

司法院
Judicial Yuan
R.O.C. (TAIWAN)

Introduction to the Judicial Yuan


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I. | Introduction

The Constitution of the Republic of China has been implemented since 1947. The central government consists of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan, and Control Yuan, which are referred to as the five branches of government. The Judicial Yuan has the power of interpretation, adjudication, discipline, and judicial administration.

i. The Power of Interpretation and Jurisdiction of the Constitutional Court

The Judicial Yuan has competence over constitutional interpretations and uniform interpretation of statutes and regulations. Such functions are exercised by the Justices of the Constitutional Court. All fifteen Justices (of which one serves as President and one as Vice President of the Judicial Yuan) are nominated by the President of the Republic and confirmed by the Legislative Yuan. Each Justice shall serve eight years for his/her respective term, and shall not serve consecutive terms. The guarantee of the eight-year term does not apply to the office of the President and Vice President of the Judicial Yuan.

Since the Constitutional Court Procedure Act took effect on January 4, 2022, the consideration of cases by the Justices has become comprehensively judicial, adjudicative, and as a court. Justices are members of the Constitutional Court, and the Justice that serves as President of the Judicial Yuan presides over trials and strict procedures. The Constitutional Court has jurisdiction over cases involving the constitutionality of laws, constitutional complaints, disputes between constitutional organs, impeachment of the President and the Vice President of the Republic, dissolution of unconstitutional political parties, the protection of local self-government matters, and uniform interpretation of statutes and regulations. Where other legislation provides for petitions to the Judicial Yuan for interpretation, such petitions shall comply with the comparable provisions of the Constitutional Court Procedure Act.

ii. Jurisdiction of Various Courts

(I) **Civil and Criminal Litigation:** Civil and criminal litigations are adjudicated by the Supreme Court, High Court and its Branch Courts, and District Courts (including Juvenile and Family Court). In principle, it is a three-level-three-instance system. In exceptional circumstances, a three-level-two-instances system applies. The first and second instances adjudicates both disputes relating to facts and those relating to law, while the third instance adjudicates only disputes relating to law.

(II) **Administrative Litigation:** Beginning on August 15, 2023, administrative litigations are adjudicated by the Supreme Administrative Court, the High Administrative Litigation Panels and the District Administrative Litigation Panels at High Administrative Courts. In trial procedure, the District Administrative Litigation Panels are at the level of District Administrative Court, and its relationship to the High Administrative Litigation Panels is the relationship between two instances.

(III) **Intellectual Property Litigation:** The Intellectual Property Judicial Panel adjudicates the following matters relating to intellectual property: first-instance and second-instance civil matters, first-instance criminal cases (only general trade-secrets cases and national-security trade-secrets cases), second-instance criminal cases, and first-instance administrative matters.

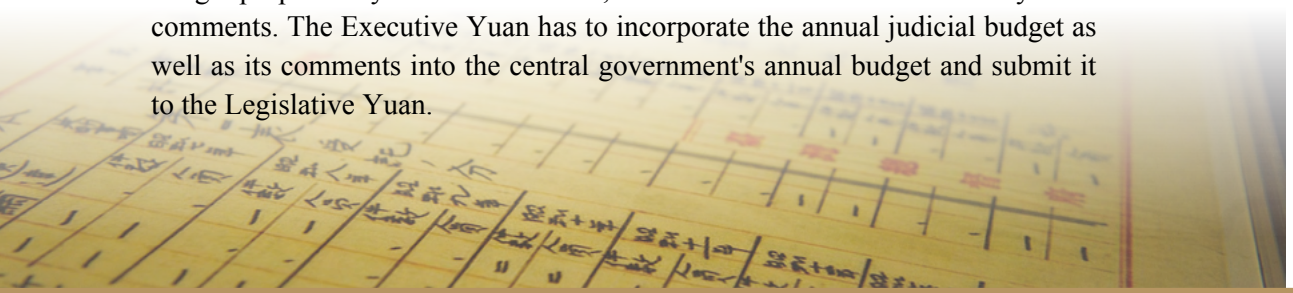


iii. The Disciplinary Power

The Committee for the Discipline of Civil Servants transformed into the Disciplinary Court on July 17, 2020. Disciplinary cases involving civil servants are adjudicated by the Disciplinary Judicial Panels of the Disciplinary Court, and a system of one-level-two-instances was established. Disciplinary cases involving judges and prosecutors are adjudicated by the Disciplinary Chambers of the Judiciary, and a system of one-level-two-instances was also established. The first-instance adjudication is handled by a panel of three judges, one of which is a Justice of the Disciplinary Court and presides over the trial and deliberation. However, the first-instance adjudication of cases disciplining judges is handled by a panel of five members. The five members include a Justice of the Disciplinary Court, two judges from other courts, and two Expert Lay Judges (ts'an shen yuan) who are not judges but appointed to participate in the trial and deliberation of the cases disciplining judges. If a party is not satisfied with the first-instance judgment rendered by the Disciplinary Judicial Panel or the Disciplinary Chambers of the Judiciary, an appeal may be made to the second instance, in order that errors are corrected and rights are protected.

iv. The Power of Judicial Administration

The President of the Judicial Yuan manages the overall affairs of the Judicial Yuan, supervises courts and the subordinate agencies for exercising power in accordance with the law, and coordinate opinions inside and outside the judicial system to further improve the judicial system, enhance the performance of courts and judicial agencies, advance working conditions, and raise the quality and efficiency of adjudication. The Judicial Yuan may propose bills to the Legislative Yuan relating to the organization of courts and subordinate agencies and the exercise of judicial power. The Executive Yuan may not delete or reduce the items or numbers in the annual judicial budget proposed by the Judicial Yuan, on which the Executive Yuan may offer comments. The Executive Yuan has to incorporate the annual judicial budget as well as its comments into the central government's annual budget and submit it to the Legislative Yuan.



v. Chart for the Powers Exercised by the Judicial Yuan

Judicial Yuan — Powers exercised by the Judicial Yuan

1. The Power of Interpretation and Jurisdiction of the Constitutional Court: Justices form the Constitutional Court and adjudicate cases pursuant to the Constitutional Court Procedure Act.
2. Jurisdiction of Various Courts:
   (1) Civil and Criminal Litigation: District Courts/Juvenile and Family Court, High Courts, Supreme Court.
   (2) Administrative Litigation: District Administrative Litigation Panels of High Administrative Court, High Administrative Litigation Panels of High Administrative Court, Supreme Administrative Court.
   (3) Intellectual Property Litigation: District Courts, Intellectual Property and Commercial Court, Supreme Court/Supreme Administrative Court.
3. The Disciplinary Power: Disciplinary Court.
4. The Power of Judicial Administration: The Judicial Yuan administers for all courts the matters relating to budget, proposals for statutes, and personnel.

President / Vice President

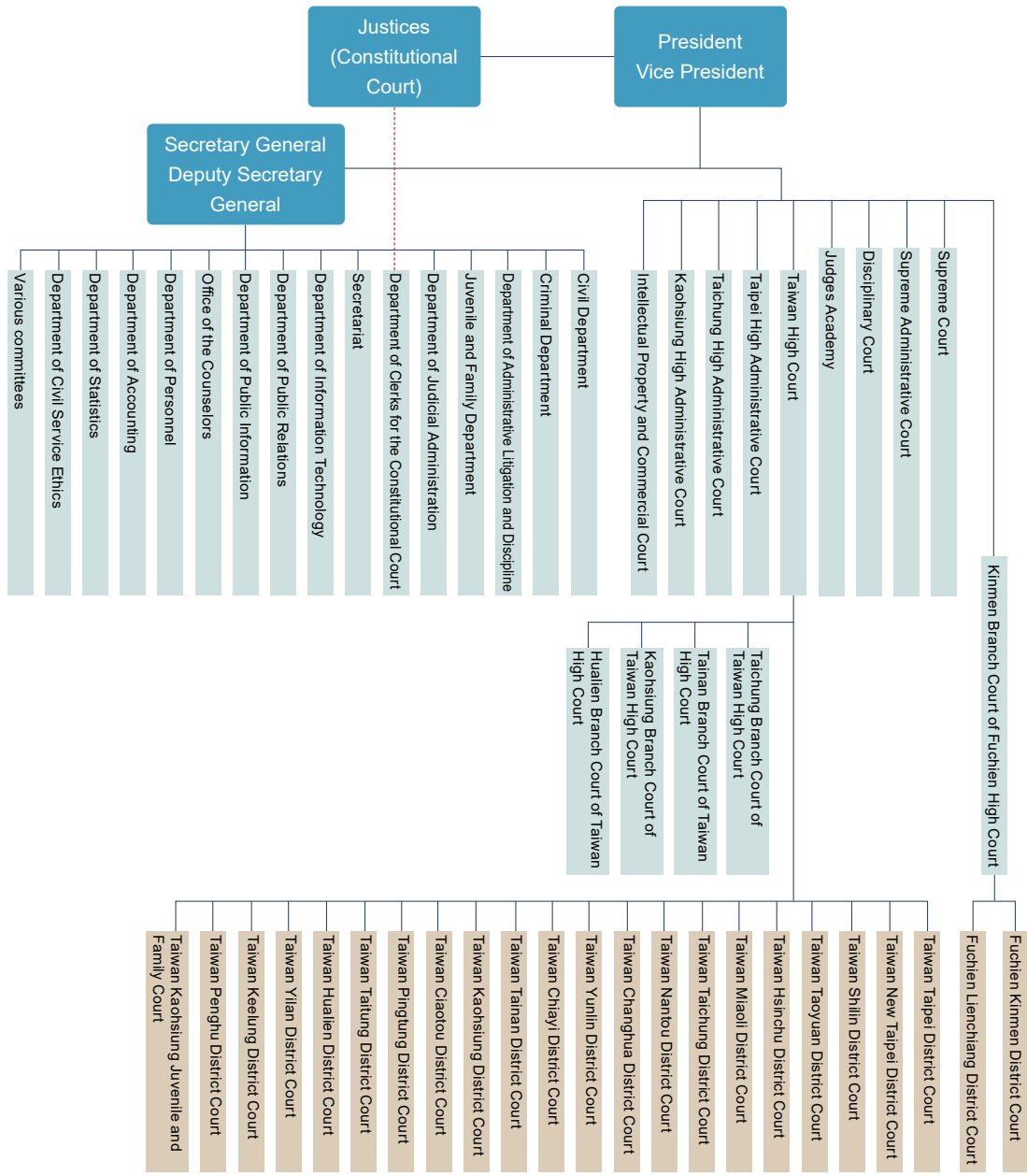
Secretary General / Deputy Secretary General — The offices that provide support

1. Civil Department
2. Criminal Department
3. Department of Administrative Litigation and Discipline
4. Juvenile and Family Department
5. Department of Judicial Administration
6. Department of Clerks for the Constitutional Court
7. Secretariat
8. Department of Information Technology
9. Department of Public Relations
10. Department of Public Information
11. Office of the Counselors
12. Department of Personnel
13. Department of Accounting
14. Department of Statistics
15. Department of Civil Service Ethics
16. Various committees

vi. Organizational Chart of the Judicial Yuan

This chart shows the operation of the judicial administration. The Judicial Yuan supervises ten institutions, such as the Supreme Court, the Supreme Administrative Court, the Disciplinary Court, the Judges Academy, the Taiwan High Court, the Taipei High Administrative Court, the Taichung High Administrative Court, the Kaohsiung High Administrative Court, the Intellectual Property and Commercial Court, and the Kinmen Branch Court of Fuchien High Court. The objective of judicial administrative supervision is to establish a sound judicial system, promote its performance, improve the working condition, and enhance the quality of trials without interfering with judicial independence. By each complementing one another, the judicial function is promoted and a solid foundation set for the rule of law.





Note The dotted line indicates that the relationship of court administration between the Constitutional Court and the Clerk Department of the Constitutional Court.

II. | Constitutional Litigation Trial Procedure

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 there are no three or more Justices opining to admit the petition within fifteen days, the dismissal ruling shall be announced immediately and served on the petitioner. If the chamber does not agree on the dismissal unanimously, or if the chamber unanimously refuses to admit the petition, but within fifteen days three or more Justices agree to admit the petition, the petition shall be sent to the Constitutional Court for a decision on whether to admit the petition.

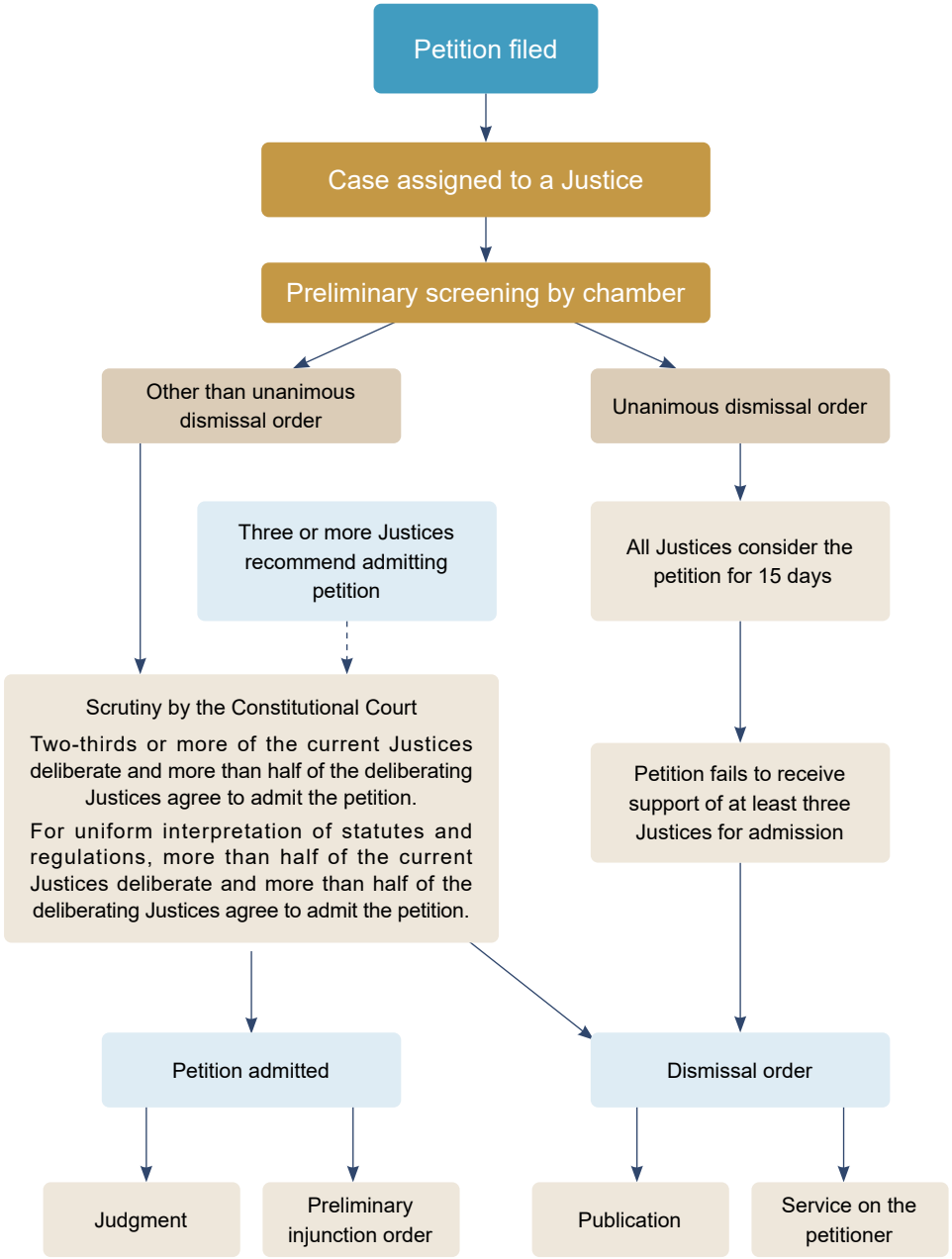
Except as otherwise provided in the Constitutional Court Procedure Act, when the Constitutional Court admits a petition, more than two-thirds of the current Justices have to participate in the deliberation, and more than half of the participating Justices agree to admit a petition. If the number of participating Justices agreeing to admit a petition does not reach the quorum, the Constitutional Court shall dismiss the petition by a ruling. The Constitutional Court Procedure Act provides an exception for cases of uniform interpretation of statutes and regulations, for which more than half of the current Justices have to participate in the deliberation, and more than half of the deliberating Justices agree.

Pursuant to Article 30 of the Constitutional Court Procedure Act, promulgated by the President on January 4, 2019 and effective since January 4, 2022, except as otherwise provided in the Constitutional Court Procedure Act, the quorum for the Constitutional Court to render a judgment is the participation of more than two-thirds of the current Justices in the deliberation, and more than half of the current Justices. The Constitutional Court Procedure Act provides for two special quorum requirements. First, the decision to impeach President or Vice-President or to dissolve a political party has to be agreed upon by more than two-thirds of the current Justices. Second, the judgment to render uniform interpretation of statutes and regulations shall be deliberated by more than half of the current Justices, and agreed upon by more than half of the current Justices.

Rulings made by the Constitutional Court shall, except as otherwise provided in the Constitutional Court Procedure Act, be deliberated by more than half of the current Justices, and agreed upon by more than half of the deliberating Justices.

The original copy of a judgment or ruling shall be served on the parties and the designated enforcement authority, but the ruling dismissing a petition shall be served only on the petitioner. The Justices' concurring opinions and dissenting opinions shall be published and served by the Constitutional Court together with the judgment or ruling.

No appeal may be made against the judgments and rulings rendered by the Constitutional Court or the chamber reviewing petitions. If a case has been decided by the Constitutional Court through a judgment or substantive ruling, the petitioner may not make the same petition again.


Petition filed
Case assigned to a Justice
Preliminary screening by chamber
Other than unanimous dismissal order
Unanimous dismissal order
Three or more Justices recommend admitting petition
All Justices consider the petition for 15 days
Scrutiny by the Constitutional Court
Two-thirds or more of the current Justices deliberate and more than half of the deliberating Justices agree to admit the petition.
For uniform interpretation of statutes and regulations, more than half of the current Justices deliberate and more than half of the deliberating Justices agree to admit the petition.
Petition fails to receive support of at least three Justices for admission
Petition admitted
Dismissal order
Judgment
Preliminary injunction order
Publication
Service on the petitioner



III. | Civil and Criminal Litigation Trial Procedure

A court is an institution that protects individuals' rights through adjudication. When disputes arise between individuals, lawsuits may be initiated at courts so that the rights and interests may be protected. Various types of disputes have to be initiated at different courts. Suits for civil disputes and criminal lawsuits shall be initiated at ordinary courts.

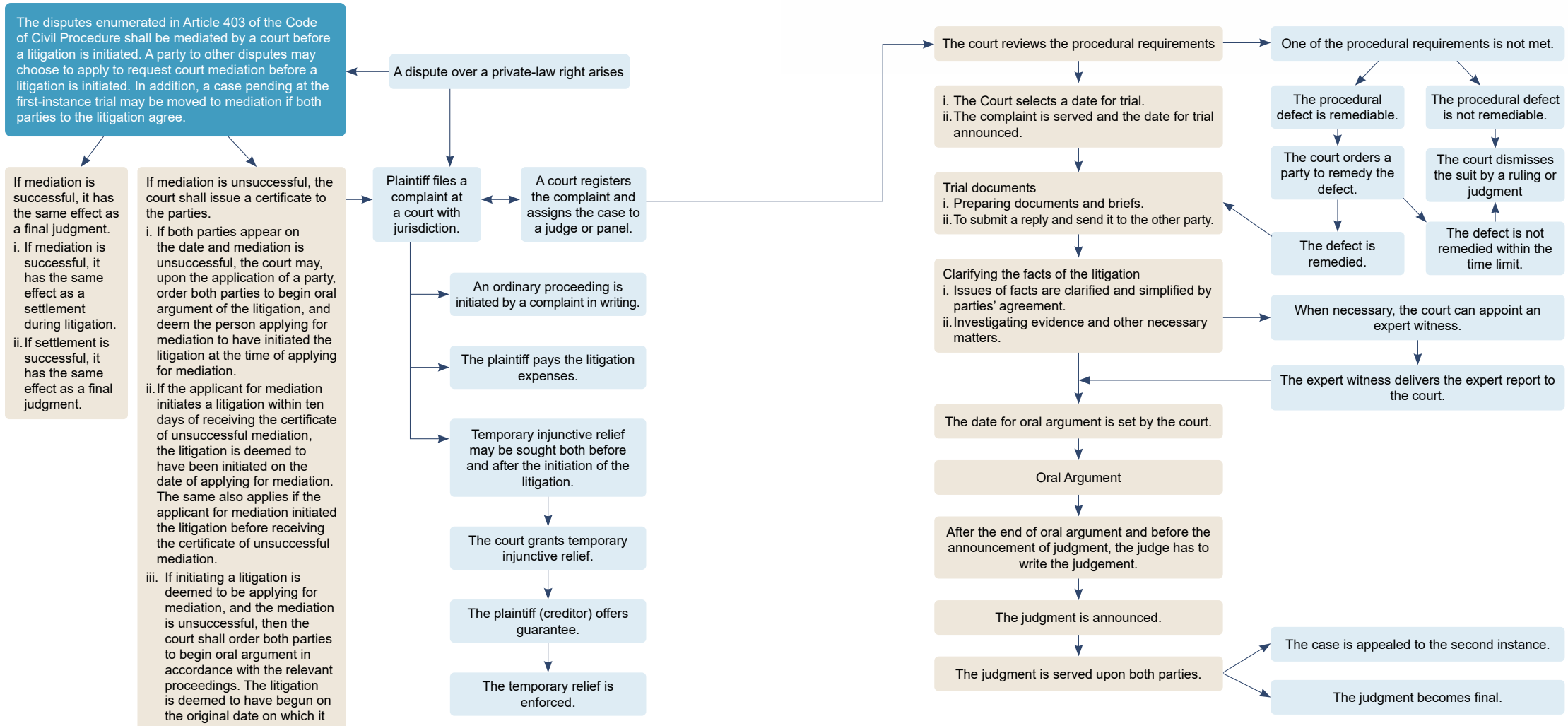
In addition, after the implementation of the Citizen Judges Act in 2023, a case with the participation of citizen judges shall be heard by a Tribunal with citizen judges which shall be composed of three judges and six citizen judges. The Tribunal with citizen judges decides that the defendant is guilty, not guilty, and, when found to be guilty, guilty of what crime and to receive what punishment.



Supreme Court	Third Instance	Second Instance	Third Instance
	Five-judge Panel	Five-judge Panel	Five-judge Panel
	Appeal	Appeal	
High Court	Second Instance	First Instance	
	Three-judge Panel	Three-judge Panel: Criminal offenses against the internal security of the State, against the external security of the State, interference with relations with other States, or governed by Article 1, Paragraph 7 of the National Security Act, and the attempt to commit the offense governed by Article 1, Paragraph 7 of the National Security Act.	
	Appeal	In some circumstances, parties may mutually agree on the facts found by the District Court and to appeal the judgment to the Supreme Court	In some circumstances, a civil summary proceeding judgment or ruling may be appealed to the Supreme Court if a permission is granted by the second-instance court making
District court	Civil Section, Criminal Section	First Instance	Second Instance
		Single-judge trial or three-judge panel for ordinary civil cases and criminal cases. Major cases involving felony offenses or life-threatening situations: Judicial panel consisting of three judges and six "citizen judges".	Three-judge Panel
		Appeal	
	Civil Affairs Summary Proceeding Section, Criminal Affairs Summary Proceeding Section	First Instance	
		Single-judge trial	1. The summary proceeding cases and small claim cases provided in Articles 427 and 436-8 of the Code of Civil Procedure. 2. The criminal summary proceeding cases provided in Article 449 of the Code of Criminal Procedure.

i. Civil Litigation Trial Procedure

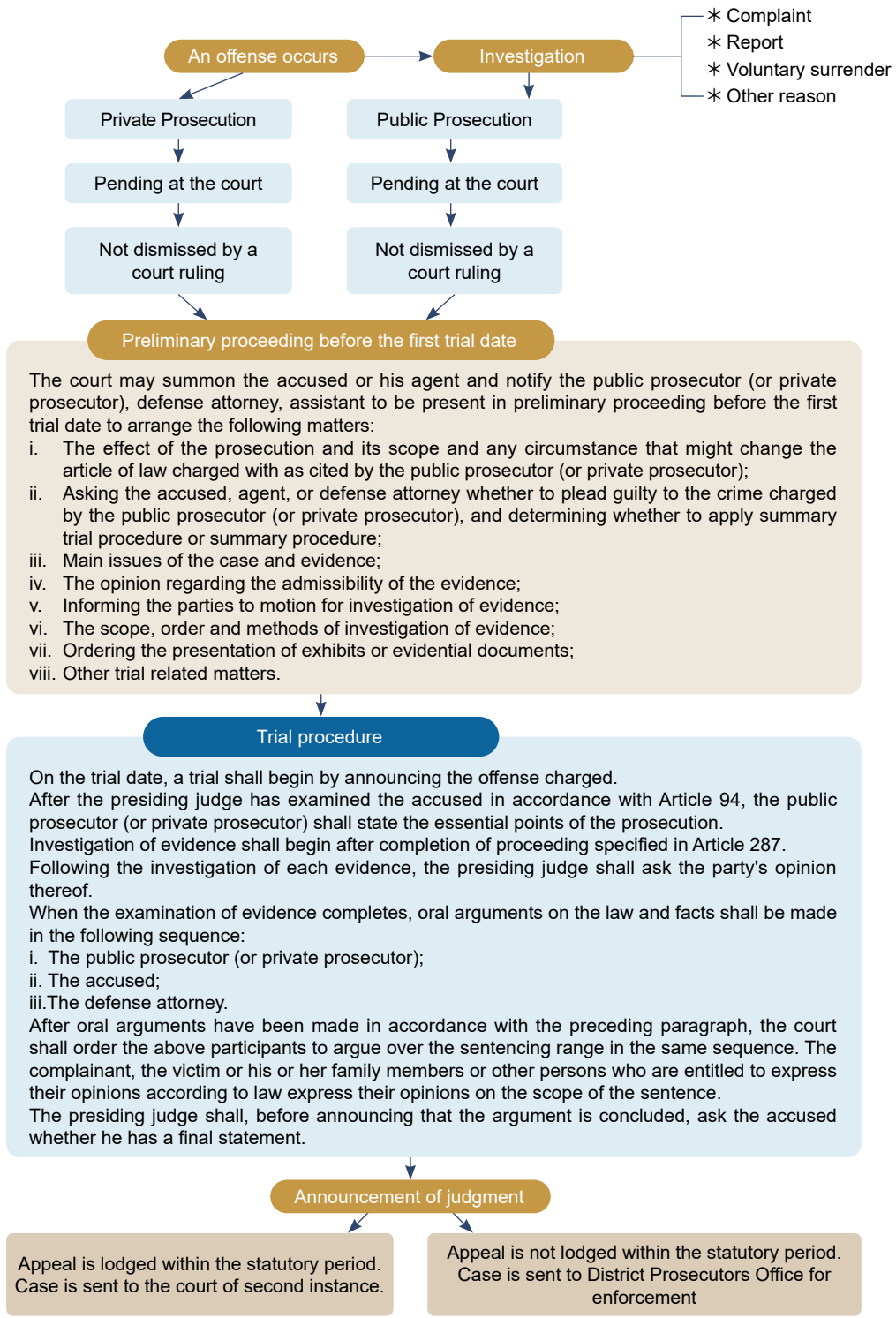
When people have disputes over their private-law rights, they should initiate litigations in ordinary courts. Disputes over property rights are adjudicated through three types of proceedings—small claims proceedings, summary proceedings, and ordinary litigation proceedings—depending on the amount or price of the object being litigated. Here is an example of the first-instance ordinary litigation proceeding.



ii. Criminal Litigation Trial Procedure

Criminal trial procedure consists of a series of procedure such as investigation, prosecution, trial, and enforcement. The procedure that takes in courts include the procedure from prosecution to trial, till the moment the judgment becomes final. The purpose of the court procedure is to ascertain whether a particular defendant commits a crime and the scope of punishment for the defendant.





iii. Civil Participation in Criminal Trials

After the implementation of the Citizen Judges Act in 2023, the trial procedure for a case with the participation of citizen judges has the additional step of appointing citizen judges, so that the multiple perspectives and experiences of citizens make court judgments fairer. In addition, in order to enable citizen judges who participate in a case to clearly understand the facts and evidence of a case, corresponding changes are made to the trial procedure.



An event occurs. → Public prosecution → Pending at a court

Preliminary proceeding

Preparing for the trial procedure:

i. Clarifying that matters that are or are not in dispute between prosecutors and defense counsel.
ii. Prosecutors and defense counsel request investigating particular pieces of evidence.
iii. The court makes a plan for the trial and estimate the number of days required.

The procedure of selecting citizen judges

The citizen judges and reserve citizen judges for the case are selected

Trial procedure

i. Citizen judges take oaths: Citizen judges and reserve citizen judges swear to perform their duties as citizens' judges fairly and impartially.
ii. Pre-trial briefing: The presiding judge explains the trial procedures to citizen judges and reserve citizen judges.
iii. Reading the case: Enabling those present in the courtroom to know who, what case, and what crime is being tried.
iv. Identity confirmation: Asking for and confirming the identity of the defendant.
v. Summary of the prosecution: The prosecutor alleges what the defendant did, when, where, and what crime was committed.
vi. Notification of rights: The presiding judge tells the defendant what crime he is suspected of having committed and what litigation rights he can exercise.
vii. Defense by the defendant and defense counsel: The defendant states whether he or she admits the criminal facts alleged by the prosecution and sets out his or her defense.
viii. Opening statement: The prosecutor and the defense counsel each state their claims about the facts of the case and the evidence available to prove the truth of the facts.
ix. The presiding judge explains matters concerning preliminary proceedings: The presiding judge explains to the citizen judges the results of the preliminary proceedings regarding the disputed issues and the scope, order, and method of investigating evidence.
x. Investigation of evidence: Proving the facts through examination of documentary evidence (e.g., expert report), physical evidence (e.g., weapon), and cross-examination of witnesses.
xi. Interrogation of the defendant: Asking the defendant about the criminal facts prosecuted.
xii. Investigation of information relating to sentencing: Investigating information that relates to sentencing.
xiii. Debate on factual and legal issues: Regarding the evidence examined by the court, the prosecutor and the defense counsel each argues whether it can prove the facts of the crime.
xiv. The complainant, victim, etc. express their opinions on the scope of sentence: The complainant, victim, or their family members express their opinions on the scope of sentence for the case.
xv. Debate on the sentence: Based on the evidence examined by the court, the prosecutor and the defense attorney each argues what kind of sentence should be imposed.
xvi. Final statement: The defendant makes a final statement.

Final deliberation

Career judges and citizen judges together determine whether the defendant is guilty, what crime to be guilty of, and what punishment to give.

Judgment is announced.

i. The court with civil participation explains the result of the judgment.
ii. The citizen judges' work ends.

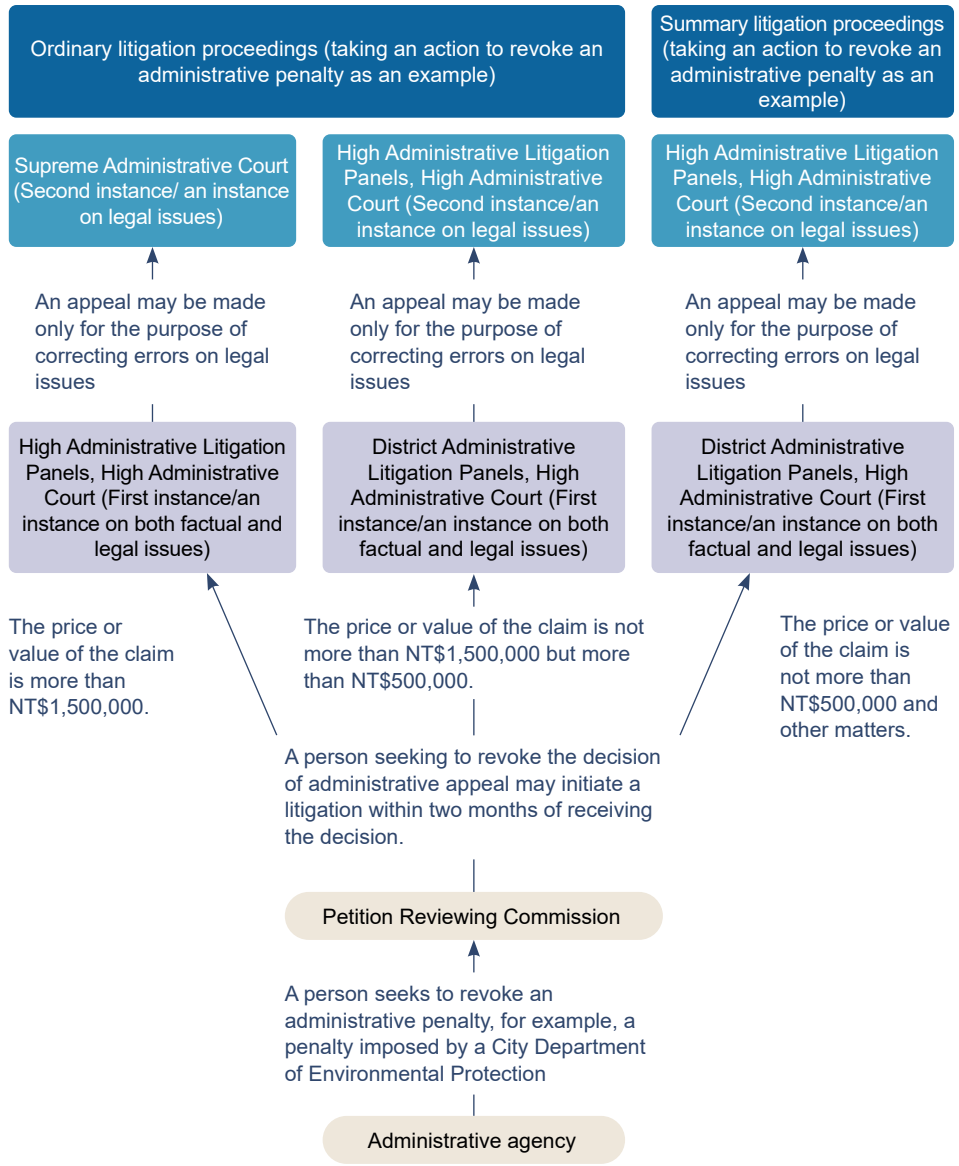
IV. | Administrative Litigation Trial Procedure

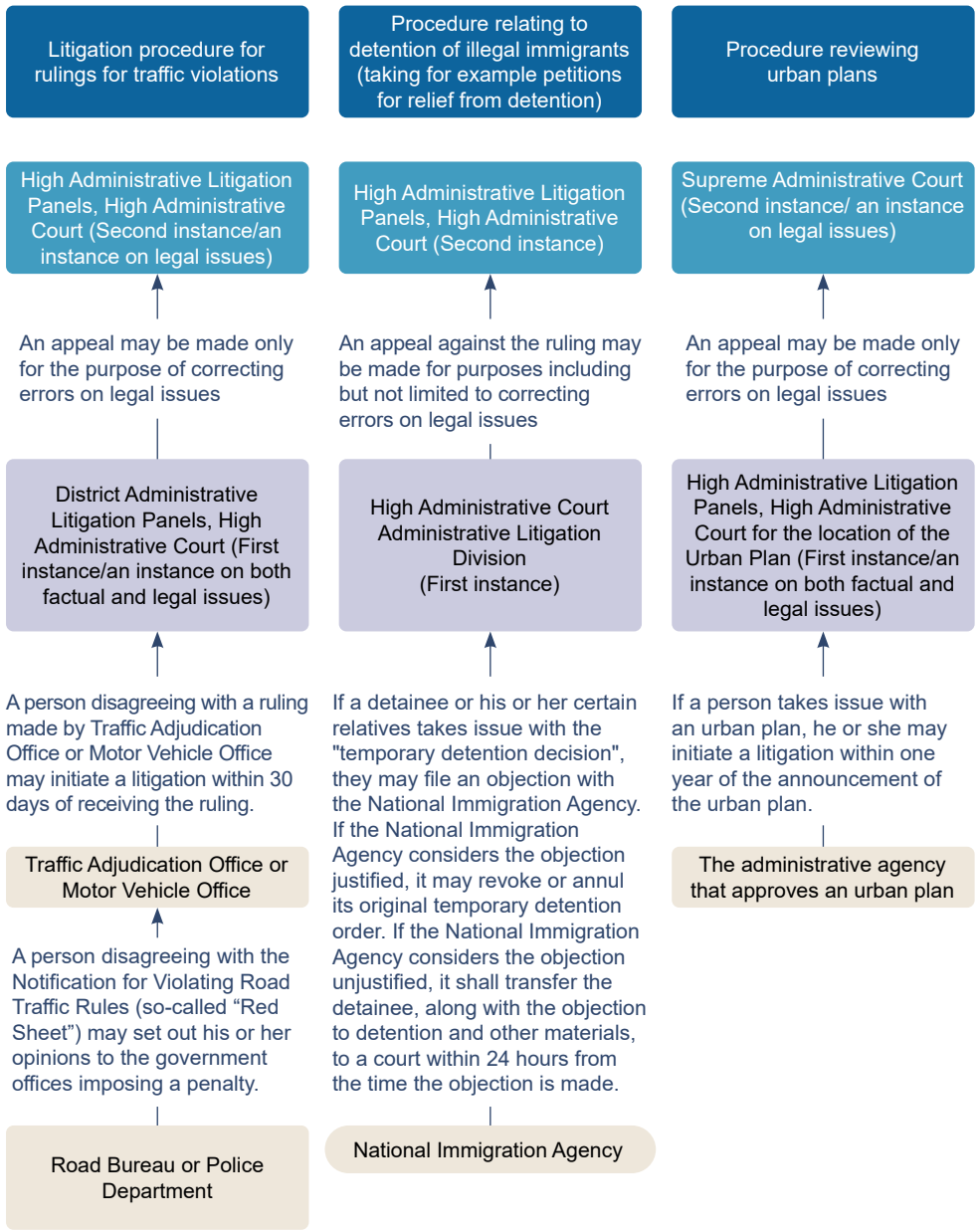
The subject matter of administrative litigation is the rights and duties between people and the state. Examples are taxes, penalties for traffic infractions, expropriation of land, urban renewal, Fair Trade Act, etc. If an individual thinks that his or her rights are infringed, the primary avenue to seek redress is administrative litigation at administrative courts. (Article 2 of the Administrative Litigation Act).

The types of administrative litigation are actions for revocation, actions for general payment, actions to order administrative acts, and actions for declaration. Unless otherwise provided for by a statute, administrative appeals must be made before actions for revocation and actions to order administrative acts may be initiated.



Beginning on August 15, 2023





V. | Grand Chamber

In order to ensure that courts of final instance resolve the same legal issues consistently in each case across time, to make the overall legal order stable and predictable, and to facilitate the continued development of the law through adjudication, the Judicial Yuan proposed to amend the Court Organization Act and the Administrative Court Organization Act, which took effect on July 4, 2019. Under the amended statutes, a special panel - grand chamber or da fa tin - was established so that the legal opinions held by the various panels toward the same legal issues may be made uniform through litigation procedure. The amendment also formally put an end to its predecessors - Committee for the Compilation of Precedents and Joint Conference of the Presiding Justices and Justices.

When a panel of a court of final appeals adjudicates a case, if the legal opinion adopted after deliberation as the basis for the judgment differs from the legal opinion of a previous judgment, the panel shall make a ruling stating the reasons and submit it to the Grand Chamber for adjudication. If the legal opinion adopted after deliberation as the basis for the judgment is important as a principle, the panel may make a ruling stating the reasons and submit it to the Grand Chamber for adjudication.

↓

When the Grand Chamber adjudicates a legal issue, oral arguments shall be held. Parties other than prosecutors shall appoint lawyers as their agents or defenders. When the Grand Chamber considers it necessary, it may, on its own initiative or on the application of the parties, their agents or defenders, appoint experts or scholars to present their legal opinions on specialized legal issues in writing or at the oral argument.

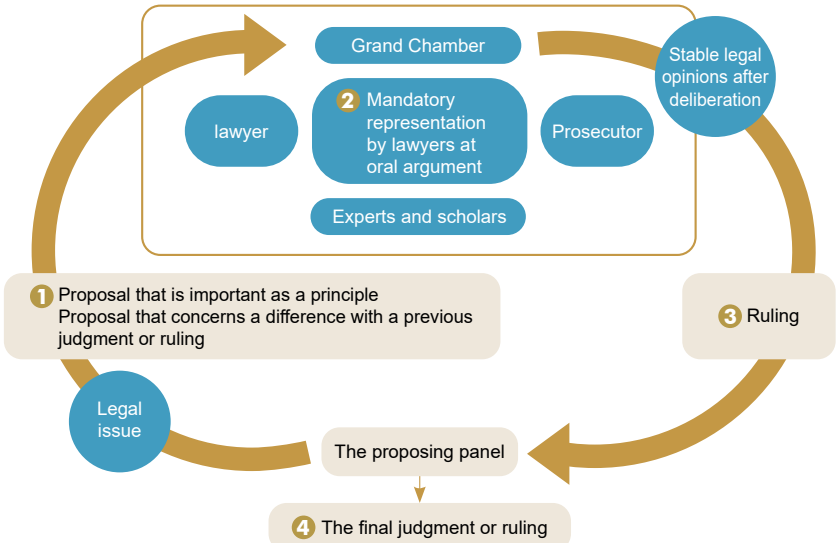
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When a Grand Chamber adjudicates a legal issue, it shall state in a ruling the holding and reasoning. The ruling made by a Grand Chamber binds the adjudication of the case submitted by the proposing panel.

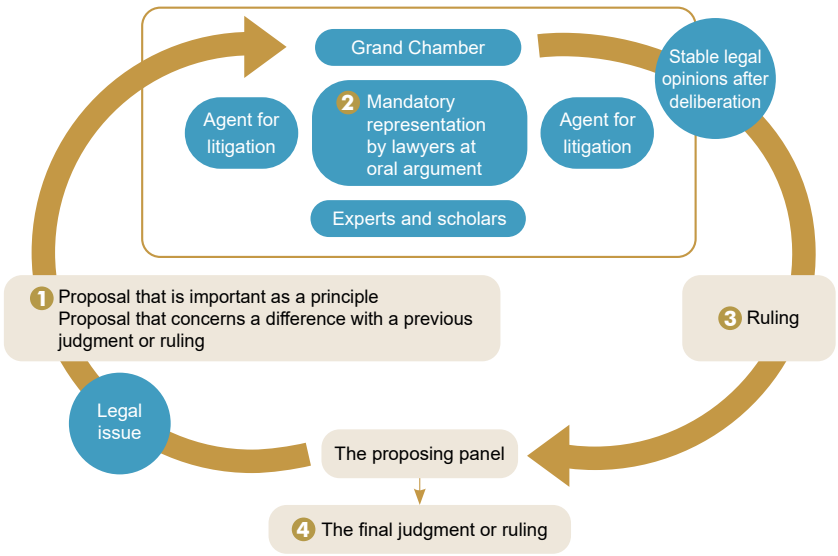
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The proposing panel shall make the final judgment or ruling on the case submitted to the Grand Chamber on the basis of the legal opinions held by the Grand Chamber.

i. The Operation of Grand Chamber in the Supreme Court



ii. The Operation of Grand Chamber in Supreme Administrative Court



VI. Trial Procedure for Intellectual Property Cases

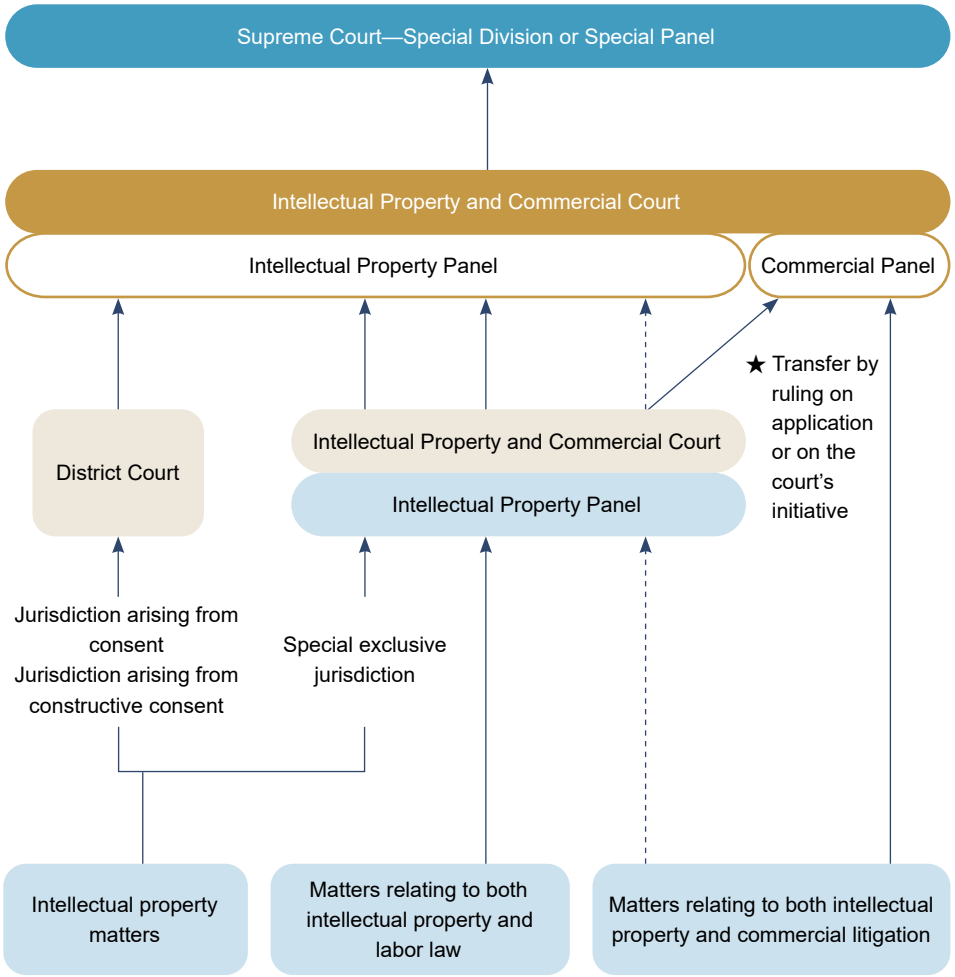
In order to protect intellectual property rights, our country established the "Intellectual Property Court" on July 1, 2008, and then transformed it into the "Intellectual Property and Commercial Court" on July 1, 2011, and set up an Intellectual Property Panel to specifically handle cases that relate to intellectual property.

In accordance with Article 3 of the Intellectual Property and Commercial Court Organization Act, the Intellectual Property Panel hears first-instance and second-instance civil actions, first-instance criminal cases (only general trade-secret cases and national-security trade-secret cases), second-instance criminal cases, first-instance administrative actions and enforcement matters arising under the Patent Act, Trademark Act, Copyright Act, Optical Disc Management Act, Trade Secret Act, Integrated Circuit Layout Protection Act, Plant Variety and Seedling Act, or Fair Trade Act that relate to intellectual property rights, as well as other intellectual property cases that come under the jurisdiction of the Intellectual Property and Commercial Court in accordance with statutory provisions or as directed by the Judicial Yuan.

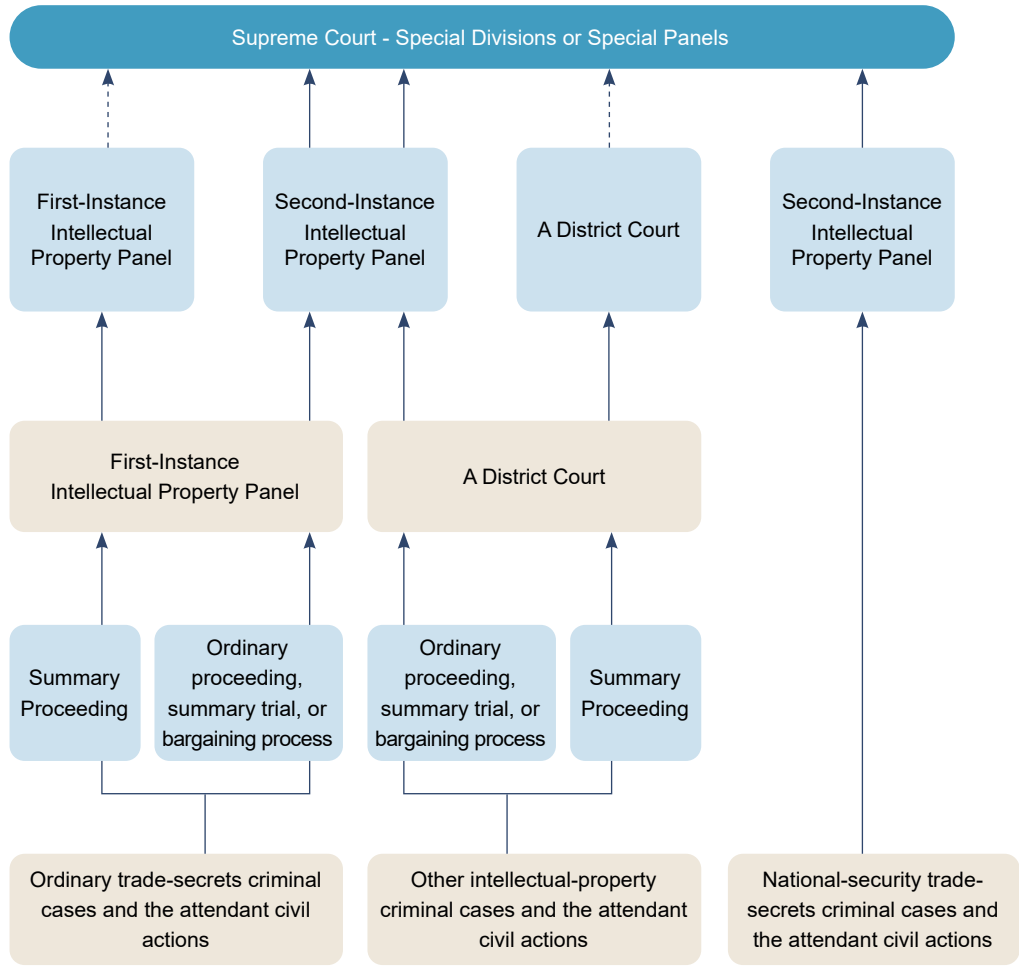
The Supreme Court is the final court of appeal for civil and criminal cases involving intellectual property rights. The Supreme Administrative Court is the final court of appeal for administrative actions relating to intellectual property rights.



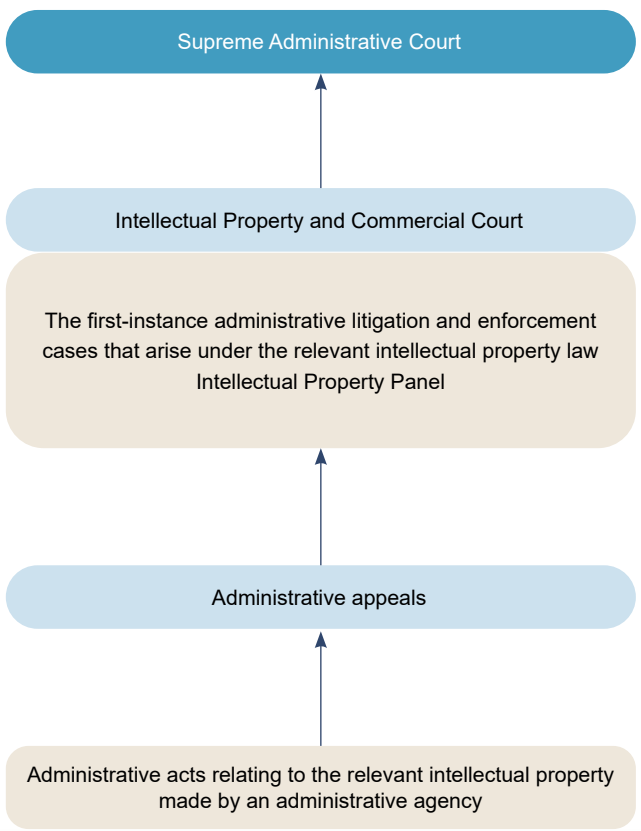
i. Trial Procedure for Intellectual Property Cases (Civil Cases)



ii. Trial Procedure for Intellectual Property Cases (Criminal Cases, Including the Attendant Civil Actions)



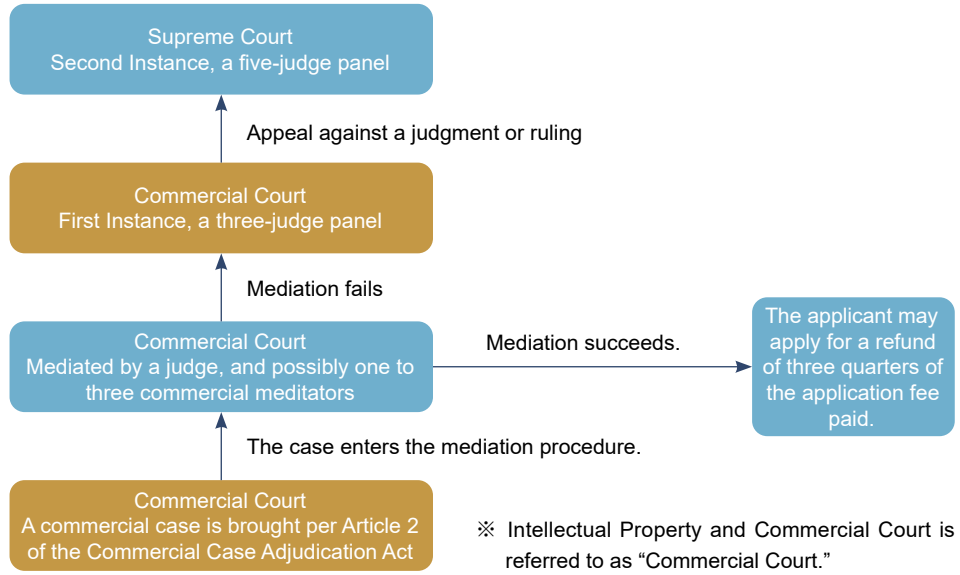
iii. Trial Procedure for Intellectual Property Cases (Administrative Litigation)





VII. Commercial Matters Trial Procedure

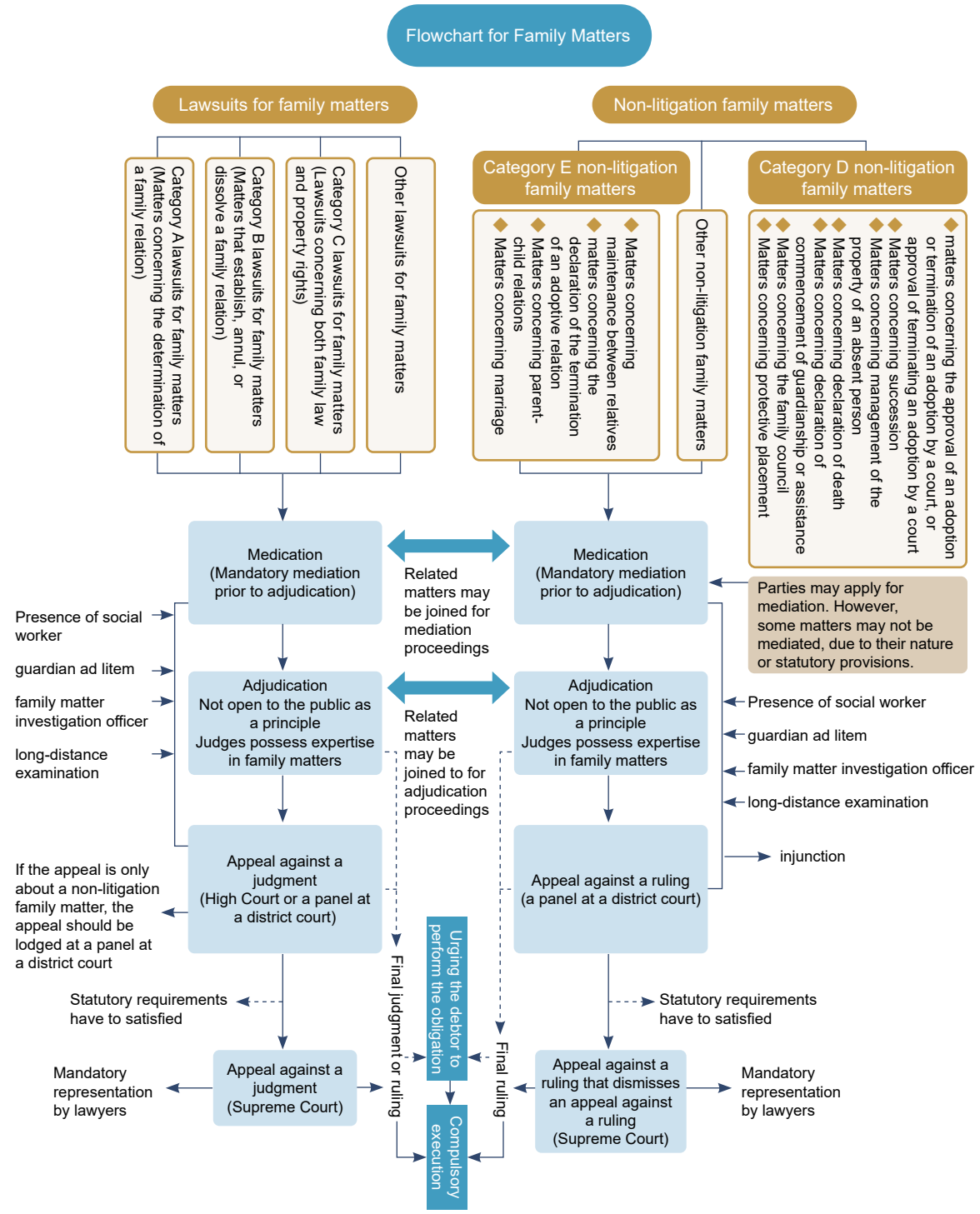
The Intellectual Property and Commercial Court (hereinafter referred to as the Commercial Court) is at the level of high court. It is a two-level second-instance system for major commercial cases. Cases that meet the requirements of Article 2 of the Commercial Case Adjudication Act may be filed in the Commercial Court. Commercial litigation cases shall, before being initiated at a court, be mediated by a judge of the Commercial Court. The judge may select one to three commercial mediators to conduct preliminary mediation, taking into account the mediators, knowledge, experience, the nature of the particular case, or other circumstances. If the mediation is successful, the applicant may apply for a refund of three quarters of the application fee paid within three months from the date on which the mediation becomes successful. If mediation fails, the commercial litigation case will proceed to the first instance and will be tried by a panel of three judges. If a party is dissatisfied with the judgment or ruling of a commercial case, the party may appeal to the Supreme Court, where the appeal is then adjudicated by a panel of five judges.



VIII. | Family Matters Trial Procedure

The family-law procedure is a procedure specifically designed to deal with family-law matters such as marriage, parent-child relations, and inheritance. Because the dispute occurs between family members, in order to avoid further division or mutual harm between the parties, to save the time and costs of litigation, and to protect the best interests of minor children, family-law matters as a principle shall be mediated by a court before adjudication. At the same time, there are mechanisms such as procedures closed to the public, company by social workers, hearings held through video-conferencing, procedural guardians (chengsyu jianli ren), family investigators (jiashih diaocha guan), consolidated hearings, temporary reliefs (jhanshih chufen), and advice on performance (lyusing cyuangao), so that the court can work with professional resources such as social workers, psychology, counseling, and psychiatry to properly handle family-law matters.





IX. | Juvenile Matters Trial Procedure

The Juvenile Justice Act is the most important statute for the courts to handle juvenile cases. It allows the courts to use procedures and treatments that better suit the characteristics and growth needs of juveniles to achieve the purpose of ensure the healthy growth of juveniles, adjusting the environment for them to grow, and correcting problems in their personalities.



Flowchart for Juvenile Justice

A juvenile commits a statutorily prescribed act short of a crime. (Note 1)

Counseling by a Juvenile Counseling Committee

A juvenile violates criminal law

Juvenile court investigates

Procedure for Juvenile Protection Cases

Investigation into whether the facts provided for in Article 3, Paragraph 1 are present in the particular case, and considering whether the juvenile needs protection on the basis of the factors set out in Article 3, Paragraph 2

A juvenile investigation officer conducts a preliminary investigation pursuant to Article 19

The juvenile court holds a hearing to find the facts

Article 26, Paragraph 1, Subparagraph 1 Counseling before the trial hearing

Article 26
The court may through a ruling appoint a guardian for a juvenile and order compliance with the protection of victims, send the juvenile to a detention center, or order an assessment of the juvenile's physical and psychological conditions and behavioral observation

Article 27 Note 2

Article 40 Note 2

Procedure for Juvenile Criminal Cases

§27 or Article 27
A juvenile commits a criminal offense, is 14 years or older at the time of commission, and one of the following conditions is met:
1. The minimum punishment for the offense is imprisonment of five years or more.
2. The juvenile becomes 20 years old after the matter becomes pending at the court.
3. The Juvenile Court, based on the results of investigation and considering circumstances such as the juvenile's character, personality and experience, finds the offense serious and criminal punishment thus appropriate.

Article 7 of Enforcement rules for the Juvenile Justice Act
When investigating ordinary criminal cases, a prosecutor finds that the denfedent was less than 18 years old, but became 20 years of age during investigation.

Investigation by a prosecutor

Article 67
Dismissal due to exercise of prosecutor's discretion

Dismissal mandated by law

Deferred prosecution

Prosecution

Juvenile Court

Judgment

Guilt

No guilt
Exemption from prosecution
Case not entertained
Mistake in jurisdiction

Article74
The punishment is remitted

Fine
Short-term imprisonment
Imprisonment (probationary sentence or parole Articles 79、81、82) Note 13
confiscation

The court decides through a ruling that no trial hearing held for the matter

Article 30. The court begins the trial hearing by a ruling

Article 44. The court may send a juvenile to a juvenile investigation officer for observation Note 6

Article 28. No trial hearing shall be held as a matter of law. Note 4、Note 5

Article 29. No trial hearing is held because the court finds the delinquency inconsequential. Note 4

ArtiIce 41
The court decides through a ruling to order no protective measures. Note 4

Article 42
The court orders protective measures by a ruling. Note 3

Article 29, Paragraph 3.
Apology, repentance letter, and reparations to the victim Note 7

Article 42, Paragraph 4

Protective measures set out in Article 42, Paragraph 1, Subparagraph 2,3,4 may be announced by the Court

Protective Measures set out in Article 42, Paragraph 2 may be additionally announced by the Court

Article 29, Paragraph 1, Subparagraph 1 Reprimand

Article 29, Paragraph 1, Subparagraph 2. Sending the juvenile to his or her parents or a person who currently protects him/her for discipline

Article 29, Paragraph 1, Subparagraph 3. Transferring the juvenile to an institution for counselling

Additional measure when applicaable

Article 42, Paragraph 1, Subparagraph 1
Reprimand, and consultation during vacation (Article 50 Note 8)

Article 42, Paragraph 1, Subparagraph 2
The juvenile is put under probation and may be additionally ordered to perform labor services (Articles 51 Note 4、55-1) Note 9

Article 42, Paragraph 1, Subparagraph 3
The juvenile is sent to an appropriate welfare or cultivation institution, health care institution, or an institution that implements transitional education measure or other appropriate measures (Articles 52 Note 4、53、55-2 Note 4) Note 10

Article 42, Paragraph 1, Subparagraph 4
The juvenile is sent to a correction institute for corrective education. (Articles 52、53、56 Note 4) Note 11

Article 42, Paragraph 2
Treatment for addiction or medical treatment

Article 84. Mandatory parenting courses Note 12

Article 42, Paragraphs 5 and 6 of the Juvenile Justice Act, and Articles 7 and 43 of the Coordination Regulations
The Juvenile Court or the Investigation and Protection Room of the Juvenile Court may convene a meeting for individual cases or for coordation of resources.

Note 1: One of the three circumstances set out in Article 3, Paragraph 1, Subparagraph 2 of the Juvenile Justice Act is present, and the Court considers it necessary to safeguard the sound development of the juvenile. The three circumstances are carrying weapons and firearms without justifiable cause, using narcotics or hallucinogenic drugs, and attempting to commit a crime.

Note 2: It applies only when the juvenile was fourteen years or older and committed a criminal offense, and the Juvenile Court opines after investigation or trial hearing that the case should or may be transferred to a prosecutor with jurisdiction.

Note 3: Article 42, Paragraph 5 of the Juvenile Justice Act states that prior to rendering a ruling in accordance with Paragraph 1, when necessary, the juvenile court may consult the opinions of appropriate agencies or institutions, schools, organizations, or individuals, and convene meetings relating to, consult or integrate welfare services, placement counseling, health care, schooling, vocational training, employment services, family treatment programs, or other resources and services that meets the needs of the juvenile concerned.

Note 4: Article 42, Paragraph 6 of the Juvenile Justice Act states that the forgoing paragraph [Paragraph 5] shall apply mutatis mutandis to situations of Article 26, Article 28, Article 29 Paragraph 1, Article 41 Paragraph 1, Article 44 Paragraph 1, Article 51 Paragraph 3, Article 55 Paragraphs 1 and 4, Article 55-2 Paragraphs 2 to 5, Article 55-3, Article 56 Paragraphs 1 and 3.

Note 5: Article 30 of the Enforcement Rules for the Juvenile Justice Act states the following: If the juvenile court finds that any of the following circumstances exists based on the results of the investigation, it shall render a ruling that no trial hearing is to be held: 1. The requirements for reporting, transferring, or requesting are not met and cannot be met or are not met within the extension. 2. In the case of an incident as provided for in Subparagraph 1 of Paragraph 1 of Article 3 of the Juvenile Justice Act, if the offense is a crime that can only be prosecuted upon complaint by the victim, but the victim has not filed a complaint, or the complaint has been withdrawn, or the complaint period has expired, and the person has reached the age of 21 before the court renders a ruling. 3. The juvenile has committed any of the incidents listed in Subparagraph 2 of Paragraph 1 of Article 3 of the Juvenile Justice Act or in Subparagraph 1 of the same paragraph when he or she was under the age of 14, and the juvenile has reached the age of 21 before the court renders a ruling. 4. A Juvenile Court with jurisdiction has rendered a ruling on the merits of the same incident. 5. The juvenile has been set to receive corrective education by another judgment or ruling and there is thus no need to receive any other protective measures. 6. The juvenile currently resides abroad and cannot return to the country before reaching the age of 21, making it effectively impossible to conduct an investigation; or the juvenile has an illness that is unlikely to recover in the short term and thus cannot receive protective measures; or the juvenile has died. 7. Other reasons why the case should not or is not suitable for trial proceeding.

Note 6: Article 30, Paragraph 1 of the Coordination Regulation between the Juvenile Court and the Relevant Authorities Regarding Juvenile Justice：When deciding decide whether or not to impose protective measures or what kind of protective measures to impose, if the Juvenile Court considers it necessary to send through a ruling the juvenile to an appropriate agency, institution, school, group, or individual for observation, the ruling shall be served upon the agency, institution, school, group, or individual receiving the juvenile. **The juvenile investigation officer shall keep in touch with the receiving person at all times and provide appropriate guidance.** Article 34 of the Adjudication Rules for the Juvenile Justice Act states the following: (Paragraph 1) When a Juvenile Court places a juvenile under observation pursuant to Article 44, Paragraph 1 of the Juvenile Justice Act, the ruling shall specify the period of observation and the court may offer appropriate instructions on what to observe. (Paragraph 2) When a juvenile is placed under observation by an appropriate agency, school, group, or individual, **the juvenile investigation officer shall keep in touch with the receiving person at all times and provide appropriate guidance.**

Note 7: The rules regarding apology, repentance letter, and reparations to the victim, apply mutatis mutandis to juvenile criminal cases, as Article 70 of the Juvenile Justice Act states that Chapter III, Sections I and II of the Juvenile Justice Act apply mutatis mutandis to the investigation and trial of juvenile criminal cases.

Note 8：Article 50, Paragraph 4 of the Juvenile Justice Act states that the consultation during vacation referred to in the foregoing paragraph [Paragraph 3] may, on account of the opinions of a juvenile protection officer, be done by an appropriate institution, organization, or individual under the instruction of a juvenile protection officer. Article 34, Paragraph 5 of the Coordination Regulation between the Juvenile Court and the Relevant Authorities Regarding Juvenile Justice states that, when consultation during vacation is conducted by an appropriate agency, institution, group, or individual, the juvenile protection officer should take a leading role and make consultation plans with and maintain contact with the agency, institution, group, or individual. If the consultation is done with multiple juveniles, an overall consultation plan should be made first and implemented after approval by the Juvenile Court.

Note 9: Article 51, Paragraph 3 of the Juvenile Justice states that the Juvenile Court may, on account of the opinions of a juvenile protection officer, put a juvenile for probation at an appropriate welfare or cultivation institute, charitable organization, juvenile's closest relative or other appropriate individuals **under the instruction of a juvenile protection officer.** Article 37 of the Coordination Regulation between the Juvenile Court and the Relevant Authorities Regarding Juvenile Justice states that, when probation is carried out by an appropriate agency, institution, group, one the juvenile's closest relatives, or another appropriate person, **the juvenile protection officer shall take the leading role, and make a consultation plan with and keep in touch at all times with each person carrying out the probation** and; when the juvenile has the circumstances specified in the fourth paragraph of Article 36 or Article 55 of the Juvenile Justice Act, the person carrying out the probation shall immediately notify the Juvenile Protection Officer so that appropriate actions may be taken.

Note 10：Article 52, Paragraph 1 of the Juvenile Justice Act states that, when requiring a juvenile to receive placement counseling or corrective education, the Juvenile Court may consider the nature of delinquencies, the juvenile's physical or mental conditions, educational levels, and other relevant factors, and send the juvenile to an appropriate welfare or cultivation institution, health care institution, an institution that implements transitional education or other appropriate measures, or a corrective education institution, under the instruction by the Juvenile Court. Article 31, Paragraph 1 of the Coordination Regulation between the Juvenile Court and the Relevant Authorities Regarding Juvenile Justice states the following: Before a Juvenile Court renders a ruling to place a juvenile in a welfare, correctional institution, medical institution, a place implementing transitional education measures or other appropriate measures (hereinafter collectively referred to as a placement counseling institution) for consultation, the Juvenile Court shall first understand the characteristics, functions, target population, contents, quality, quantity, restrictions, etc. of the institution, and fully communicate with the juvenile, the juvenile's statutory representative, or the person currently protecting the juvenile, and the personnel of the institution regarding the nature of the juvenile's behavior, physical and mental condition, academic level, special needs, and other necessary matters. If necessary, the Juvenile Court may arrange for a meeting, evaluation, or visit, and may place the juvenile in the institution for observation in accordance with Article 44, Paragraph 2 of the Juvenile Justice Act. Article 50 of the Coordination Regulation between the Juvenile Court and the Relevant Authorities Regarding Juvenile Justice states that, when implementing the placement counseling plan, the placement counseling institution may take the initiative, or request the Juvenile Court's or the competent authority's help, to coordinate with the competent authorities of the judicial, educational, health, social affairs, labor, police, household registration, or other departments.

Note 11: Article57, Paragraph 4 of the Coordination Regulation between the Juvenile Court and the Relevant Authorities Regarding Juvenile Justice states that the institution that offers corrective education may, if needed, convene resource coordination meetings, inviting the Juvenile Court, social affairs, education, counseling, health care, police and labor administration agencies or institutions, schools, groups or individuals. Article 58 of the same Regulation states the following: (Paragraph 1) The Juvenile Court and the Juvenile Protection Officer shall visit the juvenile regularly and **remain in contact with the institution where the corrective education is offered. When necessary, the Juvenile Court may assign the Juvenile Protection Officer or other appropriate person or link relevant resources to jointly counsel the juvenile.** (Paragraph 2) The Juvenile Court may designate a **Juvenile Protection Officer** to **keep contact with** agencies, institutions, or individuals that provide juveniles with education, medical care, employment, independent living, follow-up counseling, and other resources or welfare services.

Note 12: Article 84, Paragraph 3 of the Juvenile Justice Act states that the execution of parenting courses may be assigned by the juvenile court to a juvenile protection officer, and may, on account of the opinions of a juvenile protection officer, be delegated to an appropriate agency, organization, or individual, which performs the tasks **under the instruction of a juvenile protection officer.**

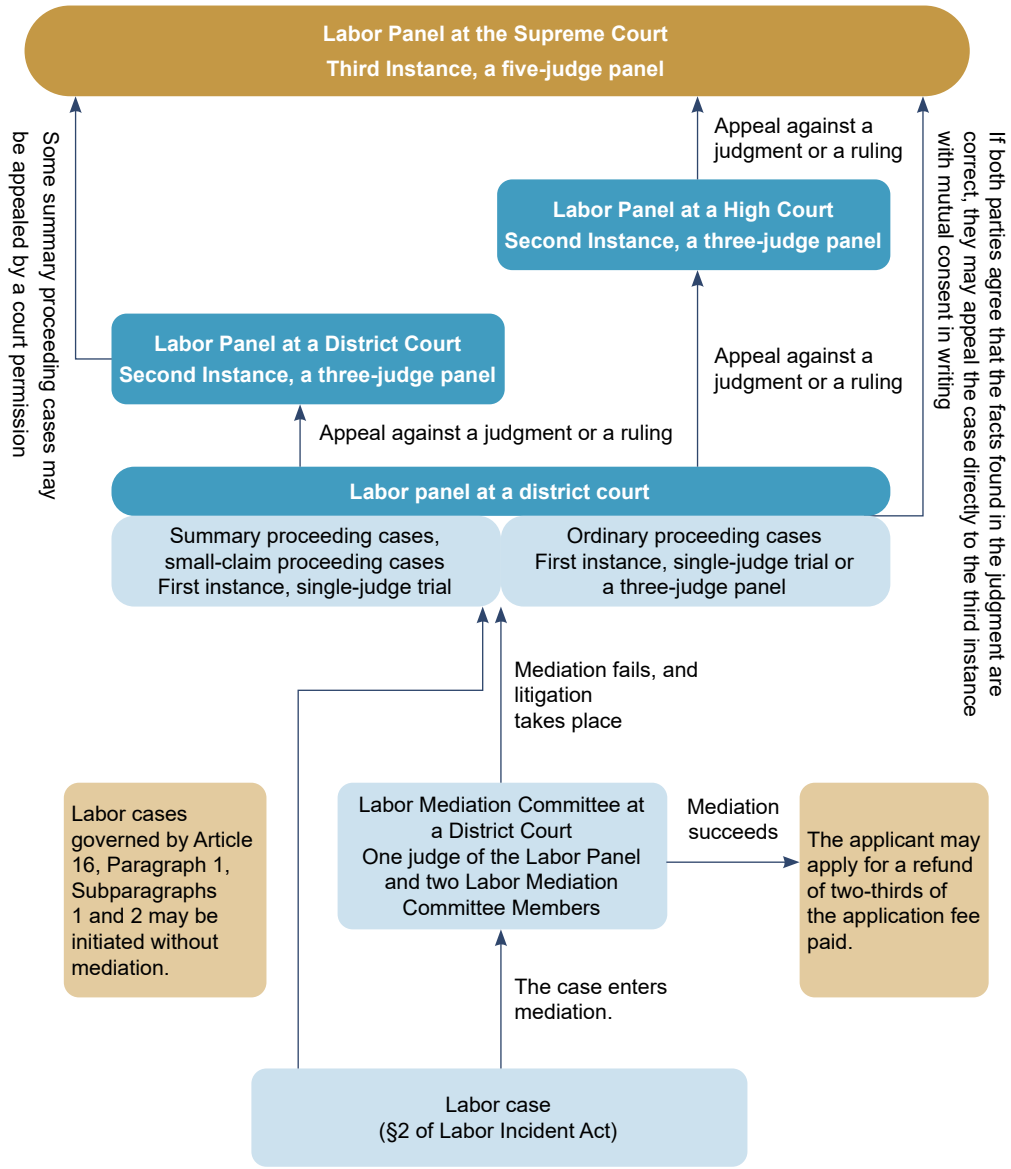
Note 13: Article 79, Paragraph 1 of the Juvenile Justice Act states that sentence suspension as provided for in Article 74 of the Criminal Code shall be applied only to juveniles sentenced with imprisonment of three years or shorter, detention, or fine. Article 81, Paragraph 1 of the Juvenile Justice Act states that a juvenile may be bailed out if he or she repents after serving seven years of life imprisonment, or after serving for more than one-third of prison sentence. Article 82 of the Juvenile Justice Act states the following:(Paragraph 1)A juvenile shall be on probation during sentence suspension or the bail period. (Paragraph 2)Before the person subject to probation becomes twenty-three years old, **the prosecutor shall entrust a juvenile protection officer** of a juvenile court to execute probation as provided for in the foregoing paragraph [Paragraph 1].

X. | Labor Matters Trial Procedure

In principle, before filing a labor lawsuit, the plaintiff has to first apply for labor mediation. If a labor lawsuit is filed without labor mediation, the complaint is still considered an application for labor mediation. A labor mediation committee consists of one judge and two committee members. If mediation fails, the same judge in general continues the litigation process to improve the efficiency of dispute resolution.

Labor litigation is a three-level, three-instance system. For ordinary proceeding cases, district courts have jurisdiction over the first instance, the high courts or their branch courts have jurisdiction over the second instance, and the Supreme Court has jurisdiction over the third instance. For summary proceeding cases and small-claim proceeding cases, a single judge of a labor panel of a district court adjudicates the first instance of the trial. If a party is dissatisfied with the judgment, and files an appeal, the second instance is adjudicated by a labor panel of a district court, and the second instance is in principle the final instance.

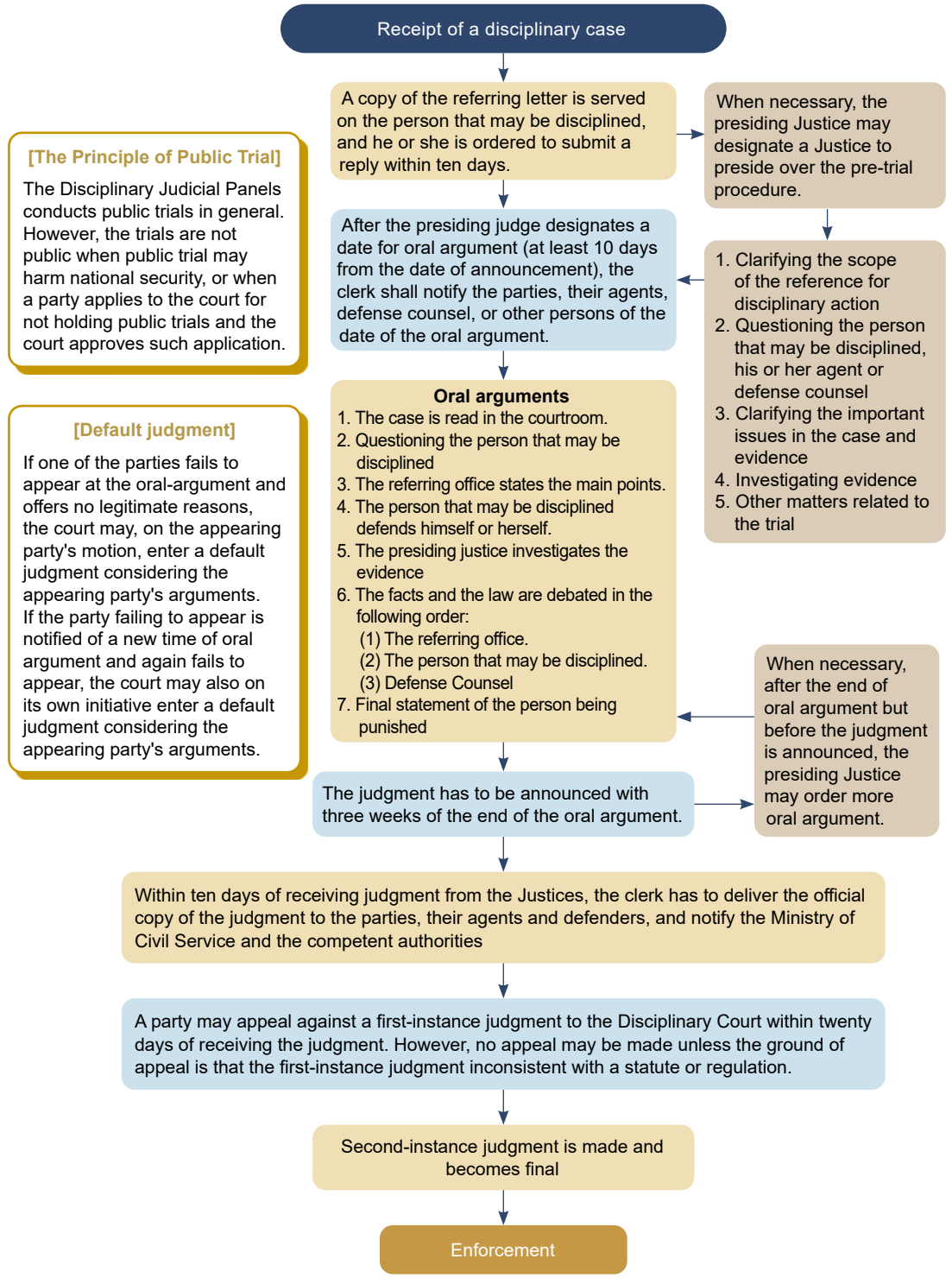




XI. Trial Procedure for the Disciplinary Judicial Panels

A system of one-level-two-instances now governs disciplinary cases involving civil servants. A party may appeal against the first instance judgment or ruling rendered by a Disciplinary Judicial Panel to the second instance of a Disciplinary Judicial Panel, therefore affording the party the opportunity of another review. In addition, a party may apply for retrial of the final first-instance judgment or final second-instance judgment rendered by the Disciplinary Judicial Panels. The rules regarding retrial apply mutatis mutandis to a party's application for retrial of the final rulings.





XII. Trial Procedure for the Disciplinary Chambers of the Judiciary

The Disciplinary Chambers of the Judiciary adjudicate four types of cases. First, the disciplinary cases involving judges or prosecutors. Second, the cases in which a judge disagrees with an order about his or her duties as a judge. Third, the cases in which a judge opines that a measure monitoring the carrying-out of his or her duties as a judge adversely affects judicial independence. Fourth, the cases in which the president of a court requests a Disciplinary Chamber of the Judiciary to declare a resolution made the Judges' Conference of the same Court to be inconsistent with a law or regulation. The Disciplinary Chambers of the Judiciary exert the disciplinary power of the state as an impartial adjudicative institution and formal judicial procedure and resolve the legal disputes that closely relate to judicial independence. The Disciplinary Chambers of the Judiciary at the same time discipline judges and prosecutors and realize the Constitution's protection of judicial independence.

Disciplinary cases involving judges

When a judge disagrees with
i. an order about his or her duties as a judge, or
ii. a measure monitoring the carrying-out of his or her duties as a judge for adversely affecting judicial independence.

↓

Within 30 days of the next day of the day on which the judge receives the order or the day on which the measure ends or is completed.

↓

The judge objects in writing.

↓

The Judicial Yuan or the court concerned makes a decision on the objection within 30 days

↓

If the judge disagrees with the decision reached by the Judicial Yuan or the court concerned, he or she may initiate the disciplinary litigation at the Disciplinary Court within 30 days of being served the decision of the Judicial Yuan or the court concerned.

↓

Disciplinary Chambers of the Judiciary, Disciplinary Court

Disciplining a Judge or Prosecutor

A judge is suspected of illegal behavior

- Members of the Control Yuan investigate it.
- Judicial Yuan or Department of Justice (Personnel Decision Committee)
- Resolution by the Judge Evaluation Committee/Prosecutor Evaluation Committee to initiate the case

Those who are considered for disciplinary actions generally cannot apply for retirement or severance before the disciplinary judgment becomes final and the review is completed.

Control Yuan (The case is initiated after it votes to impeach the judge)

Judicial Yuan or Department of Justice

The referring office may withdraw the whole or part of the referred case before the court's rendering of the first-instance judgment.

Disciplinary Chambers of the Judiciary, Disciplinary Court

The court may on its initiative or upon application suspend the judge from his or her position, and the judge shall be given an opportunity to respond.

If no jurisdiction is found, the case should be transferred to an office with jurisdiction.

Trial procedure

The first-instance adjudication of cases disciplining judges or prosecutors is handled by a panel of five members. The five members include a Justice of the Disciplinary Court, two judges from other courts, and two Expert Lay Judges (ts'an shen yuan) who are not judges but appointed to participate in the trial and deliberation of the cases disciplining judges and prosecutors.

Public trial; oral argument required in general

First-instance judgment

Judgment taking no disciplinary action	Judgment taking a disciplinary action	Judgment dismissing the lawsuit due to res judicata, changed circumstances, or statute of limitations	Judgment dismissing the lawsuit on a procedural ground
There is no circumstance as provided for in Article 30, Paragraph 2 of the Judges Act, or there is no need for disciplinary action.	1. The judge is removed from his position and may not serve as a civil servant again. 2. The judge is removed from his position and cannot serve as a civil servant for a period from one year up to five years. 3. The judge is removed from his position and transfer to a position other than a judge. 4. Deprivation of pensions and retirement benefits, or deprivation of retirement benefits only. 5. Reduction of pensions and retirement benefits by 10 percent up to 20 percent 6. Administrative penalty in the amount of the total monthly salary at the current position or at the position up to the amount of the total annual salary 7.admonition	1. The same act has been subject to disciplinary judgment that is final. 2. The judged has been declared deprived of his or her right to vote and be a civil servant, and therefore there is no need for disciplinary action. 3. The statute of limitations for disciplinary power has passed. 4. The offense is minor and disciplinary action would be unfair.	1. The referring process violates laws or regulations 2. Death of the person that may be disciplined. 3. The same case is referred again after being withdrawn

No appeal is taken. (The judgment becomes final)

A party may seek rehearing as a remedy.

※ Pursuant to Article 89, Paragraph 8 of the Judges Act, these provisions apply mutatis mutandis to the cases concerning prosecutors.

Appeal

Second instance (The judgment becomes final.)

A party may seek rehearing as a remedy.

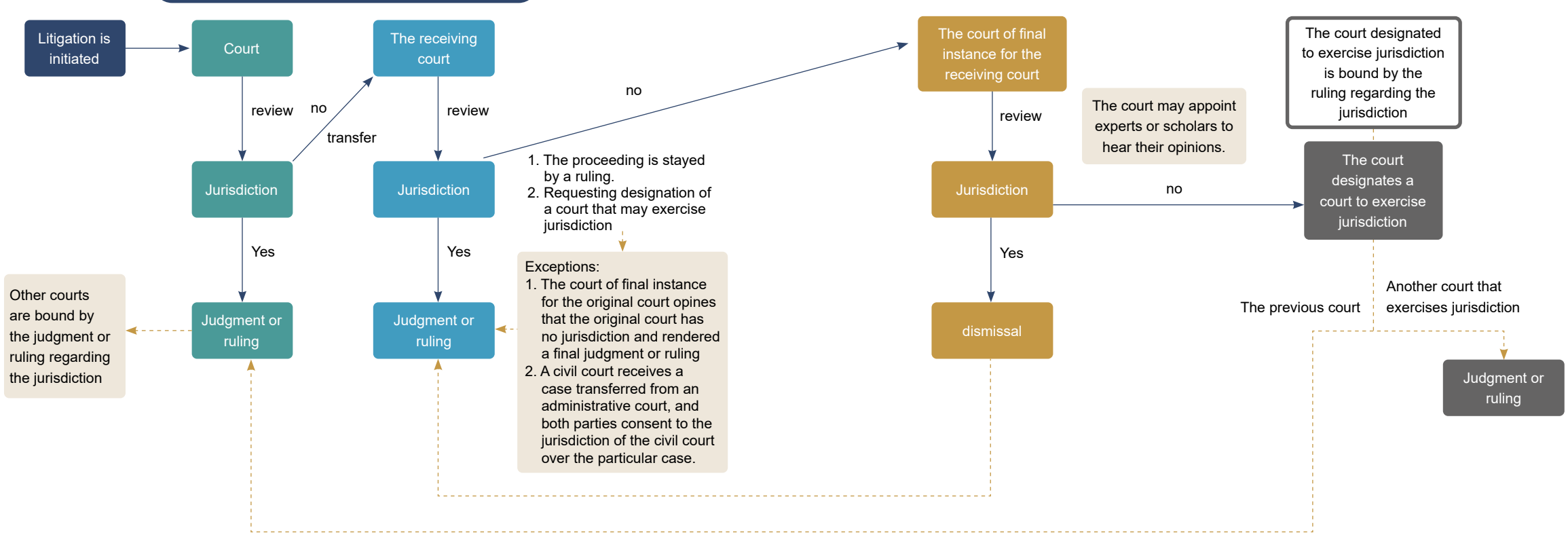
Enforcement of the judgment

XIII. Procedure to Resolve Jurisdictional Disputes



After a plaintiff files a lawsuit, if the court opines that it has jurisdiction and makes a final judgment or ruling, other courts with jurisdiction are bound by the judgment regarding the determination of jurisdiction. If the court opines that it does not have jurisdiction, unless otherwise provided by law, it shall on its own initiative make a ruling to transfer the case to a court that has jurisdiction. If the court to which the case is transferred opines that it does not have jurisdiction as well, it shall stay the litigation process and request the final court of appeal in the judicial system to which it belongs to designate a court with jurisdiction to adjudicate the case.

The Process of Resolving Jurisdictional Conflicts



The Process of Resolving Jurisdictional Conflicts

The court where litigation is initiated

Litigation or another type of matter is initiated at a court

The court reviews whether it has jurisdiction

- The court finds jurisdiction
  - The parties have dispute(s) over jurisdiction → Opinions of the parties are sought and heard → The Court renders a ruling on the issue of jurisdiction (Note) → Judgment or ruling on the merits (Note)
  - The parties have no dispute over jurisdiction → Judgment or ruling on the merits (Note)
- The court finds no jurisdiction → Opinions of the parties are sought and heard → Transfer by a ruling → The court that has jurisdiction

1. If there are multiple courts that have jurisdiction, and the plaintiff chooses one of them, the case shall be transferred to the court chosen by the plaintiff.
2. If there are exigencies before the case is transferred, the court shall make necessary rulings on a party's application or on its own initiative.
3. When a ruling of transfer becomes final, the court clerk shall promptly include the original copy of the ruling into the case files and send the case files to the court that has jurisdiction.

Note

If a court finds jurisdiction and makes a judgment or ruling that becomes final, other courts are bound by the judgment or ruling regarding the issue of jurisdiction.



The Process of Resolving Jurisdictional Conflicts

The court to which the case is transferred (or the receiving court)

The original court transfers the case by a ruling and the ruling becomes final

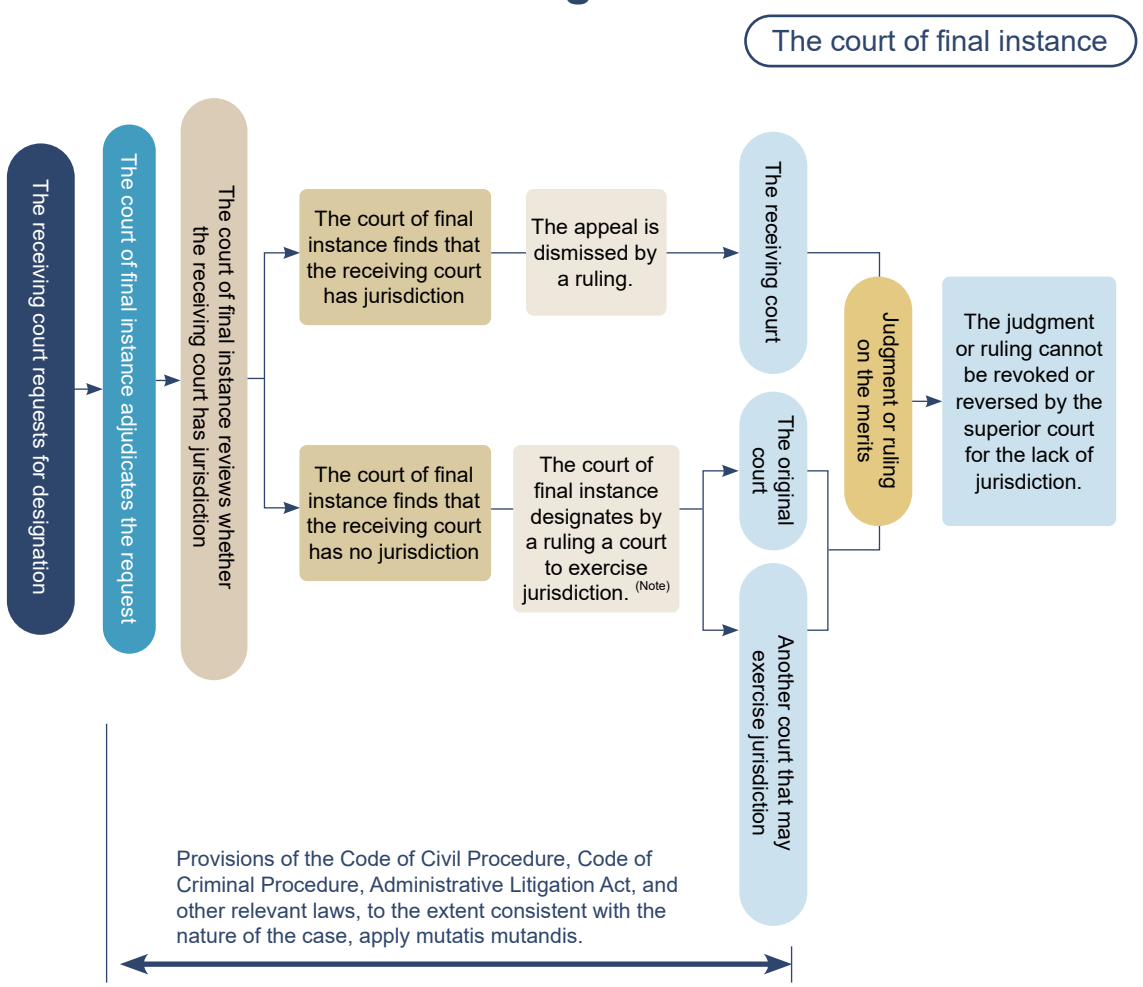
The court to which the case is transferred reviews whether it has jurisdiction

- The court finds jurisdiction → Judgment or ruling on the merits (Note 1)
  - Litigation expenses
    1. When a case is transferred between courts, the litigation expenses are levied in accordance with the rules applicable to the receiving court.
    2. The litigation expenses incurred before the case is transferred is deemed to be part of the litigation expenses incurred at the receiving court.
    3. If the litigation expenses that should have been levied are not levied by the previous court, or too much or too little is levied, the receiving court has to levy the said expenses or inform the court that levy too much to refund the paying parties.
  - The judgment or ruling cannot be revoked or reversed by the superior court for the lack of jurisdiction.
- The court finds no jurisdiction → The court may stay the trial proceedings by a ruling → and request the court of final instance for the system to which the receiving court belongs to designate a court with jurisdiction (Note 2) → The Court of final instance for the system to which the receiving court belongs → 1. Supreme Court 2. Supreme Administrative Court 3. Second-instance Panel of the Disciplinary Court
  - The ruling that stays the trial proceedings may be revoked on a party's application or on the court's initiative
    1. The receiving court shall expeditiously notify the court of final instance adjudicating the request for designation.
    2. When the ruling rendered by the receiving court to revoke the ruling staying the trial proceedings becomes final, the request for designation is deemed to have been withdrawn.
  - The ruling that revokes the stay becomes final → Judgment or ruling on the merits (Note 1)

Note

Note 1: If a court finds jurisdiction and makes a judgment or ruling that becomes final, other courts are bound by the judgment or ruling regarding the issue of jurisdiction.
Note 2: In any of the following circumstances, the rule in Note 1 does not apply:
(1) The court of final instance for the original court renders a judgment or ruling on the basis that the original court has no jurisdiction.
(2) A civil court receives a case transferred by an administrative court, and the parties consent to the jurisdiction of the civil court over the particular case.

The Process of Resolving Jurisdictional Conflicts



Note: The court so designated is bound by the ruling of the court of final instance regarding its finding of jurisdiction.





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