# 郭欽銘 教授(現任法學組組主任,民事法研究中心召集人)

#### Professor Kuo, chin-ming

(Current Director of the Law Group and Convener of the Civil Law Research Center)

## 學歷:

國立政治大學法律系博士 國防管理學院法律系碩士 政治作戰學校法律系學士

## **Education:**

Ph.D., National Chengchi University

Master of Law, School of Defense Management

Bachelor of Law, Political Operations School

## 專長:

親屬法、繼承法、家事事件法、商事法、陸海空軍刑法、軍事審判法

## **Expertise:**

Family law, inheritance law, Family Procedure Act, commercial law, land, sea and air force criminal law, military trial law

## 教授科目:

民法總則、親屬法、繼承法、家事事件法、陸海空軍刑法、軍事審判法

## **Teaching subjects:**

General Principles of Civil Law, Family Law, Inheritance Law, Family Procedure Act, Land, Sea and Air Force Criminal Law, Military Trial Law experience

## 經歷

#### **Experience**

日本國立名古屋大學法學院客座研究員

Visiting Fellow, School of Law, Nagoya University, Japan

國防大學管理學院法律系專任副教授

Adjunct Associate Professor, Department of Law, School of Management, National University of Defense

國防管理學院法律系專任助理教授

Full-time Assistant Professor, Department of Law, National Defense Administration 開南大學法律系兼任副教授

Adjunct Associate Professor, Department of Law, Kainan University 臺北商業技術學院財政金融系兼任副教授

Adjunct Associate Professor, Department of Finance, Taipei Institute of Business

### Technology

景文科技大學財務金融系兼任副教授

Adjunct Associate Professor, Department of Finance, Jingwen University of Science and Technology

東海大學餐旅系兼任副教授

Adjunct Professor, Department of Hospitality, Tunghai University

長庚大學工商管理學系兼任助理教授

Adjunct Assistant Professor, Department of Business Administration, Chang Gung University

憲兵學校兼任講師

Adjunct Lecturer at Gendarmerie School

憲兵學校軍法教官

Military Law Instructor in Gendarmerie School

國防部軍法司軍法官

Judge of the Military Division of the Ministry of Defence

憲兵司令部 軍法處主任軍事審判官

Gendarmerie Command Military Judge

## 專書

## Monograph

- 1.郭欽銘,《民法系列—贈與》,三民書局股份有限公司,2008年4月。
- 1. Guo chinming, Civil Law Series-Gifts, Sanmin Book Company Limited, April 2008.
- 2.郭欽銘,《家事事件法逐條解析》,元照出版公司,2019年2月。
- 2. Guo chinming, "Article by Article Analysis of Family Incident Law", Yuanzhao Publishing Company, February 2019.
- 3.郭欽銘·盧文德,《陸海空軍刑法逐條釋義》,元照出版公司,2014年3月。
- 3. Guo chinming. Lu Wende, "Article-by-Article Interpretation of the Criminal Law of the Land and Sea Air Force", Yuanzhao Publishing Company, March 2014.
- 4.《成年監護與長期照護之研究》,家族法新課題-陳公棋炎先生九十晉五冥壽紀 念論文,元照出版公司,2017年1月。
- 4. "Research on Adult Guardianship and Long-term Care", New Issue of Family Law-Mr. Chen Gongqiyan's Commemorative Thesis of Nineties and Five Minutes, Yuanzhao Publishing Company, January 2017.
- 5.《兩岸關係條例身分法若干問題之研究》,身分法之回顧與前瞻-戴東雄教授八

秩華誕祝壽論文集,元照出版公司,2017年8月。

- 5. "Study on Several Issues of Identity Law in Cross-Strait Relations Regulations", Review and Prospect of Identity Law-Proceedings of Professor Dai Dongxiong's Eighth Birthday Celebration, Yuan Zhao Publishing Company, August 2017
- 6.郭欽銘、《親屬案例式》、五南圖書出版有限公司、2019年9月。
- 6. Guo chinming, "Case of Relatives", Wunan Book Publishing Co., Ltd., September 2019.
- 7.郭欽銘,《繼承案例式》,五南圖書出版有限公司,2020年2月。
- 7. Guo chinming, Case Study of Inheritance, Wunan Book Publishing Co., Ltd., February 2020.

## 期刊

#### Journal

- 1.《民法親屬編施行法第六條之一溯及效之理論與實務》,政大法學評論,第 64 期,2000 年 12 月。
- 1. "Theories and Practices of Retrospective Effect of Article 6 of the Civil Law Enforcement Law," Political Science and Law Review, Issue 64, December 2000.
- 2.《民初大理院夫妻財產制判例之研究》,律師雜誌,第260期,2001年5月。
- 2. "Research on the jurisprudence of husband and wife property system in Dali University in the early Republic of China", Lawyer Magazine, No. 260, May 2001.
- 3.《特留分扣减權之研究》,軍法專刊,第47卷7期,2001年7月。
- 3. "Study on the Right of Special Deduction", Military Law Special Issue, Volume 47, Issue 7, July 2001.
- 4.《臺灣日治時期之身分法制》,律師雜誌,第268期,2002年1月。
- 4. "The Legal System of Identity in Taiwan during the Japanese Rule", Lawyer Magazine, No. 268, January 2002.
- 5.《論剩餘財產分配請求權》,政大法學評論,第69期,2002年3月。
- 5. "On the Right to Claim the Distribution of Residual Property," Political Science and

Law Review, No. 69, March 2002.

- 6.《軍事事故與國家賠償(上)》,軍法專刊,第48 卷 8 期,2002 年 8 月。
- 6. "Military Accidents and State Compensation (I)", Military Law Special Issue, Volume 48, Number 8, August 2002.
- 7.《軍事事故與國家賠償(下)》,軍法專刊,第48卷9期,2002年9月。
- 7. "Military Accidents and State Compensation (Part 2)", Special Issue of Military Law, Vol. 48, No. 9, September 2002.
- 8.《我國通常法定夫妻財產制之研究》,軍法專刊,第 50 卷 11 期,2004 年 11 月。
- 8. "Research on China's Common Legal Marital Property System", Military Law Special Issue, Vol. 50, Issue 11, November 2004.
- 9.《論臺灣地區與大陸地區夫妻財產制之比較與準據法適用之研析》,軍法專刊,第51卷2期,2005年2月。
- 9. "On the Comparison of the Marital Property System in Taiwan and Mainland China and the Research on the Application of Governing Law", Military Law Special Issue, Volume 51, Issue 2, February 2005.
- 10.《論中、日兩國通常法定夫妻財產制之比較研究》,軍法專刊,第 51 卷 5期,2005 年 5 月。
- 10. "A Comparative Study of the Common Legal Marital Property System in China and Japan", Special Issue of Military Law, Vol. 51, No. 5, May 2005.
- 11.《論夫妻間自由處分金之研究》,軍法專刊,第51卷11期,2005年11月。
- 11. "On the Study of Free Punishment between Husband and Wife", Special Issue of Military Law, Vol. 51, Issue 11, November 2005.
- **12.**《論重婚之界定與信賴保護原則》,月旦民商法雜誌,第 **13** 期,2006 年 **9** 月。
- 12. "On the definition of bigamy and the principle of trust protection", Yuedan Civil and Commercial Law Journal, No. 13, September 2006.
- 13.《夫妻財產制之研究方法》,軍法專刊,第53卷2期,2007年4月。
- 13. "Research Methods of Marital Property System", Special Issue of Military Law, Volume 53, Issue 2, April 2007.

- **14.**《父母以外第三人對未成年人之會面交往》,戴東雄教授七秩華誕祝壽論文編輯委員會,元照出版有限公司,**2007**年8月初版第一刷。
- 14. "Interpersonal Meetings with Third Persons Other than Parents to Minors", Professor Dai Dongxiong's Seventh Birthday Birthday Editing Committee, Yuanzhao Publishing Co., Ltd., the first edition of the first edition in August 2007.
- 15.《剩餘財產分配請求權相關問題研究》,東吳法律學報,第 19 卷第 3 期, 2008 年 1 月。
- 15. "Research on Issues Related to the Claim of Residual Property Distribution", Soochow Law Journal, Vol. 19, No. 3, January 2008.
- 16.《評析司法院大法官釋字第 620 號解釋後宜落實立法免生法適用上之爭議》,華岡法粹,第 49 期,2011 年 3 月。
- 16. "Analysis of the Disputes on the Application of Legislative Exemption Law after the Interpretation of Justice No. 620 of the Justice of the Judiciary", Hua Gang Law, No. 49, March 2011.
- **17**.《夫妻剩餘財產分配請求權溯及效力之範圍-最高行政法院九十八年度第二四四號裁定》,月旦裁判時報,第 **16** 期,**2012** 年 **8** 月。
- 17. "Scope of Retrospective and Validity of Marital Residual Property Distribution Claim Right-Ruling of the Supreme Administrative Court No. 2444", Yuedan Judgment Times, Issue 16, August 2012.
- 18.《2009 年民法繼承編暨其施行法相關問題之研究》, 華岡法粹, 第 54 期, 2012 年 11 月。
- 18. "2009 Civil Law Inheritance and Research on Issues Related to Its Enforcement", Hua Gang Fa Cui, No. 54, November 2012.
- 19.《論台灣與日本成年監護制度之比較與研究》,華岡法粹,第 55 期,2013 年 4 月。出版日期請更改為:2013 年 10 月。
- 19. "On the Comparison and Research of the Adult Guardianship System between Taiwan and Japan", Hua Gang Fa Cui, No. 55, April 2013. Please change the publication date to: October 2013.
- **20**.《論我國家事制度之新面貌》,月旦法學知識庫 (http://www.lawdata.com.tw),2013年8月。

- 20. "On the New Face of Our Country's Affairs System", Yuedan Legal Science Knowledge Base (http://www.lawdata.com.tw), August 2013.
- **21.** 《否認子女之訴相關問題之研究 評最高法院 **100** 年度臺上字第 **370** 號判 決》,輔仁法學,第 **52** 期,**2016** 年 **12** 月。
- 21. "Research on the Issues Concerning Denial of Children's Proceedings-Comment on the Supreme Court Judgment No. 370 of the Supreme Court of the Year 100", Fu Ren Law Science, No. 52, December 2016.
- 22. 《海峽兩岸空間權與地上權之比較與研究》,海峽法學,卷 18 第 3 期, 2016 年 9 月。
- 22. "Comparison and Study of Space Rights and Above-Strait Rights on Both Sides of the Taiwan Strait", Straits Law, Volume 18, Number 3, September 2016.
- 23.《拋棄繼承之無效與繼承權之侵害理論與實務之研究-評析最高法院 103 年度 台上字第 1671 號民事判決》, 法令月刊, 第 69 卷第 8 期, 2018 年 8 月。
- 23. "Research on the Theory and Practice of Abandoning the Invalidation of Inheritance and the Infringement of Inheritance Right-Comment on the Civil Judgment of Taishangzi No. 1671 of the Supreme Court of the Year 103", Decree Monthly, Vol. 69, No. 8, August 2018.
- 24. 《司法院釋字第 748 號解釋施行法草案之研析》,全國律師,6 月號,2019 年 6 月。
- 24. "A Study of the Draft Interpretation of the Draft Law on the Interpretation of the Law No. 748 of the Court of Justice", National Lawyer, June issue, June 2019

## 研討會論文

## Seminar papers

- 1. 《評析司法院大法官會議釋字第 620 號解釋後宜落實立法免生法適用上之爭議》,全球化時代兩岸財經法制與人權保障之實踐與展望,中國文化大學法學院法律學系公法暨勞動法研究中心、台灣大學法律學系財稅法學研究中心,2011 年 4 月 19 日。
- 1. "Analyze the Dispute over the Application of Legislative Immunity Law after the Interpretation of the No. 620 of the Meeting of the Justices of the Division of Justice", Practice and Prospects of Cross-strait Financial Legal System and Human

Rights Protection in the Globalization Era Public Law and Labor Law Research Center, Finance and Tax Law Research Center, Department of Law, Taiwan University, April 19, 2011.

- 2.《2009 年民法繼承立法趨勢之研究》,中國文化大學民事法研究中心,2011 年 11 月 3 日。
- 2. "Research on the Trend of Legislation of Civil Law Inheritance in 2009", Research Center of Civil Law, China Cultural University, November 3, 2011.
- 3.《今日台灣之收養法評析》,中國人民大學與中國文化大學法學研討會兩岸民商法學問題研究,2011年11月24日至2011年11月25日。
- 3. "Analysis of Adoption Law in Taiwan Today", Research on Cross-Strait Civil and Commercial Law Issues at the Renmin University of China and China Cultural University Law Seminar, November 24, 2011 to November 25, 2011.
- 4.《中日兩國成年監護制度類型之研究》,中國文化大學法學院 100 學年度第 2 學期民事法研究中心學術研討會,2012 年 5 月 25 日。
- 4. "Study on the Types of Adult Guardianship System in China and Japan", Academic Seminar of the Civil Law Research Center of the Second Semester of the 100 School Year of the Chinese Culture University Law School, May 25, 2012.
- 5.《海峽兩岸軍人違反職責罪之比較研析》,中國文化大學法學院 100 學年度刑事法中心學術研討會【數人犯罪】,2012 年 5 月 3 0 日。
- 5. "A Comparative Study of Offences by Military Personnel on Both Sides of the Straits", Academic Symposium of the 100-year Criminal Law Center of the School of Law, Chinese Cultural University, [Several Crimes], May 30, 2012.
- 6.《論我國家事制度之新面貌》,中國文化大學法學院法律學系民事法研究中心 學術研討會,2012年11月19日。
- 6. "On the New Face of the National Affairs System", Academic Seminar of the Civil Law Research Center, Department of Law, China Culture University Law School, November 19, 2012.
- 7.《論台灣家事事件法之變革》,兩岸和平發展論壇,北京會議中心,2013年8月15日。
- 7. "On the Reform of Taiwan's Family Incident Law", Cross-Strait Peace Development Forum, Beijing Convention Center, August 15, 2013.

- 8.《台灣地區大法官解釋制度及對兩岸關係之影響》,福州大學法學院, 2017年 2月。
- 8. "The interpretation system of judges in Taiwan and its impact on cross-strait relations", Law School of Fuzhou University, February 2017.
- 9. 《兩岸關係條例身分法若干問題之研究》,中國文化大學法學院法律學系, 2017年5月。
- 9. "Study on Several Issues of the Identity Law of the Cross-Strait Relations Regulations", Department of Law, School of Law, China Cultural University, May 2017.
- 10.《臺灣任意監護法案之介紹》,韓國漢陽大學監護信託研究中心和忠北大學 法學研究所以及韓國成年監護學會共同舉辦的國際成年監護專家會議,2017年 12月16日。
- 10. "Introduction to Taiwan's Arbitrary Guardianship Act", an international adult guardianship expert conference co-sponsored by Hanyang University Guardianship Trust Research Center, Chungbuk University Law Institute and Korea Adult Guardianship Society, December 16, 2017
- 11. 《2019 年海峽法學論壇-營商環境的法治保障-建設國際化營商環境的法律問題-以產業創新與競爭力為中心探討》,福建省文化經濟交流中心,2019 年 8 月 17 日。
- 11. "Straits Law Forum 2019-Legal Protection of the Business Environment-Legal Issues in Building an International Business Environment-Discussion on Industrial Innovation and Competitiveness", Fujian Cultural and Economic Exchange Center, August 17, 2019.

## 研究計畫

#### Research Project

- 1. 獲行政院國家科學委員會 2004 年度博士生國外研究補助公費,赴日本國立 名古屋大學法律研究所研究(民國 92 年 12 月 29 日臺會合字第 0920065957 號 函)。
- 1. Obtained public research subsidy of 2004 for PhD students from the National Science Council of the Executive Yuan, and went to the National Institute of Law, Nagoya University, Japan for research (Taiwan Huizi No. 0920065957 of December 29, 1992).

- 2.《年輕人才國外研修業務之法律問題研究》案號:100s-010,「行政院國家科學委員會」委請研究,2011 年 9 月 1 日至 2012 年 10 月 31 日。
- 2. "Research on the Legal Issues of Young Talents' Overseas Training Business" case number: 100s-010, "National Science Council of the Executive Yuan" commissioned research, September 1, 2011 to October 31, 2012.
- 3. 《論身心失能與長期照顧財產信託之研究》案號:105CFD0700058,行政院科技部,2016 年 2 月 15 日至 2017 年 3 月 31 日。
- 3. "Research on Physical and Mental Disability and Long-term Care Property Trust" Case No .: 105CFD0700058, Ministry of Science and Technology of the Executive Yuan, February 15, 2016 to March 31, 2017.