

第五、六次修憲國會制度改革 相關議題之政治邏輯與法理分析*

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第五、六次修憲議題發展的主軸為集中在國民大會制度的國會改革。一九九九年的第五次修憲係以無記名方式表決通過了依附立法院選出的政黨比例代表制新國大，但其中聲稱配合選舉時程調整的延長第三屆國大代表任期的方案，卻因輿論的反彈，而導致立法院聲請司法院大法官就該增修條文進行釋憲，終於在二〇〇〇年第十任總統選舉後有〈司法院大法官議決釋字第四九九號解釋〉出爐，而以修憲程序違憲為由宣告第五次修憲條文全部無效。在第四屆國大選舉行將展開之際，第三屆國大乃迅速進行第六次修憲，而通過以準公民複決為其精神的任務型新國大，一舉解決困擾憲改經年的國大問題，並賦予立法院更為完整的國會權能，使我國國會制度之改革終於走入正軌。

關鍵詞：憲政改革、憲法解釋、國民大會、比例代表制

**Articles on the Constitution
of the Republic of China:
Political Logic and Legal Analysis of
the Items about Legislative System Reform
for the Constitutional Amendment
for the Fifth and Sixth Time**

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ABSTRACT

The major issue of the Fifth and Sixth Constitutional Reforms in Taiwan was the reform of the legislative system especially in respect of the National Assembly. The Fifth Constitutional Reform in 1999 established a system of proportional representation, based on the share of the popular vote each party received in legislative elections by secret voting, but at the same time it extended the term lengths of National Assembly delegates for the reason for regulating election schedules. Under pressure from public opinion, the Legislative Yuan asked the Grand Justices to invalidate these sections. Eventually, because of procedural errors in their passage, all the sections of the Fifth Constitutional Amendments

were declared invalid by the 499th Constitutional Interpretation, made after the presidential election in 2000 by the Council of Grand Justices. When the upcoming election of the National Assembly delegates was going to be held, the National Assembly delegates rapidly conducted the Sixth Constitutional Reform and established a new quasi-referendum system for a so-called “mission-based” National Assembly. This solved the hindrances to Constitutional Reform long posed by the National Assembly, and transferred more integrated legislative powers and functions to the Legislative Yuan. The reform of the legislative system thereafter moved onto the correct path.

Key Words: Constitutional Reform, Constitutional Interpretation,
National Assembly, Proportional Representation