

摘要

台灣立法者對於多數人犯罪，所採取的解決方式是訂立「組織犯罪防制條例」及「檢肅流氓條例」加以因應。組織犯罪防制法於1996年訂立以來，迄今已逾10年，從未見任何文獻探討該立法之成效如何。本文參照聯合國打擊組織性犯罪公約、德國與日本對於多數人犯罪的立法模式，並檢驗我國立法院公報及檢索相關司法判決後，逐步歸納上述各國的立法模式並檢討其利弊。最後提出兩種立法模式，以期為未來修法之參考。

關鍵詞：組織犯罪防治條例、檢肅流氓條例、聯合國打擊組織性犯罪公約、多數人犯罪

Abstract

When Legislators facing multiple crimes/group crimes, their approach to resolve this matter is to enforce the “Organized Crime Prevention Act” and “Gangster Prevention Act”. Organized Crime Prevention Act has been enacted since 1996, but for the past years, no one has examined whether the effects of the Acts correspond with the legislative purposes. In this Article, by referring to “United Nations Convention against Transnational Organized Crime”, as well as German and Japanese legislation mode on multiple crimes/group crimes, also examining “The Legislative Yuan Gazette of Republic of China” and the relevant judgments of the judicial organ, the author takes steps to categorize the above-mentioned legislations from different countries and compares the advantages and disadvantages thereof. Finally the author reproduces two suggestions on legislative models, which hopefully can be used as reference for future legislation amendment of the above mentioned Acts.

Key words: Organized Crime Prevention Act, Gangster Prevention Act, United Nations Convention against Transnational Organized Crime, multiple crimes/group crimes.