription duties (兵役義務) , forged identification (偽造身分) .**

HOLDING: It is illegal to fulfill military conscription duties by using the forged identification documents of another person. Thus, the person who uses forged identification does not have the status of being military personnel. This Yuan's Interpretation Yuan-Tze No. 2684 is thus upheld.

解釋文：頂替他人姓名而服兵役，係屬違法行為，自難認其有軍人身分。本院院字第二六八四號解釋，仍應予以維持。

* Translated by Professor Andy Y. Sun.

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