

J. Y. Interpretation No.76 (May 3, 1957) *

ISSUE: Shall the National Assembly, the Legislative Yuan and the Control Yuan be considered en masse as equal to parliaments of democratic nations?

RELEVANT LAWS:

Articles 25, 62 and 90 of the Constitution (憲法第二十五、第六十二條、第九十條) .

KEYWORDS:

the National Assembly (國民大會), the Legislative Yuan (立法院), the Control Yuan (監察院), parliament (國會), democratic nation (民主國家) .**

HOLDING: The Constitution was enacted according to the exhortation of Dr. Sun Yat-Sen. In addition to the National Assembly, five Yuans have been established, the concept of which is not really analogous to the separation of powers system. The National Assembly representing all the nationals exercises the political power, the Legislative Yuan is the highest legislative institution of the nation

解釋文：我國憲法係依據 孫中山先生之遺教而制定，於國民大會外並建立五院，與三權分立制度本難比擬。國民大會代表全國國民行使政權，立法院為國家最高立法機關，監察院為國家最高監察機關，均由人民直接間接選舉之代表或委員所組成。其所分別行使之職權亦為民主國家國會重要之職權。雖其職權行使之方式，如每年定期集會、多數開議、多數決議等，不盡與各民主

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and the Control Yuan is the highest monitoring institution of the nation. All of them are composed of representatives or members that are directly or indirectly elected by the people. Their functions and powers are similar to those important powers exercised by the parliaments of democratic nations. Although some of their approaches to the exercise of power, such as a regular annual assembly, quorum and resolution by the majority are not the same as those of parliaments of democratic nations, the National Assembly, the Legislative Yuan and the Control Yuan, from the perspective of the nature of their statuses and functions in the Constitution, should be considered as equivalent to the parliaments of democratic nations.

國家國會相同，但就憲法上之地位及職權之性質而言，應認國民大會、立法院、監察院共同相當於民主國家之國會。