
Subject Index

- administrative disposition 148, 156
- ancestor worship guild 63-67
- assembly 69-101
 - outdoor 69, 72, 74, 82-83, 87-93, 95-97
 - spontaneous 75, 100
 - unauthorized 83
 - unplanned 71, 82, 97, 100
 - urgent 84, 100
- biometric data 173, 175-176, 181
- budgetary power 10, 13, 20, 38
- checks and balances 17, 32
- clear and present danger 70, 91, 93
- coercive measure 114-115
- communications surveillance 111-116
- communism 70, 73, 77, 79, 80, 90, 91
- conflict of interest 19, 39-40, 82
- Congress 9-13, 18, 30, 31, 37, 83
- congressional bodies 9-13
- constitutional amendment 15-41
- Constitutional Convention 22, 44, 45
- constitutional democracy 9, 11, 18, 37, 169, 178
- constitutional normative order 17, 19, 32, 40
- constitutional order 15, 17, 18, 19, 24, 29, 33, 35, 40, 77, 79, 81, 85, 90, 194
- Control Yuan 10, 11, 13, 18, 23, 35, 37, 43-46, 47-50, 52
- conviction 99, 131, 134, 138, 139, 142, 143, 159-167
- cosmetic advertisement 103-109
- cosmetics 105-107
 - containing drug ingredients 106-107
 - ordinary 106-107
- court-martial system 86
- Cross-Strait relations 79
- decisional autonomy 196
- democratic deliberation 15, 25
- designated land 127-130
- detention 117-119
- different treatment 64-66, 132, 133, 137, 189, 197-198
- discrete and insular minority 197
- discretion of the legislature 71, 95, 164
- driver's license 137, 139-149
- due process 15, 25, 28, 40, 57, 75, 86, 88, 115, 152, 164, 172, 173
- election
 - by-election 11, 12
 - periodic 9, 11, 18
 - re-election 13, 18, 23, 26
- equal protection 60, 173, 174, 187, 190, 194, 199 *see also* right to equality & equality principle
- equality principle 122, 124, 132, 133, 137, 161 *see also* equal protection & right to equality
- ex post sanction 89
- Examination Yuan 43-46, 48, 91

Executive Yuan 13, 38, 44, 52, 54, 72, 76, 78, 79, 91, 100, 121, 122, 124, 125, 126, 129, 171, 174, 175, 177, 182, 188

expropriation *see* taking

family 59, 60, 61, 190

filing system 73, 76, 77, 81, 82, 89

fingerprint 169-186

Five Powers being separate and equal 46, 47, 48

Five Yuans 11, 45, 47

free speech *see* freedom of speech

freedom

- academic 154
- general freedom of action 140, 146
- of assembly 69-101
- of association 64, 65, 66, 90
- of contract 64, 66
- of expression 69, 70, 72, 73, 75, 76, 78, 87, 89, 90
- of marriage 187, 189, 190, 194, 196-197, 199
- of occupation 133, 135, 142 *see also* right to work
- of parade *see* freedom of assembly
- of secrecy of correspondence 111-119
- of speech 69, 72, 73, 87, 88, 103-109
- to choose an occupation 131-133, 136, 137, 142-143

gender discrimination 59-61, 63-67

gender equality 59-61, 63-67

- substantive 59, 66, 190

Gesetzesvorbehalt principle 84, 172, 174, 175

heightened scrutiny 189, 190, 198

household registration 167, 170, 171, 172, 180, 183, 185, 187, 188, 191, 199

human dignity 113, 169, 172, 178, 179, 189, 196, 197

individuality 113, 169, 178

information privacy 169-171, 178-179, 181, 184

integrity of personality 113, 169, 178, 179

judicial institution 47-49, 51-52, 115

judicial power 21, 47-49, 51-52, 111

judicial review 29, 31, 56

Judicial Yuan 21-22, 44, 45, 46, 47-50, 51-52, 53-54, 57, 58, 80, 84, 91, 171, 191

Legislative Yuan 10-11, 13, 17, 18, 20, 21, 22, 23, 34, 35, 37, 38, 39, 41, 43-46, 47-49, 58, 61, 86, 143, 144, 164, 171, 174, 177, 178, 185, 191, 193, 194

Legislator 19, 40, 58, 171, 176-178, 185, 193, 194

lex mitior principle 86

liberty and security of person 117, 161, 164, 172

manifest and gross flaw 16, 19, 20, 23, 26, 28, 29, 40

marriage 66, 187-202

- opposite-sex 194, 196, 198, 199
- same-sex 191-194, 202

martial law 39, 77, 78, 79

National Assembly 10-12, 15-41, 43

national identity card 169-185

national security 70, 79, 83, 92, 113

non ultra petita principle 80

openness and transparency 15, 16, 19, 25, 27, 40

- ordinary legislation 30
- parade *see* assembly
- parental rights 59-61
- parliamentary autonomy 28-29
- pension 180
- Period of National Mobilization for
Suppression of the Communist
Rebellion 9, 10, 13, 23, 77, 78, 79, 182
- permanent union of intimate and exclusive
nature, 187, 196, 197, 199 *see also*
marriage
- permit system, 74, 75-77, 79-81, 84, 89, 90, 97
rule-based 79-81, 84, 90
- personality development 169, 178, 179, 189,
196
- police emergency 74
- political party 17, 20, 28, 34, 37, 81, 85, 90
- political representatives 18, 23, 32, 35, 37, 38
39
- popular sovereignty 15, 17, 18, 25, 26, 32, 38
- presidential power to dissolve the Legislative
Yuan 20
- presumption of constitutionality principle 83
- prior censorship 73, 103-109
- prior restraint 69-101, 103-109
- private autonomy 63, 65, 190
- private sphere of personal life 113, 169, 178
- privately-owned existing road 121-126, 127,
128, 130
- prohibition on inappropriate connection 173
- property rights *see* right to property
- proportional representation 20, 33, 34, 36-37,
39, 41
- proportionality principle 74, 75, 79, 81, 82,
83, 89, 94, 101, 103, 105, 107, 119, 129,
140, 143, 145, 146, 161, 170, 172, 173,
174, 182, 184, 189
- prosecutorial institution 49
- important public interest 89, 133, 143, 149,
170, 171, 174, 175, 179, 181-184, 189,
198
- recidivism rate 132, 134, 135
- referendum 25, 180
- regulation of speech
content-based 81, 90
content-neutral 69, 89, 97
- representative democracy 18, 37
- restricted area 70, 73-74, 91-92
- right
to equality 20, 162, 187-200
to judicial remedy 86, 119, 148, 151-
157, 159-167
to petition 81
to privacy 113, 115, 169-186
to property 63, 64, 65, 121-126, 127-
130, 145, 164
to receive education 156
to work 131-138, 139-149
- search 114
- secession 70, 73, 77, 79, 80, 90, 91
- secret ballot 16, 19, 25-28, 32, 40
- seizure 114
- self-determination of personal information
113, 169, 172, 174, 178
- sexual orientation 189, 197, 198, 200-202
- social autonomy 190

- social order 69, 70, 71, 73, 74, 77, 79, 83, 84,
89, 91, 92, 93, 94, 96, 113, 132, 134, 136,
143, 175, 178, 190, 196
- special power relationship 155
- speech
 - commercial 103-109
 - political 70, 90
- stability of the legal order 63, 65
- stare decisis 56
- state of emergency 39
- subjective qualifications necessary for
 - choosing an occupation 132, 133, 136,
142-143
- succession 63, 64, 67, 154, 155
- taking 121-126, 127-130
- taxi driver registration 131-138, 139-149
- temporary injunction 171, 185
- timely and effective remedies 152
- uniform interpretation 53-54, 147
- university autonomy 156
- urban planning 125, 129
- vague 69, 70, 115, 124, 173, 175
- void for vagueness 88, 92, 153, 172, 174
- voting rights 81
- where there is a right, there is a remedy 151,
152, 153, 156, 164
- zone expropriation 129

Case Index

Taiwan

J.Y. Interpretation No. 3	47, 48, 49	J.Y. Interpretation No. 442	164
J.Y. Interpretation No. 31		J.Y. Interpretation No. 462	154, 157
..... 9, 10, 11, 12, 13, 18, 37		J.Y. Interpretation No. 485	133
J.Y. Interpretation No. 85	23	J.Y. Interpretation No. 510	133, 142
J.Y. Interpretation No. 216	85	J.Y. Interpretation No. 512	164
J.Y. Interpretation No. 242	194	J.Y. Interpretation No. 552	194
J.Y. Interpretation No. 254	29	J.Y. Interpretation No. 554	195
J.Y. Interpretation No. 255	123	J.Y. Interpretation No. 572	141
J.Y. Interpretation No. 261	18, 23, 37	J.Y. Interpretation No. 574	164
J.Y. Interpretation No. 289	85	J.Y. Interpretation No. 575	182
J.Y. Interpretation No. 314	23	J.Y. Interpretation No. 577	105
J.Y. Interpretation No. 324	85	J.Y. Interpretation No. 584	142, 148, 149
J.Y. Interpretation No. 331	16, 28	J.Y. Interpretation No. 585	169, 178, 194
J.Y. Interpretation No. 339	86	J.Y. Interpretation No. 590	141
J.Y. Interpretation No. 342	26, 28, 29	J.Y. Interpretation No. 599	171, 185
J.Y. Interpretation No. 362	194, 196	J.Y. Interpretation No. 601	194
J.Y. Interpretation No. 365	195	J.Y. Interpretation No. 603	113
J.Y. Interpretation No. 371	141	J.Y. Interpretation No. 623	105
J.Y. Interpretation No. 381	23, 26, 28, 29, 33	J.Y. Interpretation No. 639	164
J.Y. Interpretation No. 382	153, 155, 156	J.Y. Interpretation No. 647	195
J.Y. Interpretation No. 396	86, 164	J.Y. Interpretation No. 653	152, 164
J.Y. Interpretation No. 400	128, 129, 130	J.Y. Interpretation No. 654	117, 118
J.Y. Interpretation No. 401	28, 32	J.Y. Interpretation No. 665	164
J.Y. Interpretation No. 404	133, 142	J.Y. Interpretation No. 684	153, 155
J.Y. Interpretation No. 414	109	J.Y. Interpretation No. 718	100
J.Y. Interpretation No. 418	163		
J.Y. Interpretation No. 419	26, 33		
J.Y. Interpretation No. 430	152		
J.Y. Interpretation No. 432	153		
J.Y. Interpretation No. 436	86		

Germany

The Klass case (Abhörentscheidung) issued
by the Federal Constitutional Court of
Germany on December 15, 1970, 30
BVerfGE 1 (1970)..... 30

Italy

Judgment No. 1146/1988 issued by the Italian
Constitutional Court on December 15,
1988..... 30

Turkey

Judgment No. 1970/31 of June 16, 1970
issued by the Turkish Constitutional
Court..... 30
Judgment No. 14233 of July 2, 1972 issued by
the Turkish Constitutional Court 30

U.S.

Coleman v. Miller, 307 U.S. 433 (1939)
..... 30, 31
Uhler v. AFL-CIO, 468 U.S. 1310 (1984).. 31
Obergefell v. Hodges, 576 U.S. __ (2015)
..... 200