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# Same-Sex Marriages in Taiwan Private International Law

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## Abstract

Act for Implementation of J.Y. Interpretation No. 748 only made relevant substantive laws on same-sex marriage in Taiwan, but there was no clear text on how the law should be applied to same-sex marriage involving foreign elements. Taiwan legal system is not completely the same in terms of applicable laws to marriages with the mainland area people, marriages with the Hong Kong and Macao area people, and marriages with foreign people, making the same-sex marriages involving foreign elements more complicated in the application of law.

How should Taiwan legal system characterize “same-sex marriage”? Regarding the law governing foreign same-sex marriage, could the law governing marriage also apply? They are the core issues of Taiwan conflict of laws over same-sex marriage involving foreign elements. This article uses comparative legal analysis methods to analyze the mentioned issues and tries to give some specific advices to our judicial practice workers.

**Keywords:** Private International Law, Foreign Marriage, Same-Sex Marriage, Registered Partnership, Lex Patriae

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