
The Introduction of the Investigation measures of the Japan Antimonopoly Act and the Inspiration to Taiwan Fair Trade Law

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Abstract

The Amendment of the Japan Antimonopoly Act in 2005 introduced the compulsory measures for criminal investigations. Thereby Japan Fair Trade Commission may, when necessary to investigate a criminal case, conduct on-site inspection, search or seizure by virtue of a permit issued in advance by court. The Goal of amendment was to strengthen the investigation power of Japan Fair Trade Commission, and erase the constitutional dispute regarding warrant requirement and the right against self-incrimination which was caused by the former rules of administrative investigations.

Taiwan Fair Trade Act was enacted in 1992 and applied almost 20 years; however the related discussions have been emphasized on substantial subjects, and left procedural matters with less consideration. Therefore this paper tries to introduce the investigation measures of the Japan Antimonopoly Act and give suggestion to investigation procedure of Taiwan Fair Trade Law, hoping to give a reference for the further amendment of Taiwan Fair Trade Law.

Keywords: The Antimonopoly Act, Administrative Investigations, Criminal Investigations, Warrant Requirement, the Right against Self-incrimination, Data Utilization.