

憲政改造過程中地方制度設計之檢討與前瞻  
Reviews and Prospects of Local Government Systems in Constitutional Reforms

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中文摘要

憲法係一國之根本大法，舉凡國民權利義務之規範、政府體制之運作以及國家未來之發展均繫於憲法之規範，甚且憲法更蘊含人性尊嚴與自由民主之憲政秩序，此即憲政發展的核心價值，故欲求國家體制得以運行不墜，人民基本權利能夠獲得確保以及擘畫未來宏觀願景均有賴於制定一部契合時宜的憲法法典，以做為國家永續發展之基石並表彰一國捍衛民主自由價值的堅定信念。時 面臨來自國內外各種壓力與挑戰，形構自由民主的運作秩序有賴堅實的法制基礎以及適合斯土斯民的國家及地方制度，尤其地方力量所發揮的影響力不容忽視，如何透過憲政改革建構適合我國國情的地方制度實仍當務之急。然地方制度規範畢竟增繁多涉，若未能以多元角度加以省思精探，要構建一套得以因應時局攸然變遷的地方制度死係遙遠夢想，因而要確立永續發展的地方制度，首應釐清既有爭端與問題所在。次而前瞻未來走向，並訂定合宜國情發展的制度。有鑑於此，本研究首將探析地方制度與地方自治之要旨，尋繹地方制度賴以存立之憲法基礎，探討憲法對地方自治保障之型態；次而由歷史面向探尋我國憲政發展軌跡，從憲政變遷過程中瞭解地方制度接續相承的脈絡，從中整理地方制度設計之移異，以銜接當今變化之勢；最後則以整合觀點思索並提出符合現階段發展的若干地方制度建議。

關鍵字：地方制度；地方自治；憲法；省；縣市；鄉鎮市

## Abstract

The Constitution stands as the supreme legal basis of a nation, including people's rights and obligations, exercising of governmental systems, and the nation's future development. More importantly, human dignity and free, democratic constitutional order are encompassed in the Constitution. Therefore, exercising firmly in institutional systems, safeguarding human rights, planning comprehensive visions are depended on a relevant constitution. It will be the basis of a nation's sustainable development and represent firm belief guaranteeing democratic and free value. Faced with challenges of internal and external environments, free and democratic constitutional order is depended on stable legislation and viable systems for the nation and local authorities. The influence of local power is not neglected in particular, how to establish the concrete and realistic local systems through the constitutional reforms will be an important task. After all, local systems are complex and highly changeable, it is impossible that reframing local systems to deal with fickle situations. Accordingly, in order to set up a sustainable local system, local issues and problems must be found firstly, then the future vision should be structured and relevant institutions can be made. Based these anticipation, the study aims to probe the essential thoughts of local self-governments firstly, to search the foundation of local government in the constitution, to explore guaranteeing styles about local self-governments in the constitution. Secondly, the evolvement of constitutional development will be discussed by the way of a historical view, the change of Taiwan's local systems in history can be understood. By doing so, we can understand the transformation in Taiwan's local systems to handle the situations. Finally, the suggestions for local systems are proposed through an integrated speculation.

**Key words :**Local system; Local self-government; Constitution; Province; County