

中央與地方府際衝突之研究

摘要

1999 年地方制度法施行以來，地方極力爭取自主權，中央與地方自治團體間衍生多次衝突，爭議之層面涵括地方財政權、立法權及人事權等地方自治核心領域。針對中央地方衝突，司法院大法官作出多號解釋，惟並未定紛止爭，突顯出建立中央地方衝突解決機制之必要性。

本論文選擇五個衝突個案，分別是財政衝突的統籌分配稅款及地方積欠健保政府補助款；立法衝突之行動電話基地台自治條例牴觸案及台北市里長延選案；人事權衝突之縣市警察局長任免案。先以府際關係理論進行鉅觀分析，分析其府際關係網絡圖，突顯其網絡利害關係人，如何進行聯合或對抗。次以賽局理論分析中央地方之賽局策略選擇過程，進而賽局及報酬模擬分析。

期望透過各類型中央地方府際衝突個案研究，提出解決下列問題。一、釐清中央地方府際衝突之影響因素？二、究竟何為中央地方權限爭議解決機制？三、台灣府際衝突之關係網絡圖像為何？四、府際衝突賽局中之博弈過程模式為何？

本研究提出四項結論。一、法律與制度變遷與府際衝突交互運作影響；二、政黨對立為府際衝突最關鍵影響因素；三、建立多元之協調解決機制，為解決府際衝突之有效措施。四、提出全觀型府際賽局理論，以詮釋我國府際關係衝突現象。

本研究並提出五項建議，有助於未來我國府際關係正向發展，一、釐清府際衝突深層網絡關係結構，二、擴大跨域合作府際關係，三、追求中央與地方府際之最適效益，四、邁向多層次之地方治理，五、體認「地方自治為憲法制度性保障」之真諦。

關鍵字：地方自治、中央地方府際衝突、地方立法權、司法院大法官解釋、地方財政權、統籌分配稅款、府際關係、地方治理、賽局理論、零和賽局。

The Research on Conflicts between Central and Local Governments

Abstract

Since the Local Government Act enacted in 1999, local governments strive for local autonomy; therefore some supervisory conflicts aroused between central and local government. Those conflicts related to law autonomous enactment, finance autonomous rights and personnel rights. Despite Judicial Interpretation No.550 and 553 had review above conflicts, disputes still remained unsolved, which proclaimed the importance of constructing the reconciliatory mechanism of conflicts.

This study tries to analyze five conflict cases including tax redistribution fund, premium of National Health Insurance, cellular phone base management local act, the prolonged election of Taipei li-chairman and incumbency of police bureau chief.

Four conclusions are drawn as below, first, legal and system change will affect the IGR conflicts mutually. Second, parties antagonism is a crucial factor for IGR conflicts. Third, multi reconciliatory mechanism of conflicts would be efficient, a holistic game theory could interpret those conflicts.

The last chapter proposes recommendations such as to clarify the IGR networks structure, broaden the cross-boundary cooperation, pursuit the optimal payoffs, work towards a multi-level governance and comprehend the core meaning of “local autonomy as a system assurance”.

Keywords: local autonomy, conflicts between central and local governments, local legislative power, Judicial Review, local government finance, the allocation of financial revenues and expenditures, tax redistribution fund, intergovernmental relations, local governance, game theory, zero-sum game.