

TAIWAN CONSTITUTIONAL COURT

Annual Report



2025





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Foreword by Chief Justice

The year 2025 marks the twentieth anniversary of J.Y. Interpretation No. 601, in which the Taiwan Constitutional Court (then the Council of Grand Justices) declared the legislature-initiated remuneration cut for Justices as unconstitutional, shielding the constitutional judiciary from undue overreach by the political department. This constitutional interpretation is a milestone in this Court's jurisprudence for the independence of the Justices, reaffirming their status not only as guardians of the Constitution but also as judges protected under the Constitution.

This constitutional moment in history resonates poignantly today, as the Court faces unprecedented challenges that fundamentally threaten its organization and mission. While navigating the quagmire of dire circumstances, we must believe that the difficult decisions we make today, just as our predecessors did twenty years ago, will protect future generations of judges in the years to come.

The year 2025 may go down in this Court's history as an *annus horribilis*. Nearly half of the seats on the Court have been vacant since November 2024, which has significantly undermined the functioning of this Court. The heightened quorum requirement in the Constitutional Court Procedure Act (CCPA), before being declared unconstitutional, has rendered the Court unable to deliver substantive decisions for more than 400 days — a risk that no system of justice should bear.

However, perhaps the year 2025 may go down in the eyes of Taiwan's legal history as an *annus mirabilis* in hindsight. Over the past year, academics and citizens have voiced their solidarity with this Court on countless occasions. The rising consciousness of safeguarding a Constitutional Court proved that a resilient democratic society would walk alongside with the judiciary when troubles arise. We know that civil society's support and understanding of this Court's mission is the greatest strength that sustains us in the face of challenges. It is with this strength that the Court struck down the unconstitutional CCPA provisions that hindered us from serving society.

This Annual Report serves not only as a medium to record the continuous work of a seemingly paralyzed court, but also as a testimony to the unwavering dedication of our supporting staff led by Director-General Ms. Bih-Huey HSU. This includes the editorial team, Research Judge Mr. Ming-Xuan YU, Ms. Mei-Hui WANG and Ms. Tai-Chun KUO. The publication of this Annual Report would not have been possible without them.

May our belief in the rule of law guide us through this tempest of constitutional deadlock. In our commitment to fortifying judicial independence and safeguarding the rights of all, we shall persevere.

Shieh. Ming-Yan



Prof. Dr. Ming-Yan SHIEH

Acting President of the Judicial Yuan &
Chief Justice of the Constitutional Court

The Court



Organization

Justices

Jurisdiction and Procedures

Amendments to the Court's Procedures
and Subsequent Developments

Staff of the TCC



Organization

Under Article 5 of the Additional Articles of the Constitution, the Judicial Yuan has fifteen Justices, of whom the Chief Justice serves as the President of the Judicial Yuan and one Justice as the Vice President. All the Justices are nominated by the President of the Republic of China (Taiwan) and approved by the Legislative Yuan (Congress). The Constitution provides that each Justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve consecutive terms. The Justices serving as President and Vice President of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

The Justices are considered the most prestigious office among Taiwan's judiciary. The qualifications of the Justices are stipulated in Article 4 of the Judicial Yuan Organization Act. To be appointed as Justice, one must

meet one of the following qualifications: (See right page)

To ensure diversity, Article 4 of the Judicial Yuan Organization Act also limits the number of Justices nominated through each qualification, that each shall not exceed one-third of the total number.

The TCC sets up five Chambers, each consisting of three Justices, to manage procedural matters, especially preliminary screening of cases. In preliminary screening of cases, the Chambers decide on the admissibility of petitions. Under certain circumstances, dismissal decisions of the Chambers may be referred to the Constitutional Court for further deliberation on its admissibility. Unless there is reason for recusal, the Taiwan Constitutional Court hears oral arguments and announces Judgments *en banc*, i.e., with all Justices sitting.



a

having served as a judge or prosecutor for at least fifteen years with outstanding performance;



b

having actually practiced as a licensed attorney at law for at least twenty-five years with outstanding performance;



c

having been a full professor of law teaching the core subjects of law for at least twelve years and with specialized publications;



d

having served as a judge in an international court or having worked as a public law or comparative law researcher in an academic institution with authoritative professional publications;

e

having been devoted to study of law while having political experiences with a distinguished reputation.





Relationship with the Judicial Yuan

The Constitution of the Republic of China (Taiwan) was promulgated in 1947. Under the Constitution, the central government consists of five branches: the Executive Yuan, the Legislative Yuan, the Judicial Yuan, the Examination Yuan, and the Control Yuan.

Following Article 77 of the Constitution, the Judicial Yuan shall be the highest judicial organ of the State and shall have charge of civil, criminal, and administrative cases, and over cases concerning disciplinary measures against public functionaries. Pursuant to J.Y. Interpretations Nos. 86 and 530, the Judicial Yuan shall have the competence to stipulate administrative regulations on the procedural matters of taking charge of cases and submitting statutory bills relevant to its authority to the Legislative Yuan.

The Judicial Yuan currently does not exercise general jurisdiction over all legal controversies. Its present adjudicating function is embodied through the constitutional reviews of the Taiwan Constitutional Court.

The Judicial Yuan established several departments and offices to assist its functions. One of the departments is the Department of Clerks for the Constitutional Court which serves as a supporting body to the Taiwan Constitutional Court.

Justices



Justice

Ming-Yan SHIEH

Since 2019

Acting President of the Judicial Yuan & Chief Justice of
the Taiwan Constitutional Court

Since November 1, 2024



Full CV

Adjunct Professor, College of Law, National Taiwan
University (2019-present)

Professor, College of Law, National Taiwan University
(1990-2019)

Dean, College of Law, National Taiwan University
(2012-2015)



Justice

LU, Tai-Lang

Since 2019



Full CV

Secretary-General, Judicial Yuan (2016-2019)

President, Judges Academy (2013-2016)

Judge and Division Chief, Taiwan High Court (2011)



Justice

Hui-Chin YANG

Since 2019



Full CV

President, Kaohsiung High Administrative Court (2015-2019)

Judge, Disciplinary Chamber of the Judiciary, Judicial Yuan (2012-2015)

Justice, Supreme Administrative Court (2009-2015)



Justice

Tzung-Jen TSAI

Since 2019



Full CV

Adjunct Professor of Law, College of Law, National Taiwan University (2019-present)

Minister, Ministry of Examination (2016-2019)

Professor of Law, College of Law, National Taiwan University (2010-2019)



Justice

Tsai-Chen TSAI

Since 2023



Full CV

Presiding Judge, Supreme Court (2020-2023)

President, Taiwan Shilin District Court (2016-2020)

Director-General, Criminal Department, Judicial Yuan (2014-2016)



Justice

Fu-Meei JU

Since 2023



Full CV

Secretary-General, Control Yuan (2020-2023)
Prosecutor and Lead Prosecutor, Supreme
Prosecutors Office (2008-2020)
Director, Department of Transportation, Environment, and
Natural Resources (Formerly known as the Division Chief of
the Third Division), Executive Yuan (2000-2008)



Justice

Chung-Wu CHEN

Since 2023



Full CV

Adjunct Professor of Law, National Taiwan University
College of Law (2023-present)
Professor of Law, National Taiwan University College
of Law (2007-2023)
Distinguished Professor, National Taiwan University (2011-2023)



Justice

Po-Hsiang YU

Since 2023



Full CV

Managing Attorney, Cogito Law Office (2005-2023)
(Executive) Member of the Executive Committee and Board
Member, Judicial Reform Foundation (1999-2023)
President, Taipei Bar Association (2020-2022)



On October 31, 2024, seven Justices, including the President and Vice President of the Judicial Yuan, ended their terms. The President of the State had previously nominated seven candidates on August 30, 2024. But the candidates were all denied by the Legislative Yuan on December 24, 2024. The second group of candidates were nominated on March 21, 2025, but were also denied on July 25 of the same year. As a result, the TCC has been left with only eight Justices since November 2024.

As of the publication of this Report, no successors have been appointed to fill the seven vacancies on the bench. (Note added July, 2026.)

Nomination and Confirmation Process of TCC Justices in Practice

1

The Office of the President of the Republic of China (Taiwan) sets up a nomination and review panel to evaluate potential candidates. In practice, an open call for recommendations is published.



2

The President nominates candidates and sends the list to the Legislative Yuan for approval. Traditionally, the Secretary-General to the President organizes a courtesy visit for the candidates to meet the President of the Legislative Yuan.



3

The nominations are reviewed by the plenum of the Legislative Yuan for at least a month, during which time party caucuses may submit written questions to the nominees. The Legislative Yuan also holds public hearings at plenary sessions to review the nominees' competency as Justices.

4

The nominees are put to a recorded vote at a plenary session of the Legislative Yuan. They are approved if they gain majority support.



5

The approved nominees receive a letter of appointment signed by the President of the State and take their oath of office as Justices of the Constitutional Court.



Jurisdiction and Procedures

Jurisdiction of Constitutional Adjudication

In accordance with Article 1 of the Constitutional Court Procedure Act (CCPA) of 2022, the TCC has jurisdiction in respect of the cases below:

- (1) constitutionality of laws and constitutional complaints;
- (2) disputes between constitutional organs;
- (3) impeachment of the President and the Vice President;
- (4) dissolution of unconstitutional political parties;
- (5) local self-government;
- (6) uniform interpretation of statutes and regulations.

When other legislation provides for petitions to the Judicial Yuan for interpretation, such petitions shall comply with the comparable provisions of this Act.

Abstract Review of the Constitutionality of Statutes and Regulations

The state organs of the highest level, legislators, courts and individuals may petition the Constitutional Court to declare a law unconstitutional pursuant to the requirements set out in the Constitutional Court Procedure Act.

Constitutional Complaint against the Final Court Decisions

Any person who believes that a final court decision not in his or her favor contravenes the Constitution may petition the Constitutional Court to declare the court decision unconstitutional.

Disputes between Constitutional Organs

Highest state organs (i.e., the Executive Yuan, the Legislative Yuan, the Judicial Yuan, the Control Yuan, and the Examination Yuan) may petition the Constitutional Court to settle a dispute with each other. The dispute must relate to their respective constitutional competences and result from the exercise of the organ's power. The disputing organs must first attempt to resolve the dispute through negotiation.

Impeachment of the President and the Vice President

The Legislative Yuan may petition the Constitutional Court to uphold the impeachment of the President or the Vice President upon the proposal of no fewer than half of the total members of the Legislative Yuan and passed by no fewer than two-thirds of the total members thereof.

Dissolution of Unconstitutional Political Parties

The competent authority (i.e., the Ministry of the Interior) may petition the Constitutional Court to dissolve an unconstitutional political party if it considers that the goals or activities of the relevant political party endanger the existence of the Republic of China or the constitutional order of liberal democracy.

Protection of Local Self-Governance

Local self-governing bodies (both legislative and executive), when exercising their powers, may petition the Constitutional Court to declare national laws or regulations adopted by the central government unconstitutional, if they believe that the relevant provisions infringe upon their competence of local self-governance bestowed by the Constitution.

Following Article 30 of the Local Government Act, self-government ordinances and regulations may be nullified by the Executive Yuan or relevant central competent authorities if contradictory to the Constitution, laws, regulations promulgated in accordance with law, or self-government ordinances of the superior self-governing bodies. Local self-governing bodies may later enter into administrative litigation with the central government. After exhausting legal remedies, they may also petition the Constitutional Court to declare the final court decision unconstitutional on the basis that it infringed upon their powers of local self-government laid down in the Constitution.

Uniform Interpretation of Statutes and Regulations

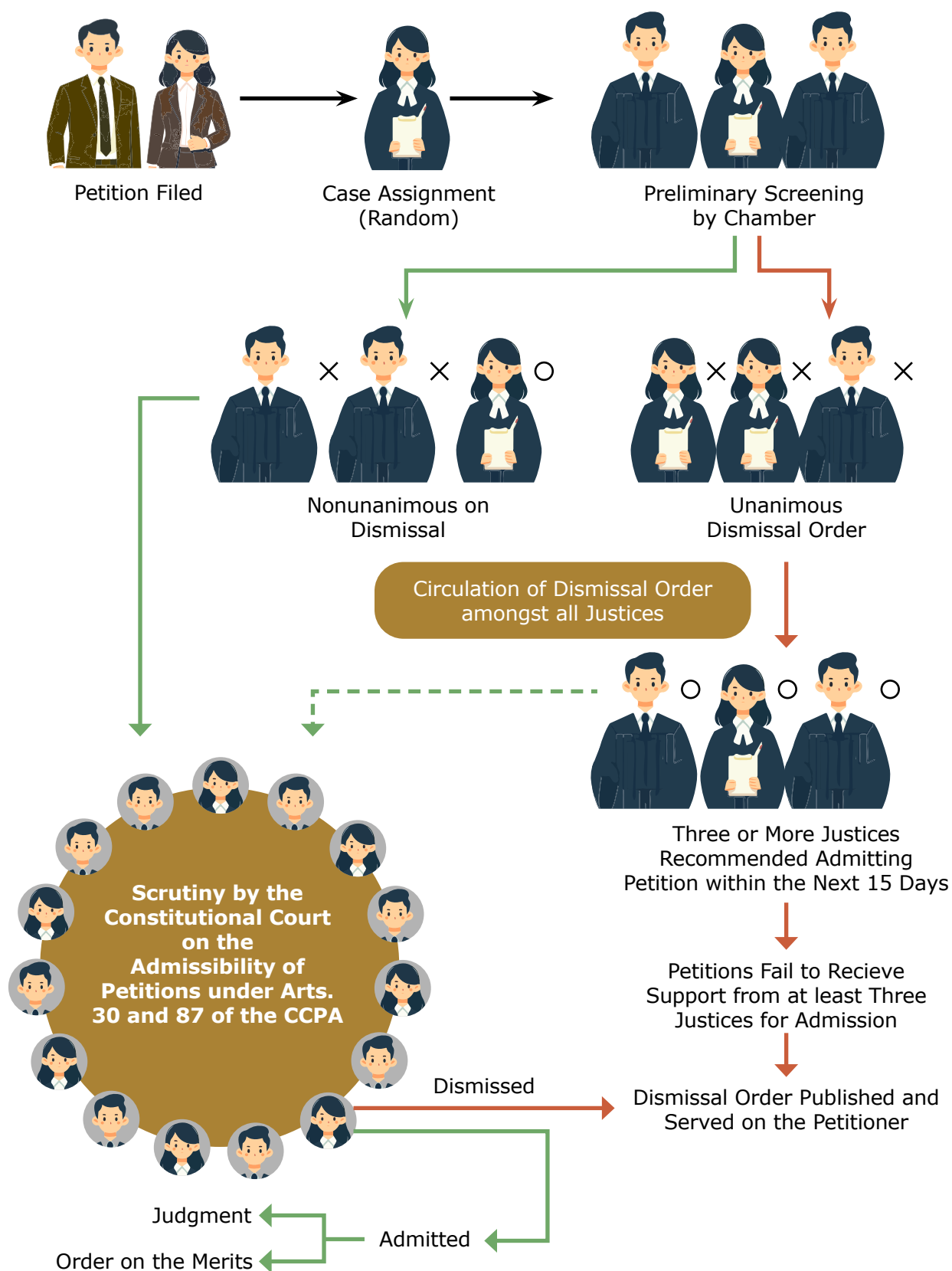
People may petition the Constitutional Court to issue a uniform interpretation regarding a statute or a regulation in respect of which two courts of last resort have rendered conflicting interpretations.

Constitutional Court Procedures

The Constitutional Court considers a case first by a Chamber of three Justices in accordance with the Constitutional Court Procedure Act and the Rules of the Constitutional Court.

If the Chamber unanimously considers that a petition fails to meet the procedural requirements or is otherwise illegal, it may dismiss the petition by a unanimous ruling. If the chamber does not agree on the dismissal unanimously, or if the chamber unanimously refuses to admit the petition but within 15 days three or more Justices agree to admit the petition, the petition shall be sent to the full bench for a decision on whether to grant admission.

Overview: A Flowchart of the Constitutional Court Procedure



Amendments to the Court's Procedures and Subsequent Developments

On January 23, 2025, the President promulgated the Amendments to the Constitutional Court Procedure Act on Articles 4, 30, and 95. The Amendments stipulate that when the number of incumbent Justices of the Constitutional Court falls below fifteen due to the expiration of terms of office, resignation, removal from office, or death, the President shall fully nominate replacements of Justices within two months. The Amendments also require that, unless otherwise provided in this Act, a judgment or a preliminary injunction order shall be rendered with a quorum of ten incumbent Justices taking part in the proceedings, and with a threshold of nine Justices' consent to declare the impugned law or final court decision unconstitutional.

In TCC Judgment 114-Hsien-Pan-1 (announced on December 19, 2025), the Constitutional Court invalidated the amended Article 4, Paragraph 3, Article 30, Paragraphs 2 to 6, and Article 95 of the Constitutional Court Procedure Act as promulgated on January 23, 2025. The Court held that these amendments violated not only the constitutionally required due process of legislation on account of manifest and gross flaws in the legislative process, but also the constitutional principle of separation of powers. Accordingly, the aforementioned provisions were deemed invalid from the date of promulgation of this Judgment. Article 95 of the Constitutional Court Procedure Act, as it stood prior to the amendments promulgated on January 23, 2025, would remain in force following the promulgation of the said amendments.



2025 Amendments to the Constitutional Court Procedure Act

Promulgated on January 4, 2019.
Implemented on January 4, 2022.

- Article 4 The Judicial Yuan shall make the Rules of the Constitutional Court. 【 Paragraph 1 】
The Rules referred to in the preceding Paragraph shall be adopted by all Justices. 【 Paragraph 2 】

- Article 30 Except otherwise provided in this Act, a judgment shall be rendered by a majority of the total number of the incumbent Justices of the Constitutional Court with a quorum of two-thirds of the total number of the incumbent Justices thereof taking part in the proceedings. 【 Paragraph 1 】

Promulgated on January 4, 2019.
Implemented on January 4, 2022.
Amended on June 21, 2023, adding Paragraph 2.

- Article 95 This Act shall come into force three years after the date of its promulgation. 【 Paragraph 1 】
The Amendments to this Act shall come into force on such date as the Judicial Yuan may, by decree, appoint. 【 Paragraph 2 】

Amended and promulgated on January 23, 2025.

The Judicial Yuan shall make the Rules of the Constitutional Court. 【 Paragraph 1 】

The Rules referred to in the preceding Paragraph shall be adopted by all Justices. 【 Paragraph 2 】

Where the number of incumbent Justices falls short of the number prescribed in Article 5, Paragraph 1 of the Additional Articles of the Constitution due to expiration of term, resignation, removal from office, or death, the President shall submit nominees for all vacancies within two months. 【 Paragraph 3 | **NEW** 】

Except otherwise provided in this Act, a judgment shall be rendered by a majority of the total number of the incumbent Justices of the Constitutional Court with a quorum of two-thirds of the total number of the incumbent Justices thereof taking part in the proceedings. 【 Paragraph 1 】

The number of Justices taking part in the proceedings under the preceding paragraph shall not be fewer than ten. Where a declaration of unconstitutionality is rendered, the number of Justices in the majority shall not be fewer than nine. 【 Paragraph 2 | **NEW** 】

Where the proceedings cannot be commenced due to a lack of quorum as prescribed in the preceding paragraph, the Constitutional Court may issue an order dismissing the petition by a majority of the total number of the incumbent Justices. 【 Paragraph 3 | **NEW** 】

Where the Constitutional Court renders a preliminary injunction order pursuant to Article 43, a judgment upholding the impeachment pursuant to Article 75, or a judgment dissolving an unconstitutional political party pursuant to Article 80, the quorum and the decision threshold as prescribed in the preceding two paragraphs shall apply. 【 Paragraph 4 | **NEW** 】

Where the number of Justices recused pursuant to Article 12 of this Act exceeds seven, all of the Justices who are not recused shall participate in the proceedings, and a judgment or an order shall be rendered only by three-quarters of the non-recused Justices; the requirements set forth in Paragraph 2 shall not apply. 【 Paragraph 5 | **NEW** 】

Where the number of the non-recused Justices referred to in the preceding paragraph falls short of seven, no case shall be adjudicated. 【 Paragraph 6 | **NEW** 】

Amended and promulgated on January 23, 2025.

The provisions amended by the Legislative Yuan on December 20, 2024 shall come into force on the date of promulgation. 【 **NEW** 】

Staff of the TCC

The Justices are assisted by Research Judges and assistants on case research and other related work. In the administrative sector, the TCC is supported by the Department of Clerks for the Constitutional Court (Judicial Yuan) under the supervision of the Director-General of the Constitutional Court. The Department of Clerks for the Constitutional Court currently has five sections, each with different purposes, such as dossier keeping, revision of court rules, and budget management. Statistics and IT professionals are also deployed by the Judicial Yuan to assist TCC with tasks such as statistics analysis and website maintenance.

The current Director-General of the TCC is Judge Ms. Bih-Huey HSU (right). Her predecessor, Judge Mr. Hao-Ching YANG (left), ended his term as the Director-General and continued his career as a judge at the Supreme Court at the end of August 2025.



First Section: Section of Legal Affairs

- ▶ Revision of the CCPA and Relevant Rules
- ▶ Arrangement of the Annual Academic Conference
- ▶ International Exchanges and Protocol
- ▶ CODICES Database Program
- ▶ Personnel management of Assistants

Fifth Section: Section of Archive and Publications

- ▶ Archive Management
- ▶ Publications
- ▶ Library Management
- ▶ Liaison for Privilege (Emeriti) Justices of the Constitutional Court

Department of Clerks for the Constitutional Court

Second Section: Section of Clerks

- ▶ Dictation of the Justices' Deliberation
- ▶ Arrangement of Oral Arguments
- ▶ Dossier Keeping and Archiving
- ▶ Court Announcements
- ▶ Service of Documents

Fourth Section: Section of File Reception

- ▶ Reception of Files
- ▶ Advice on Inquiries and Complaints
- ▶ Document Scanning
- ▶ Seal Keeping
- ▶ Allocation of Cases

Third Section: Section of General Affairs

- ▶ Budgets
- ▶ Inventory and Equipment
- ▶ Website Maintenance
- ▶ Arrangement of Outdoor Activities
- ▶ Arrangement of Public TCC Tours

**The TCC shares statistics
and IT professionals with
the Judicial Yuan.**



IT Unit

- ▶ Website Maintenance
- ▶ Adjudication Operating System Maintenance
- ▶ Information Appliances Management



Statistics Unit

- ▶ Court Data Collection
- ▶ Statistical Analysis
- ▶ Statistical Reports: Monthly and Yearly

2025 Timeline of the TCC







Jan. 23

Article 4 (Paragraph 3), Article 30 (Paragraphs 2 to 6), and Article 95 of the Constitutional Court Procedure Act were amended and promulgated on January 23, 2025.

1

3

5

Mar. 21

The nomination of seven candidates of Justices by the President of the Republic of China (Taiwan). This is the second group of candidates that the President has nominated. All previous nominations were denied by the Legislative Yuan on December 24, 2024.



May 12

Public Hearing on Case no. 114-Hsien-Li-1 (later rendered as Judgment 114-Hsien-Pan-1 “Case on the Amendment of the Constitutional Court Procedure Act”)

2025

Timeline of the TCC



Nov. 18

The delegation of the Constitutional Court of Belgium visited TCC.

7

Jul. 25

The disapproval of seven candidates of Justices by the Legislative Yuan.



11

12

Dec. 5

The Court held its Annual Academic Conference 2025.



Dec. 19

Judgment 114-Hsien-Pan-1 "Case on the Amendment of the Constitutional Court Procedure Act" rendered.



Public Hearing 2025

Case on the Amendment of the Constitutional Court Procedure Act

Case assignment number during hearing: 114-Hsien-Li-1

Hearing Date: May 12, 2025.

On December 20, 2024, the Legislative Yuan passed the amendment bill to Articles 4, 30, and 95 of the Constitutional Court Procedure Act (CCPA). The Executive Yuan deemed the provisions unfeasible and requested the Legislative Yuan to reconsider, but this request was denied. The amended provisions were promulgated on January 23, 2025. The petitioner of this case, a group of legislators led by Legislator Mr. Chien-Ming KER, filed a petition with the Taiwan Constitutional Court (TCC) on June 15, 2025.



Legislators Mr. Chien-Ming KER (right), Ms. Szu-Yao WU (middle), and Mr. Chia-Pin CHUNG (left) representing the group petitioners of fifty-one legislators.

Parties Present at Public Hearing			
Role	Party	Name	Position
Representatives	Group Petitioner	Mr. Chien-Ming KER Ms. Szu-Yao WU Mr. Chia-Pin CHUNG	Legislator
	Respondent Agency	Mr. Tsung-Hsien WU Mr. Kuo-Chang HUANG	
Appointed Scholar	--	Prof. Chuan-Hsien LO	Expert on law-making process and technique

In order to determine whether to admit the case, the TCC held a public hearing on May 12, 2025, focusing on the factual issues relating to the case and its admissibility. Specifically: Whether the petitioner meets the criteria of “in the exercise of their powers” under Article 49 of the CCPA, which in the Court’s practice entails that the legislators should have casted disagreeing votes against the impugned provisions during the voting process before lodging a request for constitutional review.

During the hearing, the petitioner argued that their exercise of powers should be considered in the context of both the second and third readings, during which they consistently voiced their objections. They emphasized that a deviation from parliamentary practices at the third reading — the chairperson declaring the passage of the provisions without voting — had prevented them from casting dissenting votes in this case. They also stated that their votes in support of the Executive Yuan’s reconsideration request should count as disagreeing votes against the impugned provisions.



Mr. Peng-Kwang CHEN, one of the legal counsels assisting the petitioners, presenting photos of the pertaining law-making process. Alongside was sign-language interpreter Mr. Chen-Hui LI.



Legislators Mr. Tsung-Hsien WU (left) and Mr. Kuo-Chang HUANG (right) representing the respondent agency, Legislative Yuan.

Associate Professor Yuan-Hao LIAO of National Chengchi University and Legal Counsel Mr. Yu-Jhong HUANG assisting the respondent agency.



The Legislative Yuan, the respondent agency, denied the claims of irregularities during the third reading process of the impugned provisions, stating that the chairperson is not obliged to check for objections before declaring the amendments passed. The respondent also argued that the plenary vote on the Executive Yuan's reconsideration request was not part of the law-making process because the provisions had already been passed into law by that point. The respondent also denied that the petitioning legislators had voiced any objections during the third reading process.

Professor Chuan-Hsien LO, the court-appointed scholar for this hearing, presented his expert opinion that substantial discussions of a bill take place during the second reading in parliamentary practice. The third reading is for textual adjustments and confirmations, unless there appears to be a contradiction with the Constitution or other laws. In principle, "no objection" during the third reading implies agreement. If any relating motions were presented, the chairperson must announce further discussion or a vote; otherwise, the voting process can be exempted for the third reading, with the chairperson declaring the passage of the bill directly.



Appointed scholar Professor Chuan-Hsien LO presenting his opinion to the Court.



Sign-language interpreter Ms. Hsing-Chiang WANG also translated for the session.



Justice Tai-Lang LU inquiring during the session. He later wrote the decision of this case.



Justice Po-Hsiang YU inquiring from the bench. He later wrote a concurring opinion for this case.



Justice Tsai-Chen TSAI inquiring from the bench. She later wrote an opinion concurring in part and dissenting in part for this case.

After the parties had presented their statements, the Justices proceeded to question them about the law-making process in this case, focusing on the specific facts and the conformity of the case with established parliamentary practices.

The hearing lasted approximately three hours and was broadcast live on the internet.



Video
(in Mandarin)

Clerks working to ensure the broadcast goes well and with instant name tags on screen. Sign-interpreters standing by to take shifts for the long session.



Three Years of Reviewing Constitutional Complaints

Introduction to Constitutional Complaints of the TCC

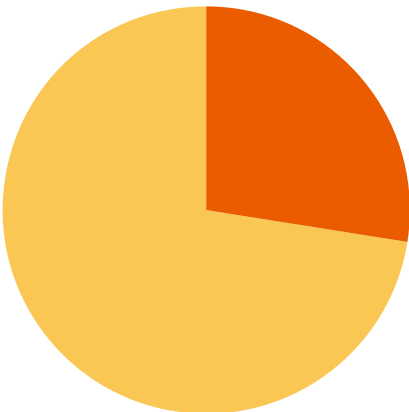
The Constitutional Court Procedure Act (2022) introduced the system of “Constitutional Complaint,” which allows the Taiwan Constitutional Court to review the constitutionality of final decisions of ordinary courts, administrative courts, and the Disciplinary Court—on whether they have failed to meet the requirements of constitutional principles or fundamental rights. The Constitutional Court does not decide on matters of fact or evidence in constitutional complaints. It is not an appellate procedure over general courts’ final decisions. Instead, it is a special remedy procedure before the Constitutional Court that aims to provide more comprehensive constitutional rights protection compared to abstract review.

A View from the Statistics

From 2022 to 2024, the TCC had rendered fifty-one judgments, fourteen of which contain decisions on constitutional complaints in their holding, which took up to around 27.5 percent of the constitutional cases. In the fourteen judgments, one concerned civil matters, six concerned administrative matters, and seven concerned criminal matters (see Figure 1).

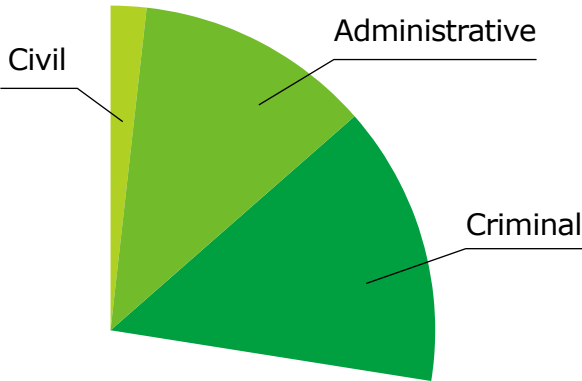
Taiwan Constitutional Court: Judgments and Case Matters (2022-2024)

Judgment types (percentage)



Constitutional complaints: 14 (27.5%)
Other cases: 37 (72.5%)

Case matters in constitutional complaints



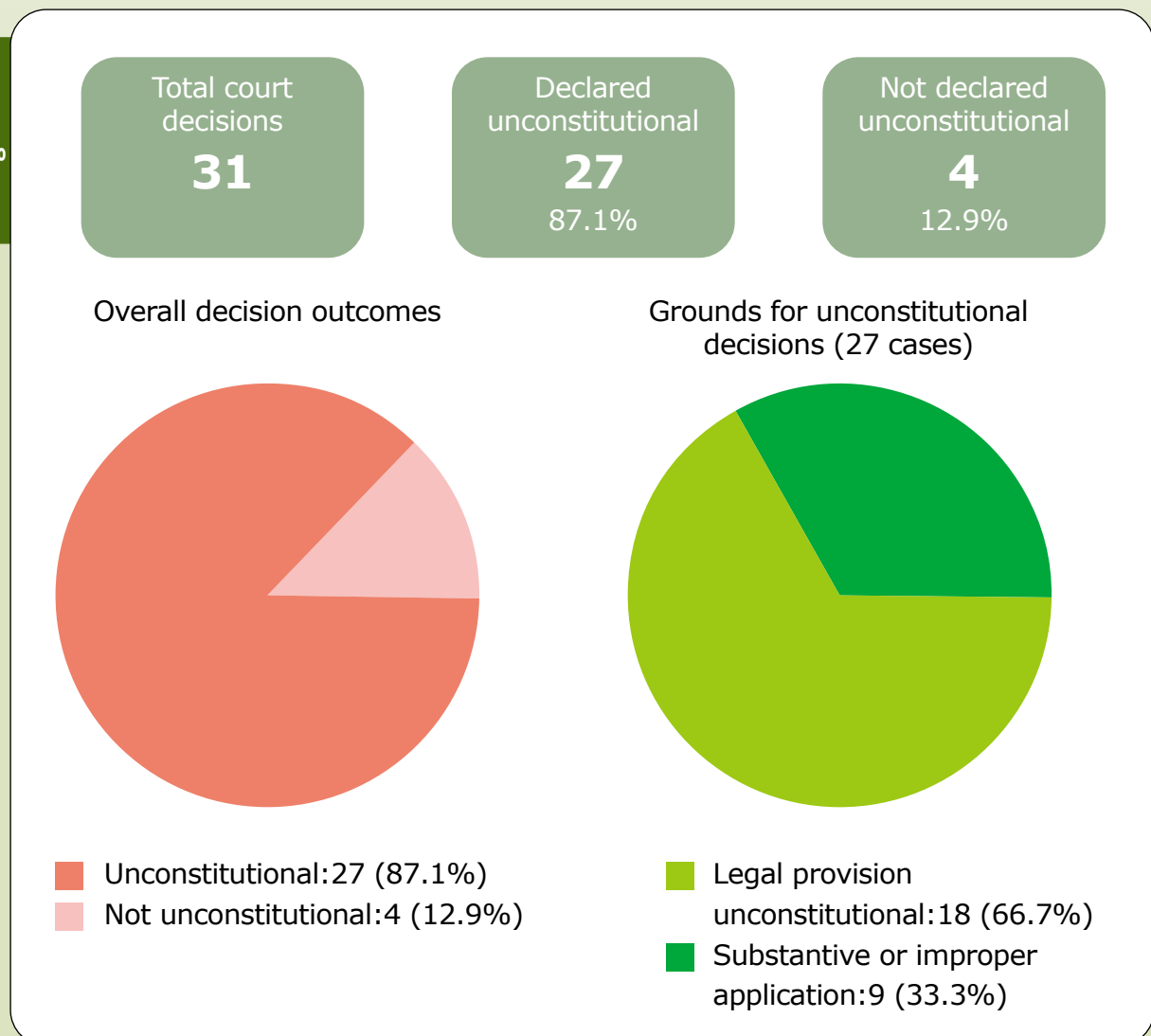
Civil: 1 case
Administrative: 6 cases
Criminal: 7 cases

Figure 1

The aforementioned fourteen constitutional cases consisted of thirty-one constitutional complaints against final court decisions. Among the thirty-one court decisions, twenty-seven were declared unconstitutional, which took up to around 87.1 percent of the constitutional complaints.

Under Article 62, Paragraph 1 of the Constitutional Court Procedure Act (2022), if the TCC finds the constitutional complaint well grounded, it shall declare in the holding of the judgment that the impugned final court decision is unconstitutional and thus vacated, and the matter is remanded to the competent court; if the TCC finds that the legal provision applied in such a final court decision contravenes the Constitution, it shall further declare the impugned legal provision unconstitutional. Among the twenty-seven court decisions that were declared unconstitutional, eighteen were vacated on the basis that the legal provisions applied were declared unconstitutional; nine were vacated on the basis of unconstitutionality on its own or that the legal provisions were applied in a way that did not conform with the Constitution (see Figure 2).

Figure 2



Major Cases in Brief

Note:

These summaries constitute no part of the decisions but are prepared by the Department of Clerks for the Constitutional Court for the readers' reference only.



A Year with Only One Judgment

The incomplete rotation of Justices of the Taiwan Constitutional Court (TCC), as well as the changes to the judgment quorum in the Constitutional Court Procedure Act (CCPA), have left the Court unable to hand down new judgments for more than 400 days.¹ Although the eight remaining Justices were at odds over how they should approach and apply the newly amended procedural rules, they

continued to render dismissal rulings since the quorum for dismissal was not affected.

From January 1 to November 30, 2025, 1,624 cases were dismissed. At the end of November 2025, there were 96 admitted cases pending for deliberation. The prospect of these cases being decided in due course depended on how soon the bench could be

Event/Case

2024



Oct. 31

Seven TCC Justices ended their terms.



Dec. 20

Amendments to the CCPA passed, changing court deliberation quorum to at least ten Justices.

Dec. 24

All nominees for TCC Justice vacancies were denied.



1. For more detailed information on this quorum change, please refer to Chapter 1-4 "Amendment to the Court's Procedure and Subsequent Developments" from page 21 to page 23.

filled or whether there would be further development in the procedural rules.

Two important dismissal rulings in 2025 (114-Hsien-Tsai-73/114-Hsien-Tsai-75) and their accompanying opinions, provided a glimpse of the Justices' thinking in tackling the quorum issue. By providing a summary of these rulings and opinions, this section

aims to chronicle the legal paths taken or untaken before the declaration of unconstitutionality of the newly amended CCPA provisions in TCC Judgment 114-Hsien-Pan-1, which was rendered on December 19, 2025.

Event/Case

2025



Jan. 23

Amendments to the CCPA promulgated and entered into force.

Jul. 25

Second group of nominees for TCC Justice vacancies denied.

Jul. 30

Dismissal ruling TCC Order 114-Hsien-Tsai-73 (2025) rendered.

Sep. 19

Dismissal ruling TCC Order 114-Hsien-Tsai-75 (2025) rendered.

Dec. 19

TCC Judgment 114-Hsien-Pan-1 (2025) rendered, declaring the amendments to the CCPA unconstitutional.



Dismissal Ruling: TCC Order 114-Hsien-Tsai-73 (2025)

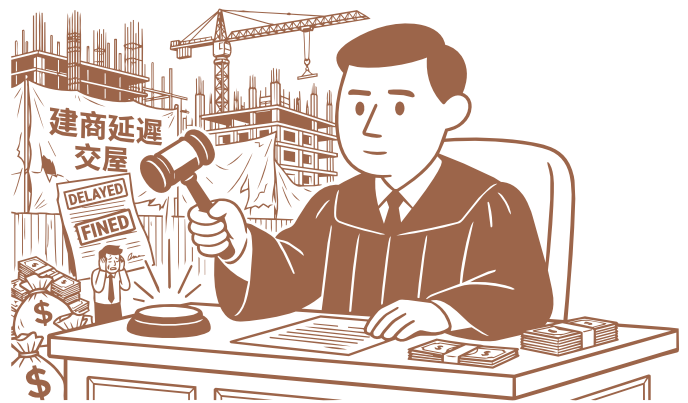
Original Case Assignment No.: 114-Hsien-Min-545

Decided and announced: July 30, 2025.

Background of the Case

The petitioner, a construction company named Radium Life Tech Co., Ltd., was involved in a dispute for failing to hand over pre-sale houses on time, but delayed three years instead due to reinforcement works following four earthquakes. Under Article 15, Paragraph 1, Subparagraph 4 of the Mandatory and Prohibitory Provisions of Standard Contracts for Pre-sale House, the petitioner must pay to its clients liquidated damages of 0.05 percent of the paid real estate price for each delayed day, without a cap. The petitioner's clients filed a court case against the petitioner, demanding liquidated damages and subsequent interest for the delay. The Taiwan High Court ruled in favor of the defendant but lowered the rate for liquidated damages to 0.04 percent. The decision was upheld by the Supreme Court.

Not satisfied with the outcome, the petitioner filed for constitutional review and constitutional complaint (against its final court decision), arguing mainly that the pertaining regulation does not conform with the principle of proportionality and violates its authorizing law (Article 17, Paragraph 1, Subparagraph 2 of the Consumer Protection Act).



Additionally, the petitioner listed the newly amended Article 30, Paragraphs 2, 3, 5, and 6 of the Constitutional Court Procedure Act as subjects for constitutional review. The petitioner argued that these CCPA provisions have effectively paralyzed the TCC's constitutional adjudication function, thus infringing upon the petitioner's right to institute legal proceedings and the protection of its property rights, freedom of business, and freedom of contract.

On July 30, 2025, the TCC handed down dismissal ruling TCC Order 114-Hsien-Tsai-73 (2025). Seven Justices voted unanimously to dismiss this petition. Justice Tai-Lang LU was on leave during this decision. Justice Chung-Wu CHEN filed a concurring opinion, in which Chief Justice Ming-Yan SHIEH and Justice Po-Hsiang YU joined.

Decision of the Court

The TCC dismissed the petition on the grounds that the final court decision ruling against the petitioner did not apply provisions in the Mandatory and Prohibitory Provisions of Standard Contracts for Pre-sale House and the Consumer Protection Act as the petitioner claimed. Instead, the case was decided on the basis of the contract between the disputing parties. The TCC also dismissed the petitioner's constitutional complaint as the petitioner failed to clarify how the challenged final court decision had unlawfully infringed its constitutional rights and contravened the Constitution.

In terms of the arguments regarding the constitutionality of the aforementioned CCPA provisions, the TCC cited the criteria for constitutional complaint and rejected the idea that the Court's procedural law could be listed subsidiarily as this case's subject of review. The TCC emphasized that the impugned CCPA provision was not applied in the petitioner's final court decision per se, and therefore could not be listed as subject of review.

Concurring Opinion

Chief Justice Ming-Yan SHIEH, Justice Chung-Wu CHEN, and Justice Po-Hsiang YU concurred on the majority opinion's reason to dismiss Article 30, Paragraphs 2, 3, 5, and 6 of the CCPA as this case's subjects of review. But they felt the need to address the petitioner's claim that applying the said CCPA provisions would render the Court unable to deliberate and subsequently deprive of the petitioner's opportunity to be remedied in time.

In their concurring opinion, the three Justices looked into the legal framework of constitutional complaint provided in the CCPA. They concluded that, from the outset, the subject of review set under Article 59, Paragraph 1 and the finality of constitutional decisions under Article 39 have ruled out CCPA provisions being listed as a subject of review in constitutional complaints. However, they urged that as the Court was applying the CCPA, it should look into the issue and decide on its own if the procedural provisions were unconstitutional.



Full Text in
Chinese

Dismissal Ruling: TCC Order 114-Hsien-Tsai-75 (2025)

Original Case Assignment No.: 114-Hsien-Shen-2

Decided and announced September 19, 2025.

Background of the Case

Article 201, Paragraph 1 of the Criminal Code stipulates the offense of counterfeiting securities: “A person who counterfeits or alters a government bond, stock certificate, or another security with the intention to circulate shall be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than ninety thousand dollars may be imposed.” In this case, whether the provision conforms with relevant constitutional principles was called into question.

The petitioner of this case was the Criminal Division No. 8 of the Taiwan Yunlin District Court, consisting of a panel of three judges. When hearing two criminal cases concerning the offense of counterfeiting securities, the petitioner believed that Article 201, Paragraph 1 of the Criminal Code was unconstitutional. Both the prosecutor and defense counsel of these cases also submitted motions questioning the impugned provision’s constitutionality to the panel. For these reasons, the panel suspended the court cases and applied for constitutional review with the TCC.

The petitioner argued that the provision violated the principle of proportionality and proportionality in sentencing, thereby infringing upon the defendant’s individual liberty. The petitioner’s reasons were as follows: (1) The provision was established during the economic turmoil of the 1930s as a harsh law against counterfeit; it had not been amended for over ninety years and was clearly outdated. (2) Regardless of the severity of the offense, this provision uniformly imposed a statutory penalty of three years or more, which might be draconian in individual cases. Consequently, courts frequently needed to rely on Article 59 of the Criminal Code to mitigate the sentence, indicating a need for review. (3) When compared with foreign legal systems and other crimes, the statutory penalty under this provision was clearly disproportionate.

On September 19, 2025, the TCC handed down dismissal ruling TCC Order 114-Hsien-Tsai-75 (2025). The Justices divided four-four on this case, with half of the Justices voting for the dismissal and half of them for the admission of this case. As admission requires agreement from more than half of the incumbent Justices (thus, five or more in number), the case was dismissed. Justice Tai-Lang LU filed a dissenting opinion,

in which Chief Justice Ming-Yan SHIEH, Justice Chung-Wu CHEN, and Justice Po-Hsiang YU joined.

Decision of the Court

The TCC dismissed the case on the grounds that the petitioner had failed to clarify the objective reasons for the provision's unconstitutionality, as required under Article 56, Subparagraph 4 of the Constitutional Court Procedure Act (CCPA).

The TCC pointed out that the petitioner did not elaborate why, after mitigating the sentences through Article 59 of the Criminal Code, the penalty of the impugned provision was still draconian. The TCC also emphasized that penalties of other offenses were not comparable as they did not have the same nature in terms of the object of legal protection, hazard towards society, etc. Moreover, the TCC rejected the arguments based on comparative law, as deviation from practices of other countries merely showed a different legal design due to different social environment, which could scarcely support the claim for unconstitutionality.

Dissenting Opinion

Chief Justice Ming-Yan SHIEH, Justice Tai-Lang LU, Justice Chung-Wu CHEN, and Justice Po-Hsiang YU dissented from the other four Justices' opinion to dismiss the case. Examining the application of Article 201, Paragraph 1 of the Criminal Code in general courts, the dissenting opinion noted that, as the provision applied to all types of marketable securities— from stock certificates to bill of lading for military rations, each with a different level of risk if counterfeited—imposing a statutory penalty of no less than three years would be excessive. The dissenting opinion also considered that the frequent application of Article 59 of the Criminal Code by the general courts — a provision intended for special circumstances — to mitigate excessiveness did demonstrate the need for the impugned provision to be reviewed by the TCC.

For the reason that the case pertained to the protection of individual liberty involved in the petitioner's suspended court cases, the dissenting opinion urged the Court *en banc* to deal with its own inability to decide constitutional cases under the newly amended Article 30, Paragraphs 1 and 2 of the CCPA. The dissenting opinion then moved to use more than half of its pages to provide a structured argument addressing the Court's on-going

paralysis due to quorum loss under the new deliberation quorum and decision threshold.

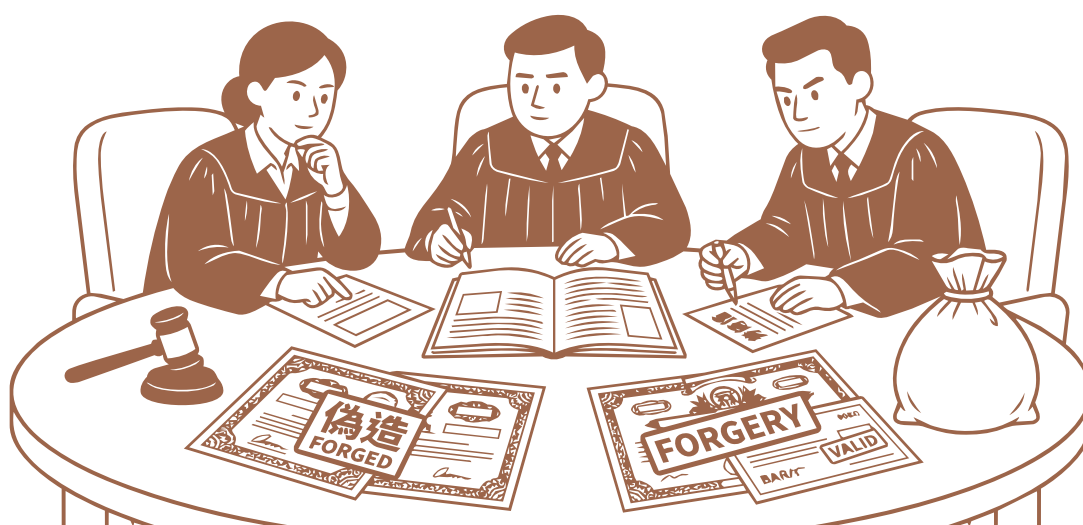
The dissenting opinion emphasized that the Justices' constitutional review functions were conferred directly by the Constitution and could not therefore be restricted by a law passed by the legislature. It pointed out that, although the Constitution authorized the Legislative Yuan to pass laws stipulating the organization of other constitutional bodies, this authorization did not necessarily mean that the legislature had the power to regulate how such bodies exercised their competencies. The dissenting opinion argued that if the legislature passed a procedural law hin-

dering the Justices' work, the Justices should not follow such a law, but instead interpret the Constitution in a way that best facilitated the functions of the Constitutional Court and maintained the supremacy of the Constitution.

In retrospect, this dissenting opinion foreshadowed the majority opinion and reasoning in the subsequent TCC decision, TCC Judgment 114-Hsien-Pan-1 (2025).



Full Text in
Chinese



TCC Judgment 114-Hsien-Pan-1 (2025)

Case on the Amendment of the Constitutional Court Procedure Act

Original Case Assignment No.: 114-Hsien-Li-1.

Heard on May 12, 2025.

Decided and announced December 19, 2025.

Background of the Case

On December 20, 2024, the Legislative Yuan passed the amendment bill to the Constitutional Court Procedure Act (CCPA). The bill amended seven provisions in Articles 4, 30, and 95 of the CCPA. The amendments require the President to nominate constitutional justice candidates in two months when there is a vacancy (Article 4, Paragraph 3; hereinafter “Provision I”), as well as adding additional quorum/threshold requirements for the Taiwan Constitutional Court (TCC) to deliberate, declare unconstitutionality (together in Article 30 Paragraph 2; hereinafter “Provision II”), order preliminary injunctions, uphold impeachment of the President and Vice President, and dissolve unconstitutional parties (together in Article 30, Paragraph 4; hereinafter “Provision IV”). The amendment bill also added procedural rules for situations in which the quorum is not met, including those resulting from recusals (Article 30, Paragraphs 3, 5, and 6; hereinafter “Provision III”, “Provision V”, and “Provision VI”). Lastly, the amendment also designated December 20, 2024, as the date of enforcement, while deleting the enforce-

ment clauses for two prior amendments to the CCPA (Article 95, hereinafter “Provision VII”).

The Executive Yuan deemed the provisions unfeasible and requested the Legislative Yuan to reconsider. On January 10, 2025, the Legislative Yuan upheld the passed amendments by majority vote in a plenary session, denying the Executive Yuan’s request to reconsider. On January 13, 2025, the Legislative Yuan sent the amended provisions to the President for promulgation. The provisions were promulgated on January 23, 2025.

Fifty-one members of the Legislative Yuan believed that the newly amended provisions of the CCPA were unconstitutional for the flaws in the legislative process through which they were adopted and for violating the separation of powers. They filed a petition with the TCC on June 15, 2025. Because the new quorum would leave the Court unable to deliberate with only eight Justices, the petitioners also motioned for a preliminary injunction to suspend the implementation of the challenged provisions. On May 12, 2025, the TCC held a public hearing and summoned

relevant parties and experts to provide their opinions.

The abovementioned events happened against the backdrop of the ongoing rotation of constitutional justices. On October 31, 2024, seven constitutional justices, including the President and Vice President of the Judicial Yuan, ended their terms. The President of the State had previously nominated seven candidates on August 30, 2024. But the candidates were all denied by the Legislative Yuan on December 24, 2024. The second group of candidates were nominated on March 21, 2025, but were in turn denied on July 25 of the same year. As a result, the TCC has been left with only eight Justices since November 2024.

Justice Tai-Lang LU authored this judgment. Justice Po-Hsiang YU filed a concurring opinion, in which Chief Justice Ming-Yan SHIEH and Justice Chung-Wu CHEN joined. Justice Tsai-Chen TSAI filed an opinion concurring in part and dissenting in part. Justice Hui-Chin YANG, Justice Tzung-Jen TSAI, and Justice Fu-Meei JU refused to attend the deliberation of this case.

Procedure of the Case

As this case pertained to the TCC's deliberation quorum and decision threshold (Provision II), the Court elaborated extensively on the procedure of this case.

The Constitutional Court held that the Constitution intentionally refrained from prescribing how constitutional justices exercised their competence. This lack of prescription was motivated by respect for the separation of powers and checks and balances, ensuring

the Justices' procedural autonomy from political and legislative interference. The Justices' authority to interpret the Constitution did not derive solely from statutory law, and excessive legal constraints on their exercise of that competence would undermine the supremacy of the Constitution.

The TCC further emphasized that the impugned Provision II could not serve as the procedural basis for determining its own constitutionality, as that would lead to circular reasoning and violate due process by precluding scrutiny of a challenged law and thereby ensuring its constitutionality could not be questioned. The TCC concluded that the applicable quorum and decision threshold for this case should revert to the pre-amendment framework, which is established under Article 30, Paragraph 1 of the CCPA.

For this case's extreme circumstance, where three Justices had continuously refused to join deliberation due to disagreement regarding the quorum, the TCC held that such non-participation might be treated analogously to recusal or vacancy for the purposes of quorum calculation. The doctrine imposing a duty to sit was applicable, and the refusal of some Justices to adjudicate could not prevent the remaining Justices from exercising the Court's constitutional functions.

Decision of the Court

Aside from the Court's opinion on this case's procedure, the Court's decision can be summarized into two main parts:

First, the TCC found the legislative process for the impugned provisions to be severely

flawed, violating the due process of lawmaking under the Constitution.

The TCC emphasized that the legislature must follow the requirement of due process of lawmaking when drafting laws, which entails the need for transparency and discussion in the legislative process, as well as deciding by resolutions.

When reviewing the impugned provisions' legislative process, the TCC found that the amendment draft of Provisions I through VII was introduced as a secondary amendment motion during the second reading, differed substantially from the original proposal (the main motion), and was not disclosed to the public in advance. The proposing caucus failed to provide explanations or justifications as required under Articles 7 and 31 of the Rules of Procedure of the Legislative Yuan, depriving other legislators of a meaningful opportunity to understand, deliberate, or consult the Judicial Yuan (competent authority), and preventing public participation. Thus, the process lacked transparency and substantive deliberation.

Notably, a secondary amendment motion to Article 30 of the CCPA (corresponding to Provisions II through VII) replaced the originally proposed proportional threshold for TCC judgment with a fixed-number one, significantly altering the substance of the provision. Given the complexity of the amendments, the time allotted was insufficient for meaningful legislative discussion. Records shown that although questions and objections were raised, no explanations or responses were provided by the proposers. The subsequent termination of discussion and immediate progression to voting failed

to meet the requirement of discussion during the lawmaking process.

Moreover, Article 11, Paragraph 3 of the Law Governing the Legislative Yuan's Power required that a bill be put to a vote at third reading, reflecting the constitutional principle that laws shall be adopted by resolution. In this case, despite clear disagreement among political parties, the chairperson failed to conduct a formal vote and instead declared the bill passed without textual adjustment. This substitution of a declaration for a vote violated statutory requirements and rendered the legislative process procedurally defective.

The TCC concluded that the flaws in the impugned provisions' legislative process were far more severe than those in TCC Judgment 113-Hsien-Pan-9 (2024), constituting a clearly and grossly flawed defect in its legitimacy.



Second, the TCC declared all the challenged provisions unconstitutional for violating the principle of separation of powers.

In its reasoning, the TCC primarily stated that the principles of separation of powers and checks and balances bind all constitutional organs, including the legislature. Legislature-passed laws that encroach upon the powers or functions of other constitutional organs, or impose extra-constitutional obligations, constitute legislative overreach and are void under Article 171, Paragraph 1 of the Constitution. Based on the said reviewing principle the TCC declared the challenged provisions unconstitutional for the following reasons:

(1) Provision I

The President of the State, as a constitutional organ, is subject only to powers and duties prescribed or clearly authorized by the Constitution. The legislature may not impose additional obligations or restrictions on the President by law. Provision I, by introducing constitutionally unprescribed obligations to nominate new Justices within a limited time period, constituted legislative overreach and violated the principle of separation of powers.

(2) Provision II

The Justices of the Constitutional Court, as a constitutional organ tasked with safeguarding the supremacy of the Constitution, must be able to perform their functions continuously and without disruption. While their appointment involves political branches, the constitutional framework does not permit political branches to undermine the Court's operation by failing to complete appointments. Accordingly, when legislating on the powers of the Justices, the legislature must provide complementary measures to ensure the uninterrupted exercise of the Justices' authority, particularly in light of fixed term limits that regularly result in significant vacancies of half the total.

Historically, the legal framework had adopted a proportional quorum based on the number of incumbent Justices, ensuring that the Court could continue to function even when vacancies arose. The First Sentence of Provision II departs from the established system by imposing a fixed minimum of ten Justices without accounting for vacancies. In the ab-

sence of complementary measures, this amendment rendered the Court's ability to function dependent on political actions and created a risk of institutional paralysis. For instance, following the expiration of seven Justices' terms on October 31, 2024, all subsequent nominees were rejected by the Legislative Yuan, leaving only eight sitting Justices. Under the fixed quorum requirement in Provision II, the Court would be unable to deliberate or render decisions, effectively paralyzing its constitutional functions.

Accordingly, the First Sentence of Provision II substantially impeded the exercise of the Justices' constitutional functions and violated the principle of separation of powers. The Second Sentence of Provision II, which further set the threshold for declaring unconstitutionality at nine Justices, was likewise unconstitutional.

(3) Provision III

The admissibility rules under the CCPA were intended to filter out unfounded cases while balancing litigants' rights and the public interest in the functioning of the system for constitutional litigation. Case admissibility criteria should be based on the nature and merits of the case, not on the number of participating Justices. Provision III, however, conditions case dismissal on the number of deliberating Justices, thereby improperly tying access to constitutional review to quorum turnout, thus undermining the protection of fundamental rights.

When combined with Provision II's fixed quorum requirement, this unreasonable framework might force the Constitutional Court to dismiss or suspend cases due

to insufficient participation, paralyzing the Court's constitutional adjudicating function. By effectively enabling political branches to indirectly obstruct the Court's functioning through control over judicial appointments, these provisions substantially impaired the exercise of judicial power and violated the principle of separation of powers. Provision III was therefore unconstitutional, particularly as it was predicated on the invalid Provision II.

(4) Provision IV

Provision IV extended the deliberation quorum and decision threshold requirements of Provision II and III to preliminary injunctions, impeachment cases of the President and Vice President, and political party dissolution cases; as such, it was unconstitutional for the same reasons. Its application risked preventing timely adjudication of such urgent matters, potentially causing irreparable harm and undermining the effectiveness of constitutional review. In politically sensitive cases, the inability to proceed due to quorum requirements might lead to prolonged political turmoil and social division, which contravened the constitutional intention for judicial resolution for such cases. Accordingly, Provision IV substantially impeded the exercise of the Constitutional Court's functions and violated the principle of separation of powers.

(5) Provisions V and VI

Provisions V and VI, when read together, established inconsistent and unjustified quorum rules for deliberation. They misinterpreted existing statutory provisions,

applying only to narrowly defined scenarios, and created differing quorum requirements depending on the reasons for Justices' non-participation (e.g., recusal or vacancy). This resulted in arbitrary and potentially contradictory outcomes, including situations where deliberation became impossible under fewer recusals but permissible under more. Such incoherent design constituted legislative interference with the Constitutional Court's functioning and violated the principle of separation of powers.

(6) Provision VII

Provision VII removed the enforcement date clauses of prior amendments to the CCPA, creating uncertainty as to the applicable law and undermining legal stability. This ambiguity hindered the Constitutional Court's ability to conduct review and determine the applicable procedural framework for pending and future cases. Such defects substantially impeded the exercise of the Court's functions and violated the principle of separation of powers. As Provision VII also governed the enforcement of Provisions I through VI, its validity was also undermined by their unconstitutionality.



Detailed
English
Summary

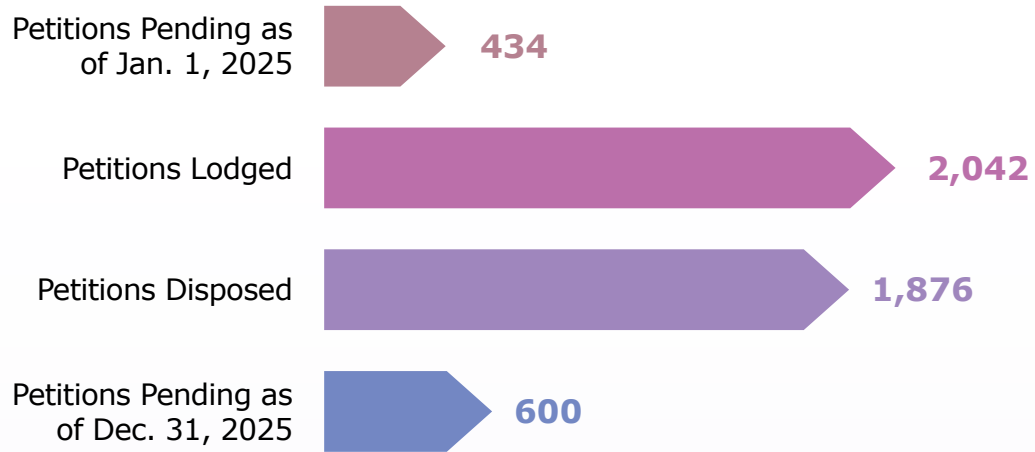


Full Text in
Chinese

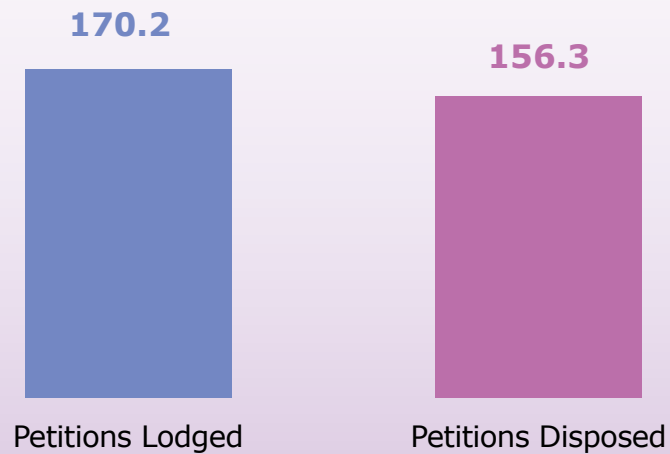
Statistics



TCC Caseload in 2025



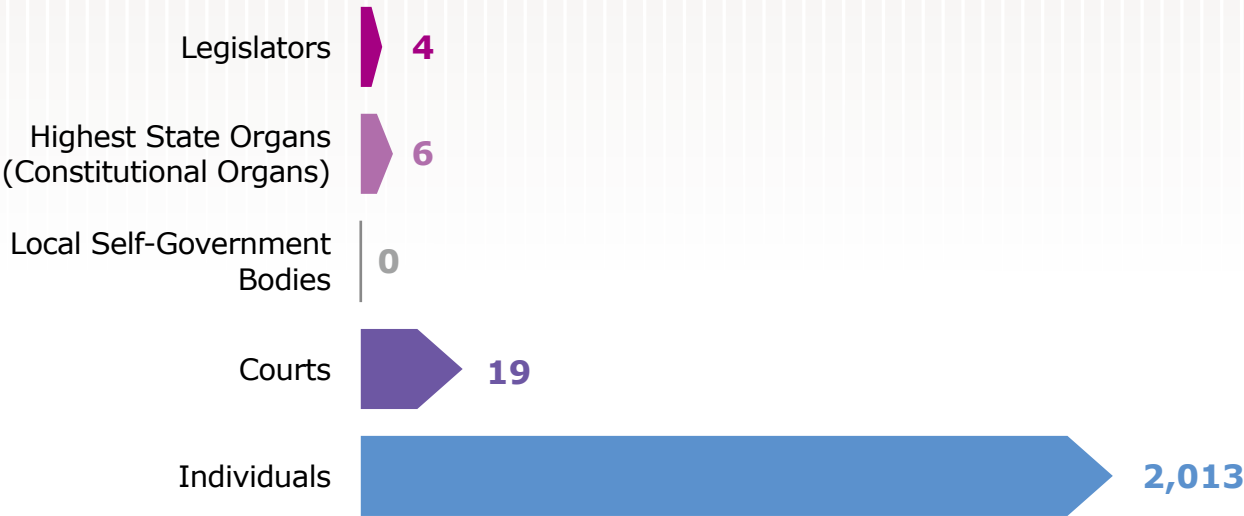
Average Numbers of Petitions Lodged and Disposed Per Month Petitions in 2025



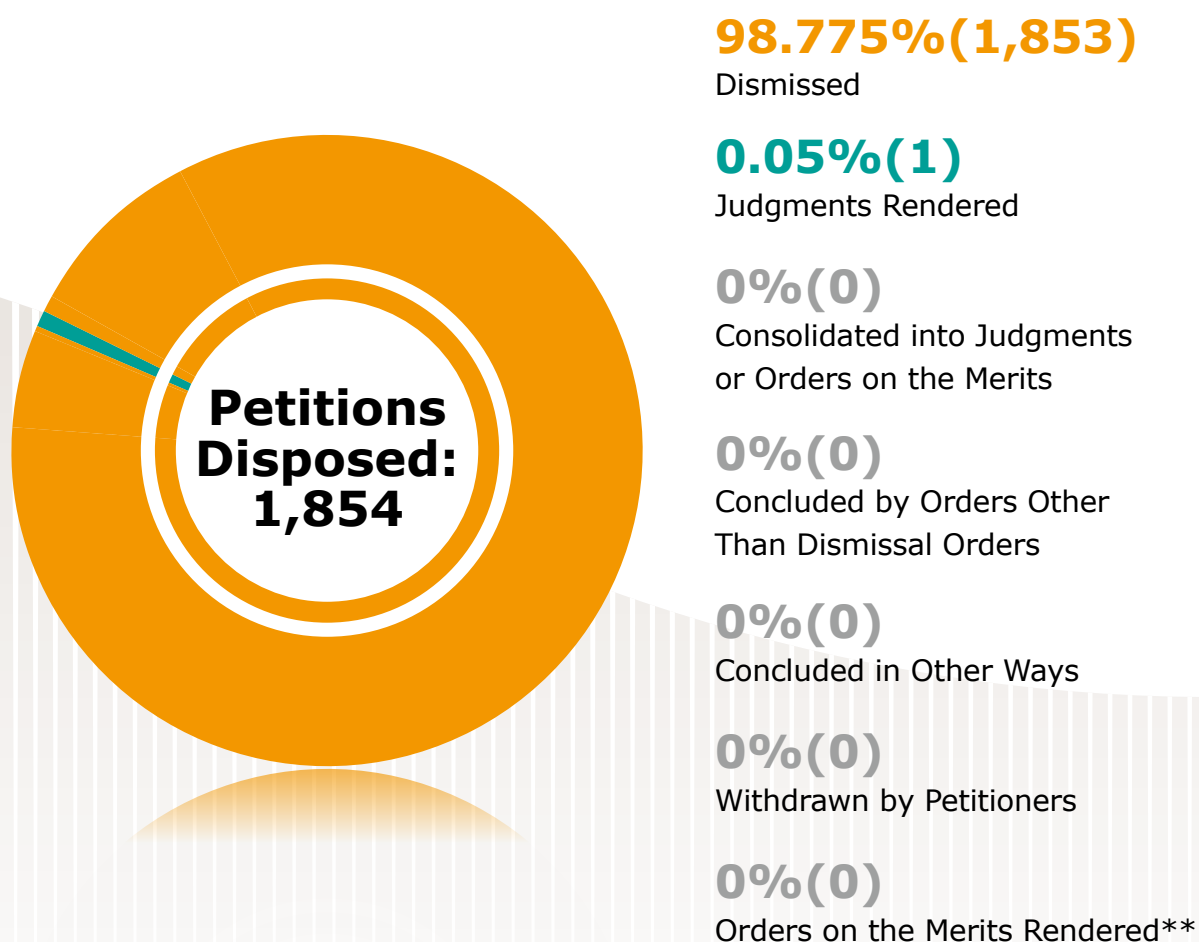
Petitions Lodged in 2025, by Types of Petitions



Petitions Lodged in 2025, by Types of Petitioners



Ratio of Judgments and Orders on the Merits Rendered in 2025: 0.05% (1) *



* Note: Ratio of Judgments and Orders on the Merits Rendered = (No. of Judgments Rendered + No. of Orders on the Merits Rendered + No. of Petitions Consolidated into Judgments or Orders on the Merits) / (No. of Petitions Disposed – No. of Petitions Concluded by Orders Other Than Dismissal Orders – No. of Petitions Withdrawn by Petitioners – No. of Petitions Concluded in Other Ways)

** “Orders on the Merits Rendered” in the chart does not include the preliminary injunction rulings.

TCC in Action



Annual Academic Conference
International Engagement
International Constitutional Studies
Guided Tours



TCC Annual Academic Conference 2025



Acting President and
Chief Justice Prof.
Dr. Ming-Yan SHIEH
commencing the TCC
Annual Academic
Conference 2025.

On December 5, 2025, the Justices of the Taiwan Constitutional Court (TCC) held the TCC Annual Academic Conference of 2025 under the theme of “Methods of Constitutional Interpretation [解釋憲法之方法].” The Annual Academic Conference, a long-standing yearly tradition of the TCC, aims to facilitate dialogue and the exchange of opinions among constitutional law practitioners and academics.

Acting President of the Judicial Yuan and Chief Justice of the TCC (*ex officio*), Dr. Ming-Yan SHIEH, opened the event by introducing the conference theme. He recounted the major decisions TCC had made and how constitutional reviews had advanced fundamental rights and strengthened the checks and balances since the implementation of the Constitutional Court Procedure Act in 2022. Chief Justice SHIEH emphasized that, amid rapid technological development and a highly diversified society, the importance of constitutional interpretation was in-

creasingly prominent. The more objective, transparent, and meticulous the method of interpretation was, the greater society's confidence in the constitutional decisions would be. This year's conference was organized by Justice Po-Hsiang YU. With the theme "Methods of Constitutional Interpretation," Justice YU looked forward to exchanging ideas that better clarified constitutional arguments and provided further insights to strengthen the constitutional order.

The conference consisted of one keynote speech and three panel sessions, illustrating different constitutional interpretation methods and their theoretical foundations:



The first session

The keynote speech (first session), "The Two Worlds of Constitutional Interpretation [法律解釋的兩個世界]," was presented by former President of the Judicial Yuan and Chief Justice (emeritus) of the TCC, Dr. In-Jaw LAI. Starting from the *Nix v. Hedden* case (149 U.S. 304) and *Church of Holy Trinity v. United States* (143 U.S. 457), former President LAI illustrated two long-standing methods of constitutional interpretation in the Supreme Court of the United States: pragmatism and textualism. From the vantage point of the two methods' approaches to common law and statutory law, he noted that the two methods may also be observed in the Supreme Court's Grand Court rulings. He concluded his speech by emphasizing that constitutional interpretation should be constrained by constitutional texts and that the judiciary should avoid law-making by considering the extent of textual meanings when interpreting laws.



The second session

The second session, “The Functions and Limits of Social Science in Constitutional Interpretation [社會科學在憲法解釋中的功能與侷限],” was presented by Professor Chia-Yin CHANG (Soochow University School of Law). Drawing on the debate over whether to consider legislative facts in constitutional review, Professor CHANG argued that constitutional decisions should take into account the constitutional order’s social settings and implications. He noted that the two models (*Sozialmodell* [social model] and *Folgenorientierung* [result-oriented]) may serve as ways of incorporating interdisciplinary studies, i.e., social science, into constitutional interpretation. However, as social science works fundamentally differently from the legal system, Professor CHANG also reminded that constitutional jurisprudence should develop a mode of dialogue rather than being led by social science. His presentation was joined by discussant Professor Ming-Shiou CHERNG (Soochow University School of Law). Justice Tsai-Chen TSAI chaired this session.





The third session



The third session, “Republicanism and Textualist Originalism: The Political Theoretical Dimensions of Constitutional Interpretation [共和主義與文本原意主義：論憲法解釋的政治理論向度],” was presented by Professor Chueh-An YEN (College of Law, National Taiwan University). Drawing on the concept of freedom from domination in republican political theory, Professor YEN noted that public power should operate on justifiable and verifiable grounds, and that *de facto* dominance should be avoided through institutional design. He also stated, from a textualist-originalist perspective, that the textual meaning of the constitutional provisions and the original intent at the time of their enactment remained a crucial starting point and constraint for interpretation. Professor YEN also touched on recent issues, such as the exercise of legislative powers and judicial independence. He illustrated the need for a clear understanding of the political-theoretical position underpinning constitutional interpretation when addressing disputes over the distribution of power. His presentation was joined by discussant Academician Carl K. Y. Shaw (Research Center for Humanities and Social Sciences, Academia Sinica). Justice Fu-Meei JU chaired this session.

The fourth session



The fourth session, “The Application of Taiwan’s Legal History in Constitutional Litigation [台灣法律史在憲法訴訟上的運用],” was presented by Professor Tay-Sheng WANG (College of Law, National Taiwan University). Professor WANG emphasized that studies of Taiwan’s legal history encompass not only the evolution of statutes but also the factors and socio-political context shaping the formation of institutions across different periods, as well as people’s actual experiences interacting with the law. With reference to constitutional cases on transitional justice, the evolution of property rights, and indigenous rights, Professor WANG noted that legal history might help pinpoint the facts concerning the challenged provisions’ legislative background, the challenged decisions’ application of law, and the case itself. Professor WANG concluded that, as the study of legal history could provide factual evidence for the process of legal syllogism, its application in constitutional litigation could reinforce the reasoning of the decision and motivate citizens to pursue social justice in accordance with the necessities of the time. His presentation was joined by former TCC Justice Horng-Shya HUANG. Justice Chung-Wu CHEN chaired this session.





Conference participants engaged productively in the panel sessions, maintaining the conference tradition of facilitating dialogue between law practitioners and academics in constitutional law and related fields.

Justice Tai-Lang LU concluded the conference by pointing out that the truth of history is often constructed through the lens of its interpreters, and the substance of the Constitution is likewise shaped by the hands of those who interpret it. He emphasized that mastering the methods of constitutional interpretation was crucial to understanding the forms the Constitution could take. Justice LU encouraged the participants to continue to apply the insights cultivated today and to become a guiding force in the development of constitutionalism and the protection of fundamental rights in their respective posts.



Conference Paper
(in Chinese)

International Engagement

The Visit of the Delegation of the Constitutional Court of Belgium

On November 18, 2025, the Judicial Yuan and the Taiwan Constitutional Court (TCC) welcomed the delegation from the Constitutional Court of Belgium. This visit marked the continuity of the bilateral exchanges between the TCC and the Belgian Constitutional Court, which began with former President Marc Bossuyt (NL) visiting Taiwan in 2011. In May 2024, Judge Danny Pieters of the Belgian Constitutional Court visited the TCC and delivered a speech about his Court's role in a multilingual society. In August 2024, the Justices of the TCC exchanged adjudication experiences with their Belgian counterparts when visiting Belgium, during which they were received by President Luc Lavrysen (NL). To further strengthen the relationship between constitutional judiciaries of Taiwan and Belgium, the TCC took the opportunity to invite President Pierre Nihoul (FR), Judge Joséphine Rebecca Moerman, and Judge Emmanuelle Bribosia to visit Taiwan in November 2025.





The visit of the delegation of the Constitutional Court of Belgium. From left to right: Justice Po-Hsiang YU, Justice Chung-Wu CHEN, Justice Fu-Meei JU, Justice Tsai-Chen TSAI, Chief Justice Ming-Yan SHIEH, President Pierre Nihoul (Belgian Constitutional Court), Judge Joséphine Rebecca Moerman (Belgian Constitutional Court), Judge Emmanuelle Bribosia (Belgian Constitutional Court), Director-General Bih-Huey HSU, and Judge Yi-Yi LEE (Taiwan High Court).

On the afternoon of November 18, 2025, the Belgian Constitutional Court delegation met with Chief Justice Ming-Yan SHIEH (also the Acting President of the Judicial Yuan), Justices Tzung-Jen TSAI, Tsai-Chen TSAI, Fu-Meei JU, Chung-Wu CHEN, and Po-Hsiang YU, TCC Director-General Bih-Huey HSU, and Taiwan High Court Judge Yi-Yi LEE (former Research Judge at the TCC). Their meeting commenced with Chief Justice SHIEH thanking the Belgian Constitutional Court for their hospitality during the TCC delegation's visit to Belgium.



Following a warm introduction and gift exchange between the two sides, the Belgian Constitutional Court delegation delivered two speeches in the conference room. The meeting and the speeches were facilitated by Associate Research Professor Tzung-Mou WU (Institutum Iurisprudentiae Academia Sinica), who served as the Chinese-French translator for the event. President Pierre Nihoul delivered the first speech, titled “*Justice constitutionnelle et paix* [Constitutional justice and peace],” in which he discussed how Belgian constitutional justice positions itself to resolve conflicts and ensure peace within the Kingdom of Belgium. Judges Joséphine Rebecca Moerman and Emmanuelle Bribosia delivered the second speech, titled “*Cour constitutionnelle, questions éthiques, autodétermination et égalité des genres (notamment au-delà de la dichotomie homme-femme)* [Constitutional court, ethical issues, self-determination and gender equality (especially beyond the male-female dichotomy)],” in which they introduced the Belgian Constitutional Court’s jurisprudence on gender equality and its case law on abortion, euthanasia, and self-determination of gender identity. The Belgian Constitutional Court delegation engaged in in-depth dialogue with Justices of the TCC after the speeches.





In addition to the Judicial Yuan and the TCC, the delegation also visited the Judges Academy, the Taipei High Administrative Court, and the Yilan District Court. The delegation exchanged extensively on judicial training, administrative law cases, and the design of citizen judge/jury systems in criminal cases during their meetings with the said court officials.



Speech
Transcripts
(in French)



International Constitutional Studies



The visit of Asst. Prof. Dian Shah and Research Associate Ratu Nafisah. From left to right: Research Judge Yi-Yi LEE, Research Associate Ratu Nafisah, Asst. Prof. Dian Shah, Acting President & Chief Justice Ming-Yan SHIEH, Justice Po-Hsiang YU, and Director-General Hao-Ching YANG.

On July 15, 2025, the Judicial Yuan and the Taiwan Constitutional Court (TCC) welcomed the visit of Assistant Professor Dian Shah and Research Associate Ratu Nafisah from the Centre for Asian Legal Studies (CALs) at the National University of Singapore Faculty of Law (NUS Law). On behalf of the Judicial Yuan and the TCC, Acting President & Chief Justice Prof. Dr. Ming-Yan SHIEH expressed a sincere welcome to the scholars upon their meeting, which was accompanied by Justice Po-Hsiang YU, Director-General of the TCC Hao-Ching YANG, and Research Judge Yi-Yi LEE (translator of this meeting).

Their meeting commenced with the two parties introducing their respective institutions and missions. Assistant Professor Shah, who is also the Deputy Director of CALs and the Co-Convenor of the Law and Religion research cluster, gave a brief introduction on CALs's research. The CALs is currently conducting empirical studies on the relationships between court deci-

sions and social cohesion, specifically examining how constitutional court or supreme court judges in East/South Asia decide on major cases that could have a significant influence on society. As judges from different jurisdictions provide invaluable materials for comparative legal studies, CLAS hopes to act as a hub for transnational exchanges. Assistant Professor Dian Shah also emphasized that, through events held by CALs, she looked forward to inviting officials from the Judicial Yuan and the TCC to join in future dialogues between East/South-Asian judges and international academics.

During the meeting, Chief Justice SHIEH and Justice YU also shared their experiences in constitutional adjudication and how they consider pluralistic viewpoints in their decisions. The Chief Justice concluded the meeting by commending NUS's effort in facilitating interactions between Asian courts. He wished CALs fruitful results from its studies.



Guided Tours







Appendices





Appendix I : History of the Taiwan Constitutional Court

1947

01/01

The Constitution of the ROC was promulgated in China. The competence to interpret the Constitution was bestowed on the Judicial Yuan, which should be composed of Justices nominated by the President of the Republic and approved by the Control Yuan.

12/25

The Constitution of the ROC entered into force. The Judicial Yuan Organization Act was promulgated on the same day and came into force six months later, stipulating the Council of seventeen Justices, which was chaired by the Chief Justice.

1948

08/02

The establishment of the Council of Grand Justices.

09/15

The first Council of Grand Justices held.

09/16

The promulgation of the Rules of the Council of Grand Justices.

1949

01/06

The announcement of J.Y. Interpretations Nos. 1 and 2.

1952

04/14

The first Council of Grand Justices held after the relocation of the ROC government to Taiwan.

1957

12/13

The nine-year term of office of the Grand Justices stipulated in the Judicial Yuan Organization Act.

1958

11/06

The first J.Y. Interpretation initiated by individuals announced (J.Y. Interpretation No. 117).

1966

07/12

The Council of Grand Justices Act, promulgated and came into force on the same day, entailed the petition of interpretation by individuals.

1992

05/15

The second amendment to the Constitution entered into force. All (Grand) Justices shall sit as the Constitutional Court to hear the cases concerning the dissolution of unconstitutional political parties.

12/21

The establishment of the Department of Clerks.

1993

02/03

The Constitutional Court Procedure Act of 1993 entered into force.

10/22

Construction of the Constitutional Courtroom completed.


12/23

The first oral argument held in the Constitutional Courtroom— later announced as J.Y. Interpretation No. 334.

1999

02/01

Chief Justice Yueh-Sheng WENG, as the first President of Judicial Yuan holding the office of Justice, took office.

2000

04/25

The sixth amendment to the Constitution entered into force. The appointment of Justices was hereafter the nomination by the President of the Republic followed by the agreement of the Congress.

2003

10/01

The number of the Justices was reduced from seventeen to fifteen. The Chief Justice is thereafter the President of the Judicial Yuan. The term of office of the Justices is thereafter reduced from nine to eight years.

2005

06/10

The seventh amendment to the Constitution entered into force. The competence of the TCC was expanded to include the jurisdiction to hear the impeachment of the President and the Vice President cases.

2007

01/10

Chief Justice In-Jaw LAI took office.

2010

10/13

Chief Justice Hau-Min RAI took office.

2016

01/06

Chief Justice Tzong-Li HSU took office.

2018

10/01

Seventieth anniversary of the TCC.



12/18

The CCPA was passed by the Legislative Yuan.

2019

01/04

President of the Republic Ing-Wen TSAI promulgated the CCPA of 2022.

2021

12/24

The announcement of the last J.Y. Interpretation No. 813.

2022

01/04

The Constitutional Court Procedure Act (CCPA) of 2022 entered into force.

**01/04**

Launching of the Taiwan Constitutional Court website.



2024

04/16

The Delegation of the Constitutional Court of the Czech Republic visited Taiwan Constitutional Court.

2025

1/23

Article 4, Paragraph 3, Article 30, Paragraphs 2 to 6, and Article 95 of the Constitutional Court Procedure Act were amended and promulgated on January 23, 2025.

2025

11/18

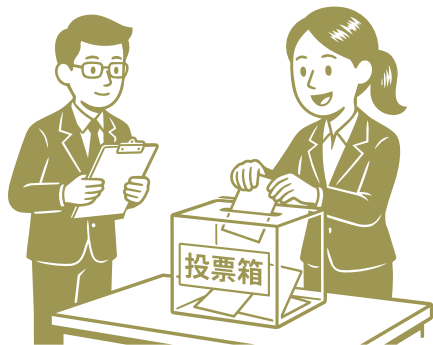
The Delegation of the Constitutional Court of Belgium visited Taiwan Constitutional Court.

2025

12/19

Judgment 114-Hsien-Pan-1 "Case on the Amendment of the Constitutional Court Procedure Act" rendered, declaring the 2025 amendment of the CCPA unconstitutional.

Appendix II: Leading Cases: An Overview



June 21, 1990

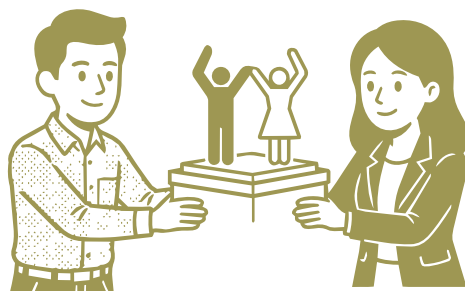
J.Y. Interpretation No. 261

Ruled that the First Congress Members who had never been re-elected would cease to exercise their powers no later than the end of 1991, pivotal in paving the way for democratization in Taiwan.

September 23, 1994

J.Y. Interpretation No. 365

Declared the Civil Code clause that prioritized father's parental rights unconstitutional, safeguarding women's equal rights in marriage and promoting gender equality.



May 24, 2017

J.Y. Interpretation No. 748

Same-Sex Marriage Case

Pushed the institutionalization of same-sex marriage beyond the political agenda, making Taiwan the first Asian country to legalize same-sex marriage under the ideas of freedom to marry and gender equality.

May 29, 2020

J.Y. Interpretation No. 791

Adultery Case

From the perspective of social changes and legal reforms, declared unconstitutional the criminalization of adultery, affirming the importance of personal autonomy (including sexual autonomy) within a marriage.

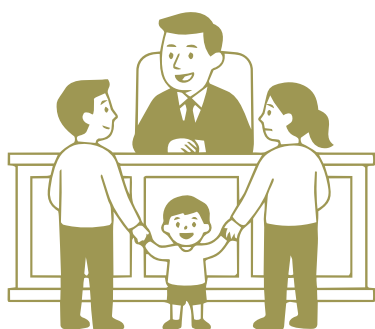


February 25, 2022

TCC Judgment 111-Hsien-Pan-1 (2022)

Case on the Constitutionality of Compulsory Blood Test for Drivers in Traffic Accidents

First constitutional judgment under the new Constitutional Court Procedure Act (2022). By ruling warrantless compulsory blood tests as an alternative to breathalyzer as unconstitutional, the TCC safeguarded people's personal freedom, freedom from bodily and mental harm, and the protection of personal data.



May 27, 2022

TCC Judgment 111-Hsien-Pan-8 (2022)

Case on the Preliminary Injunction regarding the Custody of a Child

First constitutional judgment on a constitutional complaint. By declaring the challenged Supreme Court ruling unconstitutional, the TCC clarified the due process for custody cases and safeguarded the child's best interests, personality rights, and dignity.

October 28, 2022

TCC Judgment 111-Hsien-Pan-17 (2022)

Case on the Indigenous Peoples Status for the Siraya People

Extended the legal definition of indigenous peoples to certain Austronesian Taiwanese peoples, protecting their right to recognition of indigenous identity and promoting the sustainable development of indigenous culture.



March 24, 2023

TCC Judgment 112-Hsien-Pan-4 (2023)

Case on the Constitutionality of Barring the Party Solely at Fault from Petitioning for a Divorce Decree

Lifting the restriction barring the solely at-fault party from indiscriminately filing a divorce lawsuit. The TCC also requested a re-evaluation of the legal framework for judicial divorce and the measures in place to protect the non-fault or vulnerable party and children within a marriage.



September 20, 2024

TCC Judgment 113-Hsien-Pan-8 (2024)

Constitutionality of the Death Penalty Case

Ruled that death penalty for the challenged provisions is constitutional only if it is applied in the most serious cases and conforms with the strictest requirements of due process. This restricts the scope of the death penalty while ensuring protection of the right to life and the principle of just retribution.

Appendix III :

The Art and Architecture of the Judicial Office Building

The Judicial Office Building was designed by Kaoru Ide, Chief Architect of the Taiwan Governor-General Office during the middle stage of the Japanese colonial period. The building was constructed by local firms, Katsura Shokai Corporation and Ikedagumi Corporation, during 1929-1934. Once a three-story building, a fourth floor was added in the 1970s. Each floor contains about 65,000 square feet. The Ministry of the Interior designated the building as a national heritage site in July 1998.

Influenced by European Modernism, the Judicial Office building is an example of “Transition Architecture,” characterized by a simple, bright, and clear style, devoid of classically complex decoration. Though the building is decorated with arches and arched windows that are often seen in classical buildings, its decorative lines are simplified.

The architectural style of the Judicial Office Building is an imitation of the non-classical patterns of the Byzantine architectural style with Renaissance characteristics. The three circular arches and arched windows at the entrance hall reflect an Arabic and Islamic architectural style.





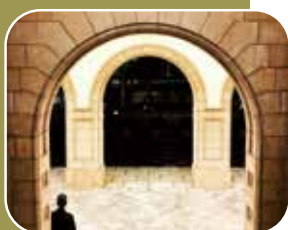
The coffered cornflower blue ceiling in the third-floor Deliberation Room is decorated with white moldings and tartrazine carvings featuring chrysanthemum and bamboo weaving motifs.



The VIP Room on the third floor, where meetings with esteemed guests are often held, exhibits various arts, including the renowned “Judicature for People” by calligrapher Chu Chen Nan.



The second-floor lobby of the Judicial Office Building is clothed in natural marbles from Hualien. Its coffered ceiling is adorned with linear moldings, square rosette appliques, and corner cartouches containing acanthus leaf motifs.



The Judicial Office Building’s porch is designed with three arches, a style commonly seen in Islamic architectures. Double pillars on both sides of each arch are decorated with Romanik floral relief. The pilasters of the inner arched gate are ornamented with square plaques showcasing geometric leaf motifs.



History of
the Building



Taiwan Constitutional Court Annual Report 2025

With special thanks to external reviewer,
Research Prof. Oran Doyle (Academia Sinica).
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Taiwan Constitutional Court

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