

Abstract

Administrative contract is one of administrative behaviors that introduces concept of private laws into the domain of public laws and enables state organs to achieve their public task by flexible behaviors. The time our county included it into official legal system was later than Germany and France of the European Continent's legal system. However, due to the political atmosphere that has experienced transition to democracy, the application to practical affairs is becoming more frequent. In cross-area affairs such as tax consultations, administrative settlement, contract out, prevention of public nuisances, there is room for its application.

Since the streamlining of Taiwan Provincial Government in 1997, the supporting Local Autonomy Act has clearly divided the tasks of local autonomy bodies into autonomous affairs and delegated affairs. Through the establishment of autonomous affairs, it is hoped that the local autonomy bodies could put the idea of "decentralization" into practice that every local government could bring the full play of characteristics of its locality under the mandate of power and capabilities. However, because Article 24 and Article 25 of Local Autonomy Act have some loopholes in regulating cross-area affairs and mention only a little about jurisdiction right, there are no clear regulations on the concrete models for dealing with cross-area affairs.

Based on the recognition of above-mentioned issues, some of academic circles and practical circles have acknowledged that the application of administrative contracts to deal with cross-area affairs was a better model that gave consideration to both autonomy and effectiveness. Therefore, the research was going to achieve following three objectives:

- 1.The exploration of natures of administrative contract and cross-area affairs;
- 2.The exploration of possible models for solving cross-area problems;
- 3.The exploration of legal theory of implementing across-area

cooperation by an administrative contract.

The approach of research is “formal-legal approach” in the domain of political science. It adopted methods of documentary analysis and comparative analysis. Firstly, it explored the natures of administrative contract and cross-area affairs in Chapter I and Chapter II in which the related theories and legal norms and regulations were analyzed after collecting related documents at home and abroad. Citing the experiences of development in foreign countries, it also explored the feasibility of application of administrative contract in Taiwan.

In Chapter IV and Chapter V, the effect of law of application of administrative contracts to handle cross-area affairs and problems in reaching agreement or fulfilling agreement of administrative contract were explored and discussed, the conditions of handling cross-area affairs by administrative contracts were listed and divided into types and the effects and limits of cross-area cooperation contracts in the conditions stipulated in current laws of Taiwan were also explored. Besides, it described the limits under our legal basis that may face in practical application of parties, targets, fulfilling debt, acquisition of creditor’s rights and responsibility sharing of reaching agreements in administrative contracts.

The conclusions were introduced and the issues found during the process of research, related academic follow-up researches or the recommendations for the development of practical matters were described in Chapter VI.

Key word : administrative contract ; cross-area affairs ;
local autonomy act ; across area cooperation ;
cross-regional management