

The Need to Study the Right of Search in Taiwan's Administrative Investigation Procedure from the Perspective of Concerted Actions

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Abstract

This article is concerned with the scope of the administrative investigation adopted by the Fair Trade Commission in accordance with the Fair Trade Law. A brief introduction is provided in Section 1, which focuses on the background, motivation and purpose, as well as introducing the scope and methodology of this study. Section 2 refers to the experiences of foreign countries, in which the executive branch is vested with the powers of administrative investigation, and the legal system is based on the principle of proportionality in which the authority to establish an administrative act that is legitimate and appropriate should be in compliance with the law and subject to the norms of the legal principles and limitations set by the administrative authority. Section 3 illustrates the various constitutional facts of life for the people that include within their scope the protection of fundamental rights. Although the Constitution delineates the scope of protection, people can be excluded from the state's interventionist behavior, and so the administrative actions in which the executive authorities are engaged as well as a variety of administrative decisions that it makes must both have legality as their basis. In Section 4, the administrative organs that focus on the protection of consumers are examined. For this reason, all types of consumer disputes will be looked into in order to clarify the facts and responsibilities with a substantial degree of administrative investigation, as long as the judicial powers are in compliance with the administrative powers to protect the interests of consumers. Section 5 explores the plight of the Fair Trade Commission in investigating joint behavior and suggests ways to improve it.

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