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民主進步黨
Democratic Progressive Party, Taiwan

ROC Constitutional Court's Temporary Ruling Suspend "Expansion of Power" Bills

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To resist the "expansion of power" bills proposed by the Kuomintang (KMT or Chinese Nationalist Party) and Taiwan People's Party (TPP), 51 DPP legislators, the Executive Yuan, the President, and the Control Yuan successively petitioned the Constitutional Court for a constitutional interpretation and a temporary injunction. After hearing opinions from all parties, on July 19th, the Constitutional Court approved the temporary injunction, and **the relevant provisions have been temporarily suspended until the constitutional interpretation is announced.**

The judges based their decision on **maintaining democratic constitutional governance, maintaining the separation of powers, and protecting citizens' rights from undue harm**, and, therefore, temporarily suspended six parts of the bills.

The Court suspended the provision imposing an obligation on the President to give a national report in the Legislative Yuan (LY) because the provision was established in the absence of explicit constitutional stipulations requiring the President to promptly or within a specified timeframe respond to oral or written questions from legislators. This

raises doubts over whether the provision exceeds the LY's authority, thereby violating the principle of separation of powers enshrined in the ROC Constitution.

The Court also indicated that legislators have transformed the constitutional provisions regarding political accountability into laws regulating the exercise of their powers. These laws impose specific legal obligations on the Premier and the heads of various ministries and agencies to respond to legislators, using fines as an enforcement mechanism. This raises concerns about potential violations of the principle of political accountability enshrined in the Constitution and poses a risk of undermining the constitutional spirit of maintaining equality and mutual respect among government institutions.

The Court also suspended provisions regarding "contempt of the LY" and its penalties.

The expansion of the LY's investigation powers, including the authority to request information, review documents, and summon relevant personnel for testimony and questioning, was established by the LY in the absence of explicit constitutional provisions.

Additionally, the provisions on hearings obligated citizens to provide information without clear boundaries regarding the scope of the information, justifiable reasons for refusing to provide information, or a dispute resolution mechanism in case of conflicts. This is a significant infringement on the constitutional rights to privacy, informational privacy, and property.

The expansion of powers bill passed by the KMT and TPP raises concerns about infringing on citizens' privacy and property rights. To prevent significant, irreversible damage to the democratic constitutional order, such as the protection of trade secrets and freedom from self-incrimination, the Constitutional Court has ruled to temporarily suspend the application of the relevant legal provisions until a constitutional interpretation is issued. **The DPP respects the Constitutional Court's decision and is continuing to prepare for the oral debate on August 6th.** We also urge the KMT and TPP to stop any populist rhetoric or attacks on the Constitutional Court judges.

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