Recent Trends of Law & Regulation in Korea

Focusing on Business and Investment

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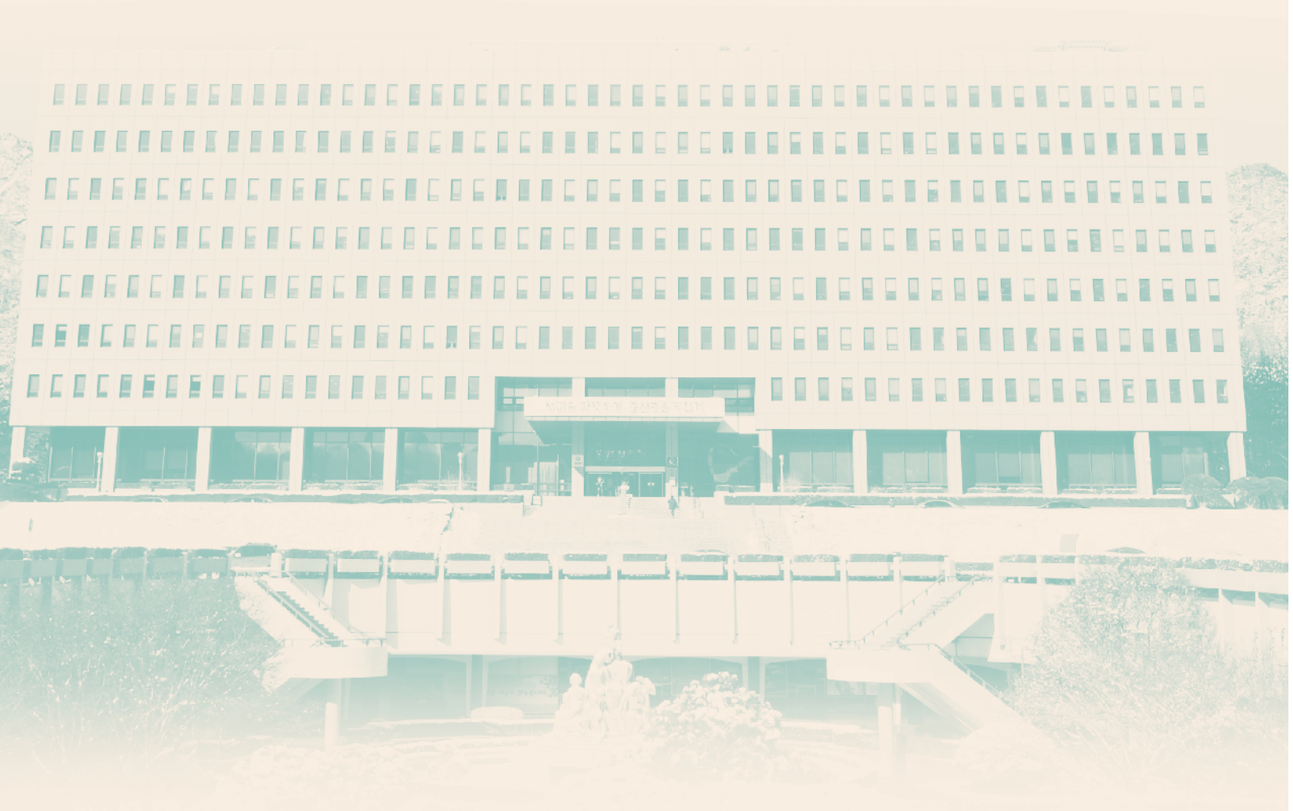
Ministry of Justice at a Glance

- The Hague Convention on the Civil Aspects of International Child Abduction

Law in your Daily Life

- Fine Dust



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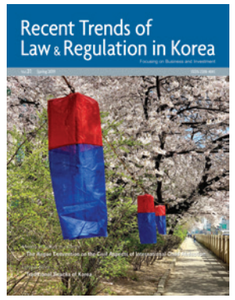

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Enactments and Amendments of Law

NOTE: The translation is NOT official. It only serves as a guideline.

01 Equal Employment Opportunity and Work-Family Balance Assistance Act

Act No. 15109, Nov. 28, 2017, Partial Amendment

Legislative Intent

Aims/Intends to expand the scope of sexual harassment in the workplace, strengthen education to prevent sexual harassment, increase the duty of business owners to take measures in the event of sexual harassment in the workplace, and promote maternity protection by introducing a vacation system for the treatment of infertility.

Main Contents

Ⓐ Pin the definition of "sexual harassment on the job", the content of sexual harassment related to disadvantages shall also include "disadvantages in working conditions" (Article 2.2)

Ⓑ Reinforcement of prevention and commissioned education for sexual harassment in the workplace (Articles 13, 13.2.2, 39.2.1.2 and 39.2.1.3 are newly inserted)

Employers are required to provide education for preventing sexual harassment at work every year, to always post or provide sexual harassment prevention education in a place where workers can freely access the contents, and to make sexual harassment prevention and prohibition measures mandatory. In the case of entrustment of education, it is necessary to notify the consigning agency in advance what should be included in the preventive education. The requirements for the cancellation of the designation of the trusting institution, such as poor performance, are strengthened, and the fine of 5 million Korean won or less is imposed when the employer does not provide sexual harassment prevention education or notify workers of the education.

Ⓒ Reinforcement of the duty of the employer to deal with sexual harassment in the workplace (Article 14, Article 37.2.2, Article 39.2.1.4~7 are newly inserted)

The decision allows anyone to report the occurrence of sexual harassment to the employer, requires employers who are notified or informed of the occurrence of sexual harassment at work to investigate the truth and to take protective measures such as changing workplace or providing paid vacation for the victim, requires employers to take protective measures for the victim and take disciplinary measures against the offender when the occurrence of sexual harassment is confirmed, demands employers to prohibit unfavorable treatment against the victim of sexual harassment, including disadvantageous status, unfair personnel measures, or wage discrimination. If an employer provides disadvantageous treatment to the worker who reported sexual harassment at work as well as victims themselves, he or she is sentenced to up to three years in prison or fined not more than 3 million won. If an employer fails to conduct the investigation duty, victim protection measure, disciplinary action against the offender or if the person involved in the sexual harassment investigation reveals a secret, a fine of 5 million won or less is imposed.

Ⓓ Obligation of employer measures in the case of sexual harassment by customers (Article 14.2.1, Article 39.3.1.2 are newly inserted)

In case of sexual harassment caused by customers, it is obligatory for the employer to take appropriate measures such as changing workplace, relocation, or providing paid vacation, when requested by the damaged employee. When the employer fails to conduct his/her duty, 3 million won or less is imposed.

Ⓔ Vacation newly established for infertility treatment (Article 18.3 and Article 39.2.3.2 are newly inserted)

In a case where an employee requests vacation to receive treatment for infertility such as artificial insemination, the employer shall give vacation within three days of the year, and the employer shall not give dismissal, disciplinary or any other disadvantageous measure to the employee. If an employee refuses to give vacation for infertility treatment when requested, 5 million or less is imposed.

02 Act on Welfare of Persons with Disabilities

Act No. 15270, Dec. 19, 2017, Partial Amendment

Legislative Intent

In order to reflect the reform of the disability rating system, the Act replaces the term "disability grade" with the term "the degree of disability", and it intends to have prepared a legal basis for implementing 'Service support comprehensive survey' in order to provide customized services. Regarding support for independent living, the target range of responsibility of the state and local governments is expanded from the severely disabled to the disabled, and welfare blind spots are eliminated by providing basis for visiting consultation and case management for disabled people.

In order to strengthen prevention and after-service support for abuse of the disabled, various measures necessary to reinforce the functions of advocacy organizations for persons with disabilities are prescribed by law. And to provide more effective protection for persons reporting abuse of the disabled and sex crimes against the disabled, some provisions of the 「Protection Act for Reporters of Specific Crimes」 apply mutatis mutandis and the prohibition of disadvantageous measures against the reporting person is stipulated.

In addition, the Act stipulates the addition of recognized refugees to foreigners who can register as the disabled, the abolition of the certification system of products produced by the handicapped, which was in fact of no use, and expanded application of the obligation to prohibit secret leakage from the handicapped welfare consultants to public officials and trustees.

Main Contents

Ⓐ The Act requires the state and local governments to provide materials in both Braille and Printed Accessibility Barcodes when holding national events (Article 22.3).

Ⓑ In accordance with the revision of the disability rating system, the "disability grade" is changed to "the degree of disability" and the grounds for conducting service support comprehensive survey for providing customized services are established (Article 32, Article 32.4, Article 32.5, Article 32.8 and Article 60.2).

Ⓒ Recognized refugees according to the 「Refugee Act」 are included to foreigners who can register as the disabled (Article 32.2.1.5 is newly inserted).

Ⓓ The target range of responsibility of the state and local governments regarding support for independent living is expanded from the severely disabled to the disabled, and the basis for visiting consultation and case management for disabled people is established for the purpose of eliminating welfare blind spots (Article 32.6, Article 32.7, Article 53, Article 54 and Article 55).

Ⓔ The certification system of products produced by the handicapped is abolished (Article 45, Article 45.2 and Article 87).

Ⓕ Expressly specify in the law the act of abusing persons with disabilities and specific protective actions as well as prohibition of disadvantage actions towards those who reported sex crimes against persons with disabilities (Article 59.5 and Article 59.6 newly inserted).

Ⓖ For effective work performance of agency for persons with disabilities, prescribe the rights to investigate·question, request for cooperation, expand the subject to appoint assistant etc. and prohibit refusal·interference for performance by agency for persons with disabilities (Article 59.7, etc.).

Ⓗ Modify citing provisions followed by the reformation of renaming legal act 「Mental Health Law」 into 「Improvement of Mental Health and Social Service Support to Persons with Mental Illness Act」 (Article 74).

Ⓘ Changing inspection request into formal objection, and define the period for raising an objection (Article 84).

Ⓙ Expand the subjects who must abide by the duty to forbid revealing secrets not only to counselor for the persons with disabilities but also to public officials affiliated with the Ministry of Health and Welfare, general investigation on service support and employees involved in agency related to management of agency for persons with disabilities local public officials (Article 85.2 and Article 86).

03 Labor Standards Act

Act No. 15513, Mar. 20, 2018, Partial Amendment

Legislative Intent

In order to resolve the contemporary issue of reduction in actual work time and to minimize potential social cost, policies pertaining to working hours have been modified as such but not limited to clarifying that the maximum work time per week is 52 hours including holiday work, defining duplicated extra charge in additional payment, and for the type of industry exempt from work hour policy that causes excessive working hour by allowing unrestricted working hours, reducing the scope of the industry applicable to the policy.

Main Contents

Ⓐ Specify that 1 week is continuous 7 days including holiday (Article 2.1.7 newly inserted).

Ⓑ From July 2021 to 2022, small enterprises of less than 30 employees are allowed to take 8 hours of special extended working hours through agreement between labor and management (Articles 53.3 and 53.6).

Ⓒ In order for public official and ordinary workers to equally enjoy holidays, set holidays granted by 「Public Office's Regulation on Holidays 」as paid holidays, but considering the burden on companies divide companies into 3 levels according to the size of the companies over two years to decide the time of policy's enforcement (Article 55.2 and Addendum Article 2.4).

Ⓓ For holiday work of 8 hours or less, make additional payment of fifty hundredth of ordinary wage, and for holiday work of more than 8 hours, make additional payment of hundredth of hundredth of ordinary wage (Article 56.2 newly inserted).

Ⓔ When the employer and labor representative agreed in writing, amendment should enable exceeding 12 hours per week to allow extended work or limiting the number of industry type, which can be exempt from individual working hour policy and thus can change break time, to five including ground transport. Also, for industries maintaining exemption of working hours policy, the amendment should grant at least 11 hours of continuous break time in between working days (Article 59).

Ⓕ The maximum weekly working hours of minors reduced from current 40 hours to 35 hours (Article 69).

04 Special Act on Safety Management of Children's Dietary Lifestyle

Act No. 15485, Mar. 13, 2018, Partial Amendment

Legislative Intent and Main Content

Existing law limits or prohibits the sales of high calorie·low nutrition food, emotionally hindering food. Moreover, in order to protect a child's health from a caffeine high, school and outstanding sales stores prohibit energy drinks containing high-caffeine elements or processed oil including coffee. However, ordinary coffee drinks are considered as adult drinks and still on sale in the school, and some middle·high school students drink coffee as to use caffeine's wakefulness which increases learning efficiency. If a child consistently consumes caffeine drinks, it may negatively affect growth on the child's physical and mental health. Therefore, the amendment aims to contributes to children's health improvement by refraining from the sales of food products containing high-caffeine element such as coffee.

Article8 (prohibition on sales of high calorie·low nutrition food) ① Korean Food and Drug Administration (KFDA) can set and notify the standards on nutrition elements of high calorie·low nutrition food.
②For any of the following places listed below, KFDA can limit or prohibit sales of high calorie·low nutrition food and food product containing high-caffeine element as according to what is set by presidential decree. However, the place belonging to number 1 should prohibit sales of high-caffeine food products including coffee.

1. School 2. Outstanding sales store

05 Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes

Act No. 15792, Oct. 16, 2018, Partial Amendment

Legislative Intent and Main Content

Recently at organization or workplace, power based sexual harassment cases, which is when the perpetrator uses his/her social status to continually inflict sex crimes and cause serious physical·mental pain on victims, are becoming social problems.

But according to the existing 「Special Act on Punishment of Sex Crimes」 it is pointed out that, harassment crimes by work power is convicted of punishment lower than the quality of the crime, and therefore receives criticism that it is insufficient to eradicate sexual violence crimes in the organization and to improve social awareness. Thus for the people who committed rank or power based harassment towards people who receives perpetrator's protection or supervision due to work, employment or other relationships, the current punishment of under 2 years of imprisonment or under 500,0000 won penalty fee will be increased to punishment of under 3 years of imprisonment or under 1500,0000 won penalty fee, and for the superintendents who harassed the person imprisoned according to the law the current under 3 years of imprisonment or 1500,0000 won penalty fee will be increased to under 5 years of imprisonment or under 2000,0000 won penalty fee.

06 Criminal Act

Act No. 15793, Oct. 16, 2018, Partial Amendment

Legislative Intent and Main Contents

Recent incidences of sexual crimes by people of power within organizations of the officialdom, artistic community etc. spheres involve the assailant using his/her social position to continually perpetrate sexual crimes and thereby inflicting serious bodily·psychological pain.

However the current imprisonment for illicit sex through workplace authority etc. (「Criminal Act」Article 303.1) is ruled as five years or less, making the penalty less severe compared to the imprisonment (10 years or less) for indecent assault (「Criminal Act」Article 298) which renders crime prevention ineffective.

In response, the penalty for illicit sex through workplace authority etc. will be raised from the current imprisonment of five years or less or a fine of 15 million won or less to imprisonment of seven years or less or a fine of 30 million won or less in order to improve the effectiveness of the Act. In addition, the statutory punishment for illicit sex with a person under direct authority or protection which is considered a more serious offense than illicit sex through workplace authority under the current legal system will also be raised from the current imprisonment of seven years or less to ten years or less thereby balancing out the penalty.

07 Enforcement Decree of the Income Tax Act

Presidential Decree No. 29242, Oct. 23, 2018, Partial Amendment

Legislative Intent

To strengthen the resident stability of the low income bracket by normalizing the overheated housing market and to induce purchase of housing for the purpose of actual demand, the tax exemption requirements have been strengthened so that temporary owners of two houses in adjustment target areas as ruled by the「Housing Act」that are experiencing or are in danger of overheated housing sales are required to transfer their previous house within two years in order to be exempted of transfer income taxes. In the case of highly priced single house owners, they are required to reside in the house for two years or more in order to receive special deduction for long-term holding. Also rental housing within adjustment target areas will be included as one of the subjects of transfer income tax imposition etc. in order to improve·supplement some of the imperfections found in the operation of current policies.

Main Contents

Ⓐ Strengthening of requirements for tax exemption for temporary owners of two houses within adjustment target areas (Article155.1)

In the cases where the person has previously owned a single housing and came in possession of another house in order to transfer the ownership of the previous house, the person was exempted of transfer income taxes if s/he had transferred the ownership of the previous house within three years of acquiring the other house. From now on, in the cases where the person has previously owned a single housing in an adjustment target area and came in possession of another house in an adjustment target area, the requirement is strengthened so that the person is required to transfer the ownership of the previous house within two years of acquiring the other house in order to be exempted of transfer income tax so that housing purchases with the purpose of actual demand is induced.

Ⓑ Strengthening of Requirements for Special Deduction for Long-term Holding for Owners of Highly Priced Single Housing (Article159.3)

Previously, owners of a single house with actual transaction values exceeding 900 million won received special deduction for long-term holding that deducted 24 to 80 percent of housing transfer gains depending on the period of housing ownership and without consideration of residence period. From now on, the requirement will be strengthened so that only cases where the person has resided for two years or longer in the housing will be subject to the special deduction for long-term holding so that exemption for owners of single housing will be reformed to focus on persons with actual demand.

Ⓒ Expansion of Imposition Scopes of Transfer Income Taxes for Landlords (Article167.3.1.2)

Previously, privately-owned social rental housing or long-term privately-owned general rental housing owned by landlords with standard market prices of 600 million won or less (300 million won or less for regions outside the capital area) and are being rented out for eight years or more were not subject to transfer income taxes. From now on, in the cases where a person has newly come into possession of a long-term privately-owned general rental housing in an adjustment target area while in possession of a single housing or more, the person will be imposed a transfer income tax even if the standard market price is 600 million won or less (300 million won for regions outside the capital area) and are rented out for eight years or more in order to normalize the over heated housing market and improve the resident stability for the low income bracket.

Ⓓ Exclusion from Imposition of Transfer Income Taxes for Housing for which Sales Contracts were Concluded Prior to Announcement of Adjustment Target Area (Article 167.3.1.11·Article 167.4.3.5·Article 167.10.1.11 and Article 167.11.1.10 Newly-established)

To protect the trust of persons who entered into housing sales contracts prior to announcement of adjustment target area, housing with which the fact that the person has entered into a sales contract in order to transfer ownership of housing in the said area prior to the day on which an announcement for adjustment target area was announced can be confirmed via documentary evidence will be excluded from the imposition of transfer sales tax.

08 Act on External Audit of Stock Companies, Etc.

Act No.15022, Oct. 31, 2017, Wholly Amended

Legislative Intent

In order to prevent side effects of a listed companies-centered process of accounting transparencies improvement such as limited liability companies' evasion from being listed, etc., limited liability companies are now a subject of external audit regulations. In addition, the nominating process, etc. for external auditors for companies will be improved in order to strengthen the auditors' independence and responsibility and to raise the quality of audit work. Also, an institutional strategy regarding the regulation of the quality of accounting firms will be provided while administrative measures regarding accounting auditing standards will be modified. Furthermore, companies' internal control in relation to accounting will be strengthened and regular auditor direction will be introduced so to secure the independence and expertise of auditing in order to improve·supplement the imperfections found during the operation of current policies.

Main Contents

Ⓐ Change of Act Title and Modification of the System

Taking into consideration the expansion of the subject of the regulation of the Act, the title of the Act will be changed from「Act on External Audit of Stock Companies」to「Act on External Audit of Stock Companies, Etc.」and the legal system will be generally modified.

Ⓑ Introduction of External Auditing to Limited Liability Companies (Articles 2.1 and 2.4)

To promote the equity of regulations on accounting auditing and induce users of accounting information to make appropriate decisions, limited liability companies which have share similarities in economic qualities will also be subject to external audit by auditors.

Ⓒ Introduction of Sales Revenue to Standards for Selection of Companies Subject to External Audit (Article 4.1.3)

In prescribing the standards for companies subject to the external audit, in terms of the asset · liabilities·the number of employees, the sales revenue with high relevance to the size of the firm, interested persons, financial position, etc., shall be added to the selection standards.

Ⓓ Reinforcement of Duty to Submit Financial Statements Before External Audit (Article 6.2 ~ 6.5 & Article 30.1)

Where a company fails in prior submission of the financial statements to an auditor or the Securities and Futures Commission, the company shall publicly announce the reason and the Securities and Futures Commission may publicly announce such violations.

Ⓔ Prohibition on Demanding Preparation of Financial Statements for the Company, etc. (Article 6.6)
In order to reinforce the independence of an auditor, responsibility that is imposed on the auditor of a company to not prepare the financial statements on behalf of the company, nor advise on accounting shall be imposed on the company to not demand the auditor for such actions.

Ⓕ Reinforcement of Effectiveness of Company's Internal Control (Articles 8.4 & 8.6)
The representative of a company shall report the current operational status of the internal accounting management system, etc. directly to the general meeting of shareholders, etc. and, in cases of listed corporations, the certification standard of internal accounting management system shall be strengthened from 'examination' to 'audit'

Ⓖ Reinforcement of Accounting Regulations for Large Unlisted Stock Companies and Financial Companies (Articles 9 & 10)
Accounting regulations comparable to those of listed companies, in terms of qualification and appointment of an auditor, shall be applied to the large unlisted stock companies and financial companies where the need to protect interested persons is high.

Ⓗ Introduction of Auditor Registration System for Listed Corporations (Article9-2)
External audit of a listed corporation shall be done only by an accounting corporation that has met certain requirements and registered in the Financial Services Commission for audit quality control.

Ⓘ Change of Term of Auditor Appointment (Article 10.1)
Any company shall appoint an auditor within 45 days from the date of commencement of each business year and, in cases where a company shall establish an audit committee, the company shall appoint an auditor before the date of commencement of each business year.

Ⓙ Improvement of Auditor Appointment Procedure (Article 10.4)
In order to secure transparency of auditor appointment procedure, the management of a company shall not appoint an auditor upon approval from the statutory auditor or from the auditor appointment committee, but shall appoint an auditor selected by the statutory auditor or the audit committee.

Ⓚ Expansion of Grounds for Designation of Auditors (Article 11.1)
Violation of duty to prepare financial statements of a company, frequent changes of representative director (3 times) or the largest shareholder (2 times) in the past 3 years, requests by main creditor bank or shareholders prescribed by Presidential Decree, considerable failure to meet the standard auditing time prescribed by Paragraph 1 under Article 16-2, etc. shall be added to the grounds on which auditors are designated and partly reinforce the existing ground of financial standards requirement of a listed corporation.

Ⓛ Introduction of Periodic Auditor Designation System for Listed Corporation, etc. (Articles 11.2 & 11.3)
In order to secure independence of an auditor and improve audit quality, periodic auditor designation system shall be introduced for any listed corporation and company with unseparated ownership and management to appoint auditors designated by the Securities and Futures Commission after the companies appoint auditors for 6 consecutive business years: Provided, That this shall not apply to the companies undetected of accounting fraud as a result of supervision in the past 6 years or with satisfactory reliability of accounting as prescribed by Presidential Decree.

Ⓜ Introduction of Standard Auditing Time (Article 16-2)
The Korean Institute of Certified Public Accountants shall decide the standard auditing time, and hear·reflect, as prescribed by Presidential Decree, the opinions of interested persons, such as Financial Supervisory Service, etc., as prescribed by Presidential Decree and reexamine the validity every 3 years.

Ⓝ Preparation of Grounds for Audit Quality Control Standards and Reinforcement of Audit Quality Control of Accounting Corporations (Article 17 & Article 29.5~29.7)
(It) prepares legal grounds for audit quality control standards, specifies the responsibility of representative auditor regarding the quality control standards, allows the Securities and Futures Commission to make improvement recommendation according to the result of supervision of quality control, to monitor the compliance thereto, and to publicly announce any noncompliance.

Ⓞ Reinforcement of Audit or Processing Procedure by Audit Committee Against Violations of Accounting Standards (Article 22.3 ~ 22.5 & Article 47.2)
Upon detection of accounting fraud, internal auditor shall appoint outside specialist to investigate·take corrective measures and submit the result to the Securities and Futures Commission and the auditor. In such cases, the representative of a company may be requested for necessary data, information, capital, etc. and shall be punished by administrative fine upon refusal of the request.

Ⓟ Reinforcement of Reporting Duty of Accounting Corporations (Article 25.2 & 25.5)
When any accounting corporation submits a business report, annual amount of labor force and time put into audits, director compensation, disciplinary history of a director, etc. shall be entered additionally, and, in cases where matters that largely influence management, property, audit quality control, etc. occur, the accounting corporation, as the auditor of a listed corporation, shall frequently report to the Securities and Futures Commission.

Ⓠ Modification of Measures Against Violations of Standards for Accounting Audit (Article29.3 & attached Table 1)
Where an auditor audits, etc. without complying with the standards for accounting audit that is deemed fair·reasonable, the auditor may be ordered for additional accumulation of joint fund for damages, limited from audit affairs, warned, etc.

Ⓡ Establishment of Discipline to Representative Director of Accounting Corporation (Article 29.4 & attached Table 2)
In cases where serious false audit occurs to any company selected and notified by the Financial Services Commission, the grounds to take measures against representative director (including a director in charge of quality control affairs) who has neglected the task design·operations according to the quality control standards shall be prepared.

Ⓢ Introducing penalty surcharge system to the companies and auditor (Article 35 and Article 36)
Penalty surcharges can be imposed, not exceeding 20% of the amount of money included in accounting fraud to any companies which committed accounting fraud, 10% of the penalty surcharge for the company to an employee responsible for the performance of accounting affairs, 5 times of audit fee to an auditor who has done poor auditing.

Ⓣ Enforcing sanctions for accounting irregularities (Article 29.1, Article 31.9, Article 39, Article 40, Article 45 and Article 48)
Sanctions regarding accounting irregularities have been enforced, such as newly inserting the measure to suspend the executive of the company which committed accounting fraud from the duties, raising and imposing both imprisonment and fine regarding accounting irregularities, providing collection of compulsory confiscation, and extending the prescription of the responsibility of the auditor to compensate for damage.

Ⓤ Enforcing the protection for whistleblower (Article41.5, Article 43, and Article 47.1)
Fine or imprisonment and administrative fine will be imposed to the person who divulges secret of the whistleblower's identity or treats the whistleblower disadvantageously.

09 Financial Investment Services and Capital Markets Act

Act No.15022, Oct. 31, 2017, Amended by other law

Legislative Intent

In order to avoid the side effects such as limit liability companies (LLCs) avoiding to be listed on the stock market during the process of improving the accounting transparency mainly of listed companies, this

amendment has included LLCs as the subject of external audit, improved the process of selecting external auditor and others in order to enforce the independence and responsibility of the auditor and upgrade the quality of audit, provided an institutional strategy about the quality assurance of accounting firms, modified administrative measures about the violation of the auditing standard and others, enforced the internal control about the accounting of a company, and introduced the periodic designation system of auditor which could secure the independence and professionalism of the audit. These measures are to improve and supplement the imperfections revealed during the process of operating current system.

Main Contents

Ⓐ Changing the title of the Act and Modifying the system Reflecting the expansion of the subject being regulated by the Act, the title of the Act has been changed from 「Act on External Audit of Stock Companies」 to 「Act on External Audit of Stock Companies, etc.」 and the system of the Act has been modified over all.

Ⓑ Introducing external audit for LLCs (Article 2 Subparagraph 1 and Article 4)
In order to promote the equity of accounting supervision and to induce correct judgment of the users of accounting information, LLCs, which

have similar economic substance, are also being subjected to external audit by auditor.

Ⓒ Introducing sales in the criteria of selecting subject of external audit (Article 4 Paragraph 1 Subparagraph 3)
When defining the range of company subject to external audit, sales, which is highly related to the size of the company, stakeholders, financial situation, etc., has been added to the criteria.

Ⓓ Strengthening the duty of the company to submit financial statements before auditing process (From Article 6 Paragraph 2 to Paragraph 5 and Article 30.1)
If the company has not submitted the financial statements to auditor and Securities & Futures Commission (SFC) beforehand, it must notify the reason and SFC can also notify the violation.

Ⓔ Prohibiting the request to write the financial statements of the company by proxy, etc. (Article 6.6)
Currently, only the auditor is prohibited to write the financial statements of the company as a proxy and to advise accounting. In order to enforce the independence of auditor, the company also cannot request these actions to the auditor.

Ⓕ Enforcing the effectiveness of the internal control of the company (Article 8 Paragraph 4 and Paragraph 6)
The representative of the company himself shall report the operation condition of internal accounting management system, etc. to the general meeting of stakeholders. For listed corporations, the authentication level of internal accounting management system is raised from 'examination' to 'audit'.

Ⓖ Strengthening the regulation of accounting for large unlisted corporations and financial companies (Article 9 and 10)
For large unlisted corporations and financial companies which have high necessity to protect stakeholders, regulations equivalent to listed corporations are applied about the qualification and appointment of auditor., etc.

Ⓗ Introducing the auditor registration system of listed corporations (Article 9.2)
For auditing quality assurance, accounting firms, which satisfy the required conditions and are thus registered to Financial Services Commission, can only work on external audit of listed corporations.

Ⓘ Changing the deadline of auditor appointment (Article 10.1)
A company must appoint the auditor within 45 days after the opening day of each business year. A company which has to obligatorily install auditing committee must appoint the auditor before the opening day of each business year.

Ⓙ Improving the appointment process of auditor (Article 10 Paragraph 4)
Currently the executives of a company appoint the auditor with the approval from the auditor or auditing committee. In order to secure the transparency of the appointment process of auditor, the company must appoint the person selected by the auditor or auditing committee.

Ⓚ Expanding the reasons of selecting auditor (Article 11.1)
Violation of the duty to write financial statements of the company, a company which frequently changes its largest stakeholder(2 times) or representative director(3 times) during the last three years, request from main creditors bank or stakeholder prescribed by presidential decree, and the case when company noticeably fall short of standard audit hour prescribed by Article 16.2 Paragraph 1 are added to the reasons of selecting auditor and partially strengthened the requirements for financial standard of listed corporations, which is the current reason of selecting auditor.

Ⓛ Introducing the periodic auditor appointment system for listed corporations, etc. (Article 11 Paragraph 2 and 3)
In order to secure the independence of auditor and improve the auditing quality, for listed corporations and companies which have not separated ownership and management, the periodic auditor appointment system has been introduced which allows the company to appoint the auditor selected by the Securities & Futures Commission after it appoints the auditor for 6 consecutive years. However, when no accounting corruption has been found during the last 6 years from audit review, or when the accounting is credible as prescribed by presidential decree, it is excluded from being subjected to periodic auditor appointment.

Ⓜ Introduction of standard audit time (Article 16-2)
The standard audit time will be determined by the Korean Certified Public Accountant Society, but as stipulated by the Presidential Decree, it will consider the stakeholders' opinion designated by the Presidential Decree, including the Financial Supervisory Service, and will review its appropriateness every three years.

Ⓝ Legislation of quality control standards for auditing and enhancement of accounting firms' audit quality management (Articles 17 and 29-5 to 29-7)
The standard for audit quality has been legislated, and the responsibility of the representative of the auditor to the standard has been specified, and enabled the Securities and Futures Commission to disclose results, recommendations, disqualifications based on the standard.

Ⓞ Strengthened auditors' or audit committee's procedures for violations of the accounting standard
The internal auditor shall appoint an external expert to investigate and correct the accounting fraud and submit the results to the Securities and Futures Commission and the auditor. In this case, the company representative may be requested for necessary data, information, money, etc., and if refused, a fine may be imposed to the representative.

Ⓟ Strengthening reporting obligations to accounting firms (Article 25.2 and 25.5)
When reporting the annual report of the accounting firm, the auditor should annotate the annual audit input labor force and time, the compensation of the directors, and the disciplinary details of the directors. If any material event has occurred to the company's property or auditing quality, the auditor/accounting firm of the listed corporation must report to the Securities and Futures Commission.

Ⓠ Fixed measures for violation of accounting standards (Article 29.3 and Attached Table 1)
Allowed additional measures such as warnings, limit auditing, and orders to contribute additionally for the joint compensation fund for loss to auditors who did not comply with the generally accepted accounting standards (principles).

Ⓡ Implemented punishments for the director of accounting firms (Article 29.4 and attached table 2)
When a serious insolvency of the company notified by the Financial Supervisory Commission occurs, the legal basis to punish a director (including the manager in charge of quality control) who has neglected the duty for business planning·operation based on the quality control standard has been implemented.

Ⓢ Introduction of penalties for companies and auditors (Article 35 and Article 36)
Companies with an accounting fraud will be penalized by under 20% of the total amount of fraud, and the company's internal accounting manager will be fined up to 10% of the penalty for the company, and the company's auditors who have neglected their duties will be fined up to 5 times of the audit fee.

Ⓣ Strengthening the accounting fraud-related punishments such as heavier prison sentences and fines, suspensions for directors of the company, forfeiture, and extension of the auditor's liability for damages (Article 29.1, Article 31.9, Article 39, Article 40, Article 45 and Article 48)

Ⓤ Strengthen protection of whistle-blowers (Article 41.5, Article 43 and Article 47.1)
For those who disclose confidential information about the identity of the whistle-blower or those who have treated unfavorably to the whistle-blower will be fined or imprisoned.

10 Motor Vehicle Management Act
Act No. 14950, Oct 24, 2017, Partial Amendment

Legislative Intent
To implement standards and regulations on automobile refund or exchange to increase the automobile manufacturers responsibility concerning automobile quality-certification, to impose regulations that obliges the application of performance car insurance that certify the results of second-hand automobile inspection to automobile inspectors, provide the legitimate reasons of administrative action concerning Institutions certifying replacement parts, impose a penalty of 3 million won or less when automobiles given temporary permit are driven for purposes other than what was stated in the plans for temporary operation permit or if the automobile was driven without the license plate for vehicles with temporary operation permits, to facilitate on-line services for second-hand automobiles by regulating services providing automobile sale on the internet, to impose a penalty of 3 million won or less to those who violate regulations concerning license plates to be attached to automobiles, and to manage the test driving of the autonomous driving motor vehicles in a safe manner, records of driving such vehicles will be reported to the minister of the Ministry of Land, Infrastructure and Transport.

Main Contents
Ⓐ For the safe test driving of autonomous driving motor vehicles, records of driving such vehicles etc. must be reported to the minister of the Ministry of Land, Infrastructure and Transport (Article 27).

Ⓑ If institutions certifying replacement parts have been designated to have such rights with illegitimate means, the institution will cease to have the rights to certify replacement parts. If the institution runs its business in an illegal manner, or certifies replacement parts that aren't worthy of certification, the Institution may be suspended to be in business for certain periods of time (Article 30.6 is newly inserted).

Ⓒ Regulates requirements of exchange or refunds of certified automobiles sold domestically by automobile manufacturers (Article 47-2 is newly inserted).

Ⓓ In situations where owners of problematic automobiles request for its refund/exchange to new vehicles to the automobile manufacturer, if both parties accept the regulations regarding the refund/exchange policy and the owner of the problematic vehicle requests for a refund/exchange to the Motor Safety·Default Committee, Motor Safety·Default Committee allows for the exchange/refund arbitration to proceed (Article 47.4 is newly inserted).

Ⓔ Automobile performance inspector inspecting second-hand automobiles are obliged to take photos of inspection, and mandatorily applies for performance car insurance (Article 58, Article 58.4).

Ⓕ Those who intend to provide information on buying and selling of cars through internet websites or mobile applications that enable car dealers to purchase cars from car owners should register to mayors, country governors or head of a Gu (Article 65.2 newly inserted).

Ⓖ Fine will be imposed on those who provide temporary service for a purpose different from that submitted in the temporary service permission plan or those who drive without attaching the temporary service license and temporary service permission number plate (Article 84, paragraph 2).

11 Act on Special Cases Concerning the Establishment and the Management of Internet-only Banks

Act No. 15856, Enacted October 16, 2018

Legislative Intent

Whereas the share of low-income group is increasing as economic recession and income polarization are prolonged, interest rate polarization is a serious matter because middle interest rate loan is lacking for people with low credit scores.

Particularly, in order to alleviate the difficulties of small-loan finance, the supply of finance for people with low credit scores that has been reduced since the global financial crisis should be revitalized and better quality of financial services should be provided through the expansion of competition.

Given such conditions, the introduction of internet-only banks is expected to bring positive effects such as resolving interest rate gaps toward working class people and small enterprisers by revitalizing middle interest rate loans through big data analysis, enhancing the convenience of finance customers through promoting competition between banks and creating new engines of growth for the future.

By enacting laws on special cases concerning internet-only banks, entry of innovative management agents to financial industries will be revitalized and institutional base for the fusion of ICT and finance and the creation of new engines of growth will be provided.

Main Contents

Ⓐ Internet-only banks are defined as "banks that manage banking business mainly through electronic financial transactions(transactions described in Article 2, paragraph 1 of 「Electronic Financial Transactions Act」, same below)" (Article 2).

Ⓑ Legal minimum capital of internet-only banks is 25 billion dollars (Article 4).

Ⓒ A non-financial contributor can hold stocks of internet-only banks with voting right within 34% of total number of issued stocks. However,

qualifications in order to hold stocks of internet-only banks exceeding the limit according to Article 15, paragraph 3 of the 「Banking Act」 and approval requirements regarding stock holding for non-financial contributors must be as it is written in the asterisk taking into consideration the capacity for finance, financial position, social credit, effects on concentration of economic power, asset share of ICT companies etc. (Article 5).

Ⓓ Internet-only banks cannot provide loans to firms with the exception of small and medium enterprises (Article 6).

Ⓔ Internet-only banks cannot grant credit that exceeds 20% of the capital owned by the business to the same borrower, and credit that exceeds 15% of the capital owned by the business to the same individual or corporation. However this does not apply in case where credit offering limit is exceeded due to the change of capital owned by the business or change of composition of the same borrower even though the internet-only bank did not grant credit additionally (Article 7).

Ⓕ Internet-only banks cannot grant credit to its major shareholders. However, this does not apply when granting of credit to a non-major shareholder changes to granting of credit to a major shareholder due to mergers and acquisition or business acquisition by transfer between firms, or change in composition of the same person or corporation (Article 8).

Ⓖ Internet-only banks cannot acquire equity securities issued by its major shareholders. However, this does not apply in case of execution of a security right, in case where it is necessary for exercise of a right and in other inevitable cases designated by the Presidential Decree (Article 9).

Ⓗ Major shareholders of internet-only banks cannot exert undue influence against the interests of the internet-only bank (Article 10).

Ⓘ Despite Article 2, internet-only banks can manage banking business according to methods designated by the Presidential Decree in case where it is acknowledged to be inevitable for the protection of its users and the improvement of convenience for its users (Article 16).

12 Industrial Convergence Promotion Act

Act No. 15828, Oct. 16, 2018, Partial Amendment

Legislative Intent and Main Content

Convergence services and products that surpass existing law and institution are nowadays emerging fast due to the acceleration of convergence/integration that is based on big data, IoT and other innovative technologies. In order to promote new industries and dominate the global market in advance, industry competitiveness must be strengthened by enabling innovative convergence services and products to freely enter the market and be made into new national engines for growth.

Under the current legal system, cases occur where standards of certification or approval that is adequate for new convergence products or services are absent or where market release is delayed because of the difficulty of applying existing standards. There are also cases where substantiation business to test and verify safety and benefits of users for new convergence products or services is difficult.

Accordingly, systems such as 'quick confirmation of regulations' that confirms the need for permission for new convergence products or services, 'special regulations for substantiation' and 'temporary permissions' that enables innovative business attempts will be introduced.

In addition, the functions of 'ombudsman for industrial convergence promotion' will be expanded to quickly address the difficulties concerning regulations of firms related to industrial convergence, and 'conflict resolution committee' will be newly established to prevent and arbitrate conflicts that occur with existing businesses due to the emergence of new convergence products or services.

Court Decisions

NOTE: The translation is NOT official. It only serves as a guideline.

01 Supreme Court Decision 2016Do17465 Decided March 22, 2017

Violation of the Special Act on the Aggravated Punishment, etc. of Specific Economic Crimes (Embezzlement); Violation of the Special Act on the Aggravated Punishment, etc. of Specific Economic Crimes (Bribing, etc.); Violation of the Special Act on the Aggravated Punishment, etc. of Specific Economic Crimes (Breach of Trust); Fraud; Occupational Breach of Trust; False Incrimination of Another

Main Issues and Holdings

Whether embezzlement is established against the entrusting corporation in a case where a corporation: (a) establishes a special purpose corporation as a nominal entity for a specific project; (b) implements the project, including the financing, under the name of the special purpose corporation; (c) yet exercises decision-making authority as the substantive actor of the project as to the management and disposition of funds; and thus, (d) practically governs the funds held in the name of the special purpose corporation, and where the representative, etc. of the corporation, as the substantive actor of the project, arbitrarily spends the funds held by the special purpose corporation beyond the scope of the set purpose and use (affirmative)

Victim of embezzlement in a case where a foreigner, as the representative of a domestic corporation, commits embezzlement by arbitrarily spending the funds that the domestic corporation entrusted to a special purpose corporation established in a foreign country beyond the scope of the set purpose and use (held: the domestic corporation that entrusted the said funds), and whether Korean courts have jurisdiction even when the act took place in a foreign country (affirmative in principle)

Summary of Decision

The representative, etc. authorized to de facto or de jure govern and dispose of funds owned by a corporation is in a position of custodian of funds in relation to the corporation. As such, embezzlement may be established against the entrusting corporation in a case where a corporation: (a) establishes a special purpose corporation as a nominal entity for a specific project; (b) implements the project, including the financing, under the name of the special purpose corporation; (c) yet exercises decision-making authority as the substantive actor of the project as to the management and disposition of funds; and thus, (d) practically governs the funds held in the name of the special purpose corporation, and where the representative, etc. of the corporation, as the substantive actor of the project, arbitrarily spends the funds held by the special purpose corporation beyond the scope of the set purpose and use.

This holds true for cases in which the representative, etc. of the corporation is a foreigner. Thus, in a case where a foreigner, as the representative of a domestic corporation, commits embezzlement by arbitrarily spending the funds that the domestic corporation entrusted to a special purpose corporation established in a foreign country beyond the scope of the set purpose and use, the victim of embezzlement is the domestic corporation that entrusted the said funds. Therefore, the Korean Criminal Act is applicable to the said foreigner(Article 6 of the Criminal Act), and thus, Korean courts have jurisdiction, even when the act took place in a foreign country, unless the act does not constitute a crime under lex loci delicti, or the prosecution thereof or the enforcement of punishment therefor is remitted.

(Source: Supreme Court of Justice)

02 Supreme Court en banc Decision 2017Do14322 Decided April 19, 2018

Violation of the Public Official Election Act; Violation of the National Intelligence Service Korea Act

Main Issues and Holdings

[1] Meaning and scope of "taking advantage ofhis/herstatusasapublicoffi cial"under Article 85(1) of the former Public Official Election Act

[2] Meaning of "taking advantage of one's position" under Article 9(2)2 of the former National Intelligence Service Korea Act

[3] Grounds for strictly prohibiting public officials from engaging in election campaigns by utilizing their status as prescribed by Article 85(1) of the former Public Official Election Act

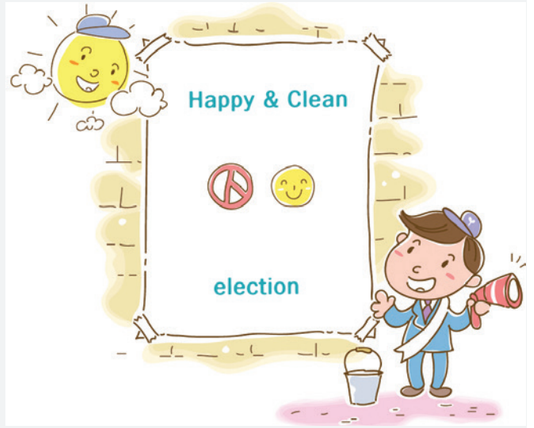
Meaning of "election campaign" under the former Public Official Election Act and standard for determining what constitutes an election campaign

Whether such standard is likewise applicable to activities carried out individually and collectively (affirmative)

[4] Requirement to recognize an accomplice, who had not directly assigned and performed activities that fall under elements of a crime, as a co-principal

Cases where tacit collusion and functional control of a crime may be deemed to exist as to a derivative crime

Requirement for the establishment of complicity where two or more persons jointly committed a crime and degree of proof required to acknowledge complicity (held: strict proof), and method of proof in cases where a criminal suspect denies complicity



[5] In a case where Defendant A, Director of the National Intelligence Service (NIS), Defendant B, Third Deputy Director of the NIS, and Defendant C, Head of the NIS's Psychological Operations Division: (a) colluded with employees of the Psychological Operations Division's Cyber Team; (b) conducted such cyber activities as uploading posts and writing comments online, clicking on thumbs-up or thumbs-down icons, and posting tweets and retweets; and (c) was indicted on charges of violating the former National Intelligence Service Korea Act and the former Public Official Election Act on the grounds of having used their NIS employee status to intervene in political activities and, at the same time, their public official status to engage in the 18th presidential election campaign, the Court affirms the lower judgment convicting the Defendants of said charges related to certain activities performed by the Cyber Team employees

Summary of Decision

[1] Article 85(1) preamble of the former Public Official Election Act (amended by Act No. 12393, Feb. 13, 2014) provides that public officials shall not take advantage of his/her status and engage in an election campaign. Here, the term "taking advantage of his/her status as a public official" means utilizing one's public position to engage in an election campaign rather than participating in one's private capacity. In other words, taking full advantage of the influential aspects and the perks of being in a public position to effectively engage in election campaigns, including the exercise of rights associated with one's status to carry out election campaigns targeting employees under one's control or supervision or non-employees.

[2] Article 9(1) of the former National Intelligence Service Korea Act (amended by Act No. 12266, Jan. 14, 2014) provides, "The Director, the Deputy Director and other personnel shall be prohibited from joining political parties or organizations or participating in political activities." Paragraph (2) of the same Act stipulates that participation in political

activities referred to in Paragraph (1) means "Disseminating opinions in support of or against a particular political party or politician by taking advantage of one's position in the NIS, or disseminating opinions or facts that praise or slander any particular political party or politician for the purpose of forming public opinions for or against such political party of politician" (subparag. 2). Here, the term "taking advantage of one's position" may be construed to mean the same as "taking advantage of his/her status as a public official" under the former Public Official Election Act that prohibits public officials from campaigning.

[3] Article 85(1) of the former Public Official Election Act strictly prohibits public officials from using their status to engage in election campaigns for the purpose of ensuring fair elections by preventing elections from being manipulated by the government or keeping public officials from intervening in elections.

"Election campaign" refers to an organized act where its intended purpose, i.e., winning or losing votes in an individual election, is objectively recognized, and whether an act falls under this description ought to be objectively determined in view of the subject's externally expressed act rather than inherent intent. Therefore, even if an act was performed for any purpose other than the intended purpose, it cannot be deemed an election campaign on the sole basis that the actor personally had in mind an upcoming election, or that the consequence of such act may impact an election, or that said act was needed to bring about a favorable outcome, i.e., help a candidate win or lose an election. Furthermore, such determination ought to be made based on the specific circumstances at the time the relevant act was performed from the perspective of ordinary persons (in particular, electors), rather than based on ex post retrospection from the standpoint of election-related government authorities or legal professionals. Accordingly, whether an elector had such intended purpose at the time of performing an act should be examined.

As seen above, "intended purpose" can be deemed to exist not only if expressed in such ways as requesting support after announcing one's candidacy for a specific election, but also if it is easy to infer that the intended purpose is to either persuade or dissuade voters from an elector's perspective when factoring in the circumstances prevailing at the time. To infer that such intended purpose exists, the mere fact that relevance with an election can be surmised or election-related matters served as the motive for an act are insufficient. Inference ought to be based on objective circumstances to the effect that electors can apparently recognize that an act is being undertaken to persuade or dissuade voters. In particular, an intent to ensure that a candidate either wins or loses an election may be acknowledged through other circumstances absent an explicit expression where the relevant act was performed closer to the election date; however, if an act was performed long before the election date, the fact that relevance with the election is presumable can not be the sole basis to acknowledge such intent.

Inasmuch as the criteria for such determination is likewise applicable to acts carried out either individually or in a group, even if an activity undertaken in line with the intended purpose of the relevant organization was an extension of activities previously carried out by the same, the activity in question should be subject to regulation pursuant to the Public Official Election Act, as a matter of course, if characterizing the nature of election campaigns.

[4] A joint principal offense, as prescribed under Article 30 of the Criminal Act, is established if meeting the subjective requirement (i.e., intent to agree to commit a crime jointly) and the objective requirement (i.e., commission of a crime through functional control of the criminal act based on complicity). That said, an accomplice, who did not directly assign and perform activities that fall under elements of a crime, may be held criminally liable as a co-principal depending on whether he/she meets the requirements, supra. For an accomplice, as described above, to be acknowledged as a co-principal, such factors as the accomplice's status and role in the overall crime and the accomplice's power to control or dominate the progress of the crime ought to be comprehensively considered to recognize the existence of functional control through fundamental contribution to the crime, rather than remaining a mere accomplice.

In the process of conspiring to either commit a crime or achieve a criminal objective, a joint principal offender could have sufficiently predicted the occurrence of a derivative crime, but nonetheless, failed to take reasonable preventive measures and went ahead with committing the criminal act, which ultimately resulted in the derivative crime. In such case, albeit there was no contact among the co-conspirators to determine whether each of them intended to engage in committing the principal and derivative crime, it should be deemed that tacit conspiracy regarding the overall crime and functional control thereof existed, in light of such various factors as the method and form of crime, the number of accomplices and their propensity to commit crime, the time of the crime, crime scene characteristics, the likelihood of coming into contact with others during the commission of crime, anticipated reaction, etc.

Conspiracy does not require any specific legal form where two or more persons are involved in committing a crime. It requires a combined intent to realize a crime by participating in a crime shrouded in the conspiracy of two or more persons. Even if the suspected accomplices had not plotted, complicity is established if there were attempts to collaborate in their intent to commit crime either consecutively or tacitly. Strict proof is required to establish complicity but, in cases where a criminal suspect denies complicity (which is a subjective element of crime), it can only be proven via indirect facts or circumstantial evidence highly relevant to the issue at hand in light of the nature of things (de rerum natura). Of note, what constitutes highly relevant indirect facts ought to be reasonably determined by meticulous observation and analysis of factual tie according to empirical and logical rules.

[5] [Majority Opinion] In a case where Defendant A, Director of the National Intelligence Service (NIS), Defendant B, Third Deputy Director of the NIS, and Defendant C, Head of the NIS's Psychological Operations Division: (a) colluded with employees of the Psychological Operations Division's Cyber Team; (b) conducted such cyber activities as uploading posts and writing comments online, clicking on thumbs-up or thumbs-down icons, and posting tweets and retweets; and (c) was indicted on charges of violating the former National Intelligence Service Korea Act (amended by Act No. 1226, Jan. 14, 2014; hereafter the same) and the former Public Official Election Act (amended by Act No. 12393, Feb. 13, 2014; hereafter the same) on the grounds of having used their NIS employee status to intervene in political activities and, at the same time, their public official status to engage in the 18th presidential election campaign, the Court held as follows: (a) in light of the entirety of circumstances, including the organizational structure, capacity, and chain of command of the NIS functioning as the nation's central intelligence agency; specific method and form of criminal activities committed by the Cyber Team employees; status and role of each Defendant in commanding and supervising the Cyber Team; and remarks, instructions, etc. that the Defendants made and gave to the employees in meetings at the time when cyber activities were being carried out; (b) certain cyber activities, as seen above, constitute intervention in political activities by the Cyber Team employees using their NIS employee status according to the former National Intelligence Service Korea Act, not to mention engagement in election campaigns by taking advantage of their public official status according to the former Public Official Election Act; (c) moreover, such cyber activities cannot be deemed a lawful act carried out within the scope of duties pursuant to the former National Intelligence Service Korea Act; (d) the Defendants consecutively conspired with the Cyber Team employees, primary actors, and took part in criminal activities through functional control over the crime; and (e) based on the grounds indicated above, the lower court is justifiable to have found the Defendants guilty of violating the former National Intelligence Service Act and the former Public Official Election Act.

[Dissenting Opinion by Justice Kim Chang-suk and Justice Jo Hee-de regarding Defendants A and B's charge of violating the former Public Official Election Act] In the aforementioned case, two Justices dissented on the following grounds: (a) unlike Defendant C who directly intervened in the duties of the Cyber Team employees, no objective evidence was found that revealed the specific contents of instructions and briefings related to the 18th presidential election between Defendants A and B and the Cyber Team employees; (b) no direct evidence existed to prove that Defendants A and B conspired to carry out election campaigns, either consecutively or tacitly, with the Cyber Team employees; (c) various indirect facts or circumstantial evidence presented in the Majority Opinion were insufficient to acknowledge complicity; and (d) other sufficient circumstances existed to raise reasonable doubt. Nevertheless, without solid evidence that any conspiracy existed, the lower court convicted Defendants A and B of violating the former Public Official Election Act. In so doing, it erred by going against the principle of adjudication based on evidence ("no evidence, no trial principle").

(Source: Supreme Court of Justice)

03 Supreme Court en banc Decision 2017Do14749 Decided May 17, 2018

Violation of the Act on Testimony, Appraisal, etc. before the National Assembly

Main Issues and Holdings

[1] Whether "accusation" under Article 15(1) of the Act on Testimony, Appraisal, etc. before the National Assembly constitutes an element for indictment of a perjury charge as stipulated under Article 14(1) main text of the same Act (affirmative)

[2] Whether "accusation" under the proviso clause of Article 15(1) of the Act on Testimony, Appraisal, etc. before the National Assembly ought to be made during the period when a special committee is still active (affirmative)

[3] In the case where the Defendant: (a) appeared as a witness and testified under oath, pursuant to the Act on Testimony, Appraisal, etc. before the National Assembly, at the special parliamentary committee to probe the corruption scandal between South Korean President Park Geun-hye and her civilian confidante ("PartyA") ,etc.; (b) was accused of providing false testimony as prescribed under the main text of Article 14(1) of the same Act by at least one-third of the incumbent members under their joint signatures following the expiration of the committee's period of existence; and (c) was thus indicted on a perjury charge, the Court affirming the lower judgment dismissing the instant indictment on the following grounds: (i) the accusation did not constitute a legitimate accusation under Article 15(1) of the aforementioned Act since it was made after the special parliamentary committee ceased to exist; and (ii) the indictment was filed without a legitimate accusation, which is an element for indictment

Summary of Decision

[1] [Majority Opinion] Article 1 of the Act on Testimony, Appraisal, etc. before the National Assembly (hereinafter "National Assembly Testimony Act") stipulates the legislative purpose, which is "[to] provide for the procedure for the request for reporting and presentation of documents, testimony, appraisal, etc. made in connection with the deliberation on bills, inspections or investigation of the state administration by the National Assembly." The main text of Article 14(1) provides, "If a witness who has taken an oath under this Act makes a false statement, he/she shall be punished by imprisonment with labor for not less than one year but not more than ten years." Article 15(1) main text of the Act stipulates that "Where the plenary session or committee deems that a witness has committed an offense as referred to in the main body of Article 14(1), it shall accuse him/her" and Paragraph (2) thereof provides that "Where a confession is made before an offense is detected, the plenary session or committee may decide not to accuse him/her notwithstanding the provisions of paragraph (1)."

In light of the aforementioned legislative purpose and statutory provisions on perjury, the National Assembly Testimony Act provides for

the National Assembly's internal procedures regarding parliamentary inspections or investigations. Albeit the National Assembly is granted discretion to decide on whether to lodge an accusation against a witness of committing perjury, the Act recommends confession (of perjury) given that a confession forestalls the National Assembly from lodging an accusation. As such, it is reasonable to deem that accusation, as prescribed by Article 15 of the National Assembly Testimony Act, constitutes an element for indictment of perjury under the main text of Article 14(1) thereof.

[Dissenting Opinion by Justice Kim Shin] "Accusation" as defined under Article 15(1) of the National Assembly Testimony Act is merely an investigative lead, inasmuch as there is no explicit provision under the same stipulating accusation as an element for indictment.

Where the National Assembly accuses a witness of perjury, Article 15 of the aforementioned Act specifically provides for such matters as the principal agent of accusation, the offense in question, the exemption from accusation due to confession, the nominal accuser, and the prosecution's handling of the case but does not stipulate that an indictment cannot be issued without an accusation or that an accusation needs to be lodged to file an indictment. As can be seen, the language and structure of the National Assembly Testimony Act is clearly distinguishable from other special statutes providing for accusation as an element for indictment. Therefore, the nature and effectiveness of an accusation as defined under Article 15(1) of the Act cannot be construed as a constituent element for indictment.

Article 15 (Accusation) of the National Assembly Testimony Act ought to be deemed as an extraordinary rule to the Criminal Procedure Act, which provides for general provisions that are applicable where the National Assembly accuses a witness of perjury, etc. In short, the general provisions regarding the principal agent of accusation, the offense at issue, the prosecution's handling of the case, etc. that are applicable in the event that the National Assembly makes an accusation are stipulated as a special provision under the National Assembly Testimony Act but, on the other hand, it does not provide for the nature and effectiveness of the accusation. Therefore, it would be reasonable to construe that the Criminal Procedure Act's general provisions apply as to the nature and effectiveness of an accusation.

[2] [Majority Opinion] The main text of Article 15(1) of the National Assembly Testimony Act provides that "Where the plenary session or committee deems that a witness, appraiser, etc. has committed an offense as referred to in Article 12, 13, or the main body of Article 14(1), it shall accuse him/her." Paragraph (3) of the same Article prescribes that such accusation shall be made "under the name of the Speaker or chairperson of the plenary session or the committee that investigated a witness." Inasmuch as the committee has to reach a resolution on whether to lodge an accusation, its existence should be a premise to make an accusation as defined under Article 15(1) of the National Assembly Testimony Act.

Meanwhile, the proviso of Article 15(1), supra, stipulates that "In case of a hearing, at least one-third of the incumbent members may accuse him/her under their joint signatures."

On the grounds delineated infra, construing that accusation under the proviso clause of Article 15(1) can be made only during the committee's existence is plausible.

① Incumbent members under the proviso of Article 15(1) ought to be interpreted as members of an existing committee in line with the ordinary method of literal construction. The dictionary meaning of "incumbent(在籍)" means "having the named position." Under the National Assembly Act in which the term frequently appears, an "incumbent member" refers to a member holding an incumbent position or title with respect to an existing committee, and cannot be deemed to include a committee that became nonexistent upon dissolution. Therefore, insofar as the proviso clause of Article 15(1) simply prescribes "incumbent members" and does not use specific wordings to infer that "former incumbent members" are included, it is tenable to interpret the term as the same as that used in the provisions of the National Assembly Act.

② When a special committee that held a hearing ceases to exist due to the expiration of its active term, deeming that an accusation of perjury cannot be made thereafter against a witness who had testified at the hearing accords with the purport of having set the special committee's active period. In view of the language of Article 15(1) of the National Assembly Testimony Act, legislative intent and purpose, purport of setting the special committee's active period, etc., if it becomes impossible for the special committee to lodge an accusation as prescribed by the main text of Article 15(1) due to the committee's dissolution, it is plausible to deem that an accusation under the proviso of the same Article also cannot be made.

③ Construing that a person, who was an incumbent member at the time a special committee had existed, can make an accusation under a joint signature even after the committee dissolved contravenes the doctrine of prohibition against analogical interpretation. In light of the language of Article 15(1) proviso of the National Assembly Testimony Act, legislative purpose, and relationship with other statutory provisions, an incumbent member under said proviso clause refers to a member holding a position or title with respect to an existing committee and should not be deemed a former incumbent member of a special committee that had dissolved. Yet, deeming that a former incumbent member may lodge an accusation under a joint signature following the discontinuance of a committee to which the former member had been affiliated broadens the scope regarding the subject and period of accusation (element for indictment) to an extent unfavorable to the actor. This exceeds the bounds of literal meaning, thus contradicting the principle of prohibition against analogical interpretation.

[Dissenting Opinion by Justice Kim So-young, Justice Park Sang-ok, and Justice Kim Jae-hyung] Where a committee accused a person according to Article 15(1) main text of the National Assembly Testimony Act, such accusation ought to have been made under the chairperson's name by resolution of the committee. That said, the committee should have been active at the time of accusation. However, if an accusation was lodged under a member's name pursuant to the proviso clause of the same Article, the committee's resolution is not required, and therefore, its existence is irrelevant. In short, the statutory language need not have to vary depending on a committee's existence or nonexistence.

An incumbent member as defined under the proviso of Article 15(1) is deemed a member so long as the committee is active; on the other hand, it would be reasonable to deem that member as a former incumbent member following the committee's discontinuance. As a teleological interpretation, the aforementioned view is permissible in that it considers the legislative intent and purpose of the National Assembly Testimony Act, i.e., harsh sanctions against those committing perjury before the National Assembly by applying a specific legal form on perjury and amending the relevant law to ease the constituent elements for indictment.

As the Majority Opinion has it, if "accusation" under the proviso of Article 15(1) is understood as having to be made during a committee's existence, this will lead to setting a period for accusation that is not even explicitly provided by law; furthermore, it would make it difficult to punish perjury offenses that are relatively undetectable during a special committee's period of existence, which is ordinarily set for a short term. Such interpretation contradicts the legislative purpose, which is to impose harsher sanctions for perjury committed before the National Assembly than those imposed on a perjury offense under the Criminal Act, thereby enabling the National Assembly to appropriately function.

According to the Majority, a witness who provided false testimony cannot be accused of perjury following the discontinuance of a special committee that conducted a parliamentary probe. Therefore, on the part of the witness who committed perjury, he/she would be subject to punishment if confessing to the offense and subsequently being indicted prior to the special committee's dissolution but, on the other hand, not confessing may result in non-accusation or non-indictment. As such, it would be more advantageous for the witness to not confess. Such outcome would contravene the purport of Articles 14 and 15 of the National Assembly Testimony Act, which recommends confession prior to the conclusion of the deliberation of bills, parliamentary inspection or parliamentary investigation.

If a committee's period of existence were to be construed as the period of accusation, this would result in a considerable gap between the period of accusing a witness who testified at a standing committee and a witness who testified at a special committee that is active for a set period. Moreover, the period of accusing a witness of perjury may differ and its consequential punishment may be determined depending on such coincidental circumstances as whether the special committee's active period is short or long, whether the testimony was provided at the commencement or expiration of the committee's active period, and the plenary session's timing of handling the outcome of investigation. As can be seen, following the Majority's logic contravenes the equity principle, given that the constituent elements for indictment and punishment would differ between witnesses who committed perjury depending on the aforementioned coincidental circumstances.

Ultimately, "accusation" under the proviso clause of Article 15(1) of the National Assembly Testimony Act should be interpreted to mean that, even after the dissolution of a committee that investigated a witness, the former incumbent members of said committee can make an accusation under their joint signatures.

[3] In the case where the Defendant: (a) appeared as a witness and testified under oath, pursuant to the National Assembly Testimony Act, at the special parliamentary committee to probe the corruption scandal between South Korean President Park Geun-hye and her civilian confidante ("Party A"), etc. that was held on December 14, 2016 (hereinafter "Special Committee"); (b) was accused of providing false testimony as prescribed under the main text of Article 14(1) thereof by more than one-third of the incumbent members under their joint signatures following the expiration of the Special Committee's period of existence; and (c) was thus indicted on a perjury charge, the Court affirmed the lower judgment that dismissed the instant indictment on the following grounds: (i) the accusation did not constitute a legitimate accusation under Article 15(1) of the aforementioned Act since it was made after the Special Committee ceased to exist; and (ii) the indictment was filed without a legitimate accusation, which is an element for indictment, in light of the fact that the Special Committee's investigation period lasted from November 17, 2016 to January 15, 2017, the Special Committee's investigation outcome report was adopted by resolution at the National Assembly's plenary session on January 20, 2017, and the accusation was made by thirteen (13) of the eighteen (18) Special Committee members under their joint signatures on February 28, 2017.

(Source: Supreme Court of Justice)

04 Supreme Court Decision 2018Do3619, Decided May 30, 2018

Violation of Act on the Protection of Children and Juveniles Against Sex Offenses (production of pornography and distribution etc.) · Violation of National Sports Promotion Act·Violation of Electronic Financial Transactions Act · Violation of Act on Promotion of Information and Communications Network Utilization and Information Protection(distribution of pornography)· Aiding and abetting opening of a gambling place

Main Issues and Holdings

[1] Whether intangible asset recognized to have property values that have been acquired by criminal acts that correspond to serious crimes designated by the Act on Regulation and Punishment of Criminal Proceeds Concealment can be confiscated. (affirmative)

[2] In the case where the Defendant operated a site distributing obscene materials and gained Bitcoin, thereby violating the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (distribution of obscene materials) and committing crime of aiding the opening of gambling facilities, the Court affirming the lower judgment of Bitcoin confiscation on the following grounds: (a) the Defendant's violation of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (distribution of obscene materials) and the crime of aiding the opening of gambling facilities conform to the serious crime of the Act on Regulation and Punishment of Criminal Proceeds Concealment; (b) Bitcoin should be considered as an intangible asset with property value; (c) the subject of confiscation is specified as Bitcoin.

Summary of Decision

[1] The purpose of the Act on Regulation of Punishment of Criminal Proceeds Concealment (hereinafter "the Act on Criminal Proceeds Regulation") is to contribute to the maintenance of a sound social order by establishing anti-money laundering system that meets the international standards and fundamentally eliminate economic factors that encourage specific crimes through prescribing special cases regarding confiscation and collection of equivalent value with regard to criminal proceeds. The Act supplementing the Criminal Law that directly punishes specific crimes, thereby composes an important part of the Criminal Law that restrain serious crimes.

The Act on Criminal Proceeds Regulation defines criminal proceed as "Property generated by committing serious crimes or acquired in return for such crimes"(Article 2 2(a)), and rules that properties may be confiscated(Article 8(1)1). Also, the Enforcement Decree of the Act on Regulation and Punishment of Criminal Proceed Concealment rules that "concealed property means cash, deposits, shares or other tangible and intangible assets with property values concealed by a person subject to a final and conclusive judgment for confiscation or collection"(Article 2(2)).

In light of the aforementioned legislative purpose and statutory provisions of the Act on Criminal Proceeds Regulation, an intangible asset with property value acquired by committing serious crimes defined in the Act on Criminal Proceeds Regulation may be confiscated.

[2] In the case where the Defendant has operated a site distributing obscene materials and gained Bitcoin, thereby violating the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (hereinafter "Information and Communications Network Act") (distribution of obscene materials) and committing crime of aiding the opening of gambling facilities, the Court affirming the lower judgement that Defendant's Bitcoin may be confiscated on the following grounds: (a) the Act on Regulation of Punishment of Criminal Proceeds Concealment (hereinafter"the Act on Criminal Proceeds Regulation") [Attached] 1(7) defines the crime of Article 247 of the Criminal Law as serious crime, and [Attached] 24 defines the crime of Article 74(1)2 of the Information and Communications Network Act as serious crime; (b) the Defendant's violation of the Information and Communications Network Act (distribution of obscene materials) and the crime of aiding the opening of gambling facilities applies to serious crime coded by the Act on Criminal Proceeds Regulation; (c) Bitcoin should be considered as an intangible asset with property value as Bitcoin is a kind of 'virtual currency' which is a digital representation of economic value that can be transferred, stored or traded electronically and as the Defendant operated obscene site, received Bitcoin from users using photos and videos and advertisers who want to advertise in the obscene site, and treated Bitcoin as property value; (d) the subject of confiscation is specified as Bitcoin.

05 Supreme Court en banc Decision 2011Da112391 Decided June 21, 2018

Wage, etc.

Main Issues and Holdings

Whether holiday working hours are included in "40 hours of weekly standard work time" under Article 50(1) of the former Labor Standards Act and "12 hours of weekly overtime work time" under Article 53(1) of the former Labor Standards Act (negative)

Whether double payment of premium pay for holiday work and overtime work can be approved (negative)

Summary of Decision

[Majority Opinion] A. In principle, law serves as a universally valid regulation having the same binding force against an unspecified number of the public. Thus, law ought to be construed in a manner that ensures objective validity by revealing its standard meaning. Also, non-derogation of legal stability must be ensured by maintaining consistency approved of by all people to the greatest extent. Meanwhile, since substantive law is formed in view of general and typical cases, it must be interpreted and applied in a manner that provides the most reasonable solution in individual cases. For example, statutory interpretation must aim to achieve legitimacy in individual cases to the extent that it does not hinder legal stability. To this end, statutory interpretation ought to adhere to the language and text used in the pertinent statutes in principle, with a systematic and logical interpretive method that takes into account: (i) legislative intent and purpose; (ii) history of enactment and amendment; (iii) consistency with the entire legal system; (iv) and relationship with other laws and regulations, thereby providing reasonable statutory construction in compliance with the principles of statutory interpretation seen hereinabove.

B. Examining (a) the former Labor Standards Act (amended by Act No. 15513, Mar. 20, 2018) (hereinafter referred to as "former Act"; the amended Labor Standards Act will be referred to as "amended Act," and both Acts will be jointly referred to as "Labor Standards Act"); and (b) the Enforcement Decree of the former Labor Standards Act (amended by Presidential Decree No. 29010, Jun. 29, 2018) (hereinafter referred to as "Enforcement Decree of the former Act") with respect to their (i) details, structure, and purpose; (ii) history of enactment and amendment; (iii) legislative intent and purpose; (iv) understanding of the parties to a labor contract; and (v) conventional labor practices, it is reasonable to consider that holiday working hours are not included in the stipulated "40 hours of weekly standard work time" under Article 50(1) and "12 hours of weekly overtime work time" under Article 53(1) of the former Act. The rationale is delineated as follows.

(1) Article 30 of the Enforcement Decree of the former Act prescribes that a person who has shown perfect attendance with respect to the contractual working days during 1 week shall be granted one or more paid holidays per week on average. It is a fair assumption that the "1 week" in this clause does not include holidays. Since in practice standard work hours are deemed contractual work hours, an individual is entitled to a paid holiday only when said individual has worked 40 hours a week. If this is the case, "1 week" in Article 50(1) of the former Act, which prescribes weekly standard working hours, does not necessarily stand for 7 days, including holidays.

Rather, Articles 55 and 56 of the former Act ensure paid leave, and prescribe premium pay for holiday work, which is calculated at the same additional rate as overtime work and nighttime work. Working on holidays, when a worker is not obliged to provide labor, is similar to overtime work; yet, holiday work is regulated separately from overtime work. In light of the details of such regulations and regulatory methods, weekly standard working hours and weekly overtime working hours as prescribed under Articles 50(1) and 53(1) of the former Act intend to regulate working hours on contractual work days and not on holidays.

(2) Whether to include holidays in the stipulated "1 week" as prescribed under the former Act fundamentally falls within the purview of legislative policy. As such, statutory interpretation thereof must respect, to the fullest possible extent, the legislative intent, and comply with the unity of legal order and reasonableness of the legal system. The legislative intent inferred from the history of the enactment and amendment of the Labor Standards Act, by distinguishing holiday work from overtime work, clearly expresses that holiday working hours are not included in overtime working hours.

(3) That holiday working hours are not included in weekly standard working hours and weekly overtime working hours have become accepted as a social norm among the parties of employment relationships; and this should be emphasized when construing the pertinent statutes of the former Act. To interpret it otherwise goes against the long-standing confidence among the parties of employment relationship, and is likely to give rise to legal confusion.

(4) Assuming weekly maximum working hours to be 52 hours, by counting holiday work in overtime work under the former Act, is inconsistent with the Addenda of the current Act put in place by the National Assembly, the representative body of the people, after prolonged adjustment processes of conflicting interests between labor and management and the solicitation of opinions from all corners of society. Also, such assumption violates legal stability by failing to avert unreasonable and confusing consequences.

In sum, (a) since holiday working hours are not deemed to be included in

weekly standard working hours and weekly overtime working hours under the former Act; (b) as a natural logical consequence, double payment of premium pay for holiday work and overtime work is prohibited.

[Dissenting Opinion by Justice Kim Shin, Justice Kim So-young, Justice Jo Hee-de, Justice Park Jung-hwa, Justice Min You-sook] A. The regulation of weekly working hours under the former Act should be applied to holiday work as well.

Statutory interpretation ought to adhere to the language and text used in the pertinent statutes in principle. If the language and text of the pertinent statutes consist of relatively unequivocal concepts, there is either no or only limited need for other interpretive approaches in principle.

Meanwhile, "working hours" refers to the actual working hours during which workers under the direction and supervision of their employers provide labor.

In full view of the following circumstances on the assumption of the legal principles seen hereinabove, holiday working hours are included in maximum weekly hours of 52 hours, which is the sum of "weekly standard working hours of 40 hours" as prescribed in Article 50(1) and "weekly overtime working hours of 12 hours" as prescribed in Article 53(1) of the former Act.

(1) Generally, "1 week" refers to seven calendar days, either from Monday to Sunday or from Sunday to Saturday.

(2) Article 50(1) of the former Act, which prescribes weekly standard working hours, does not provide a separate provision that excludes holidays from the stipulated "1 week"; just because a worker provided labor on a holiday, that does not serve as a reason to exclude those holiday working hours from the actual working hours.

(3) Article 53(1) of the former Act does not rule out any specific day when setting the limits for weekly overtime hours. There are no grounds for interpreting "1 week" and "working hours" differently from the above provision.

(4) Article 55 of the former Act mandates an employer to grant more than one paid leave a week on average to an employee, and Article 56 prescribes the payment of premium pay for holiday work; yet there is no specific provision that prohibits holiday work.

(5) The Labor Standards Act strictly regulates overtime work by setting limits on the working hours designated as overtime and imposes criminal punishment when violated (Article 110.1). If holiday work performed beyond the weekly standard working hours is not considered as overtime work, it becomes possible for an employee to provide labor in excess of the prescribed over time working hours, thereby contradicting the legislative intent of the Labor Standards Act which sets the upper ceiling of overtime working hours and ensures its strict compliance.

Hence, in a case where (a) working hours during work days except holidays are less than 40 hours, but exceed 40 hours when including holiday working hours; (c) holiday work performed in excess of 40 hours, or extra work performed on holidays after having already worked for more than 40 hours during work days constitutes overtime work.

B. In the event where holiday work and overtime work overlap, premium pay should be granted separately for holiday work and overtime work.

This interpretation is valid in light of the form and pattern of the language and text of Article 56 of the former Act. Moreover, when examining the following circumstances, a worker is entitled to both holiday premium pay and overtime premium pay for holiday work performed in excess of the weekly standard working hours.

(1) Holiday work is different from overtime work in nature, as well as in terms of the reimbursement of premium pay and the regulatory intent according to Article 56 of the former Act.

(2) Taking into account Articles 56, 50,and 53 of the former Act, a more reasonable interpretation, which also aligns with legally systematic interpretation and definition of concepts, would be that overtime working hours subject to premium pay are included in holiday working hours.

As such, in a case where a worker provided labor on a holiday in excess of the weekly standard working hours of 40 hours as prescribed under the former Act, said worker is entitled to premium pay for both holiday work and overtime work.

(Source: Supreme Court of Justice)

06 Supreme Court Decision 2018Da21821, 25502 Decided July 12, 2018
[Restitution of retirement allowance·unjust enrichment][Gong2018Ha,1600]

Main Issues and Holdings

[1] The effect (invalidity) of the contract to waive beforehand the right of claims for retirement allowance; in the case where the employee has retired and is no longer under labor contract, whether it is permitted to waive the right of claims for retirement allowance that occurred upon retirement afterwards (affirmative).

[2] Criteria to interpret legal act in the case where the meaning of the words expressed by the party is unclear.

[3] In the case where A was recruited by and worked for corporation B; after retirement, A prepared and delivered a memorandum that wrote 'I have solved all the delayed payment(involving retirement allowance), therefore I promise not to ask for additional charges', as A received money for unpaid wages and pensions over a period of approximately 10 months, the Court affirming the lower judgement that corporation B does not have obligation to pay the retirement allowance on the grounds that A has gave up the right of claims for retirement allowance that occurred upon retirement after the fact.

Summary of Decision

[1] Retirement allowance refers to the money with the nature of deterred wage in return for continued service, paid by an employer to a retired employee who worked for a certain period; specific right of claims for retirement allowance occurs upon meeting the requirement of retirement, in which the labor agreement ends. To waive beforehand the right of claims for retirement allowance that occurred upon final retirement violates the Labor Standards Act and the Act on the Guarantee of Workers' Retirement Benefits which are mandatory provisions, and thus, invalid.

[2] Interpretation of legal act clearly defines the meaning the party has granted to the act of declaring an intention; in the case where the meaning of the words expressed by the party is unclear, it should be reasonably interpreted according to logic and empirical law, general knowledge of society and conventional wisdom of transaction, synthetically considering the content of the words, the motive and details of the legal act, the purpose the party aims to achieve through legal act, genuine intent, and common practices of transaction.

[3] There was a case of writing and issuing a disclaimer: 'I promise that I will not require any additional fee since all the unpaid wages (including severance payments) have been settled', while A was receiving payments for unpaid wages and severance pay over 10 months from the B corporation (where A had been employed) after retirement. In this case, in light to the facts; A has written the disclaimer after several months from the date of retirement, including the circumstances and contents of the disclaimer, it should have regarded that A has renounced his or her claim for severance pay after the retirement, not in advance through the disclaimer, the original judgment is legitimate in that B does not have any obligation to pay severance pay to A.

07 Supreme Court Decision 2017Da281213 Decided August 30, 2018
[Request of Deposit Lawsuit Plaint] [Gong2018ha,1917]

Main Issues and Holdings

In the case when an investor claims for redemption of the investment securities purchased from a sales company whether the sales company owes the obligation of payment to the investor by preparing the redemption price directly (negative)

Summary of Decision

Combining Article 235 (1), (2), (3), (5), (7), Article 236 Paragraph (1), (3) of the 'Financial Investment and Capital Markets Act'(hereinafter referred to as the Capital Market Act) and Article 255 (3) of the 'Enforcement

Decree of the Financial Investment Services and Capital Market Act, if an investor claims the redemption of the collective investment securities, the collective investment company shall make redemption of the collective investment securities based on a base price calculated in accordance with the Article 236 Paragraph (1) of the Capital Market Act. A sales company entrusted trading of collective investment securities cannot directly dispose the collective investment property and prepare the redemption price even if there is a request for redemption of the investor since it only performs selling, redemption affairs of the collective investment securities and the incidental business. On the other hand, to accept the obligation of the payment about purchased the collective investment securities is to acknowledge the obligation to respond to the redemption request of the investor as a proprietary property of the sales company. Since it cannot be allowed against the provisions of Article 235 (5) of the Capital Market Law, which stipulates that only the cash raised by disposing of the collective investment property as much as the portion requested for redemption should be subject to the redemption request. Accordingly, the sales company only requests collective investment business entity to respond the redemption when there is a claim of redemption from the investor, and it only obliges the investor to pay the redemption price received from it.

08 Supreme Court Decision 2018Do7658, 2018Jeondo54, 2018Bodo6, 2018Mo2593 on September 13, 2018

[Aiding and Abetting of Murder (the changed name of a crime: Murder)·the Abandonment of a Corpse·Violations of Act on the Aggravated Punishment, Etc. of Specific Crimes (Kidnapping·Inducement etc.)·the Damage of a Corpse·Attachment Order·Probation Order

Main Issues and Holdings

[1] Constituent requisites for Co-Principals / The degree of evidence whether there is formation of the Co-Principals through conspiracy or not

[2] The meaning of 'an unacceptable risk of recommitting murder' prescribed in Article 5 (3) and Article 21-2 (3) of the Act on Probation and Electronic Monitoring, Etc. of Specific Criminal Offenders / Criteria for judging whether there is a risk of recommitting murder, and base point for judgment (=at the point of judgement)

[3] The meaning and the phase of 'Act of Aiding and Abetting' under the Criminal Act / The meaning and contents of intention necessary to constitute accessories and the ways to verify it

[4] Whether or not the court can acknowledge the facts of the crime indicted as Co-Principals to an act of aiding and abetting without a change of written arraignment (limited)

[5] How to judge the requisites and existence of mental disorder prescribed in Article 10 of the Criminal Act

Summary of Decision

[1] Co-Principals prescribed in Article 30 of the Criminal Act is when two or more persons have jointly committed a crime. For Co-Principals to be established, it is necessary to meet two conditions; cooperative intention of a crime, which is a subjective requisite, and the fact of criminal act through the functional dominant act by a communal intention, which is an objective requisite.

[2] 'An unacceptable risk of recommitting murder' prescribed in Article 5 (3) and Article 21-2 (3) of the Act on Probation and Electronic Monitoring, Etc. of Specific Criminal Offenders means that the possibility of recommitting is insufficient but there is a considerable possibility, and that person for whom an attachment order or probation order commits another crime of murder in the future, thereby breaking the legal tranquility. Whether there is a risk of recommitting murder should be judged objectively by assessing various circumstances comprehensively, including occupation and environment, acts prior to the crime, motive for the crime, means, circumstances after the crime, and these judgments should be based on the judgment of the time of judgment, since they are hypothetical judgments about the future.

[3] Abetting under the criminal law refers to every act—both direct and indirect—that enables easier commission of a crime, although he/she knows that the principal offender is committing a crime. Such an act not only includes tangible and physical aid but also intangible and psychological aid such as empowering the principal to strengthen their determination to commit crimes. An accessory to a crime is established not only when the accessories aid and abet the principal in the course of the principal's criminal act, but also when the accessories anticipate the principal's prospective criminal act and abet by facilitating the commission of a crime before its commencement. Because aiding and abetting under the criminal law refers to any direct and indirect act that facilitates the commitment of crime even when the performer knows that the offender is guilty, two conditions must be satisfied: first, there must be 'an intention to abet,' meaning that an accessary to a crime is aiding the principal offender's action; second, there must be 'a principle offender's intention' meaning that the principle is acknowledging that his/her action constitutes the crime. However, because such an intention is only verifiable internally, the defendant will have to prove it by verifying any indirect fact that is highly relevant to the nature of the intention, if the defendant denies his/her intention. What constitutes an 'indirect fact that is highly relevant' should be based on normal empirical rules, and the link between the facts must be reasonably determined based on the close observation or analysis. Also, the intention of the principal offender—a condition necessary to an accessory to a crime—does not require the accessory to recognize the specific details of principal offender's criminal act. It is sufficient if the accessory to a crime had willful negligence or anticipation.

[4] If the prosecution is found to be lighter than the filed criminal fact, without harming the identity of facts-charged, the court can acknowledge the prosecuted criminal act as co-principals. It is because minor crimes can be admitted by authority without making amendments to the bill of indictment, unless it grants practical disadvantages to the defense of a criminal defendant.

[5] Mental disorder, defined in Article 10 of the Criminal Act, requires both psychological and biological element of deficiency: in addition to biological mental disabilities such as mental illness or abnormal mental conditions, it requires inability to make discriminations or to control one's will due to mental disability. Hence, even those with mental disability cannot be seen as a person with mental disorder, if he or she were able to make discriminations or to control one's will at the time of the crime.

The existence of mental or physical disability is a legal matter that must be gauged by the court in the light of the purpose of penal system. Although the outcome of professional expert's psychiatric evaluation becomes an essential reference to the judgment, the court is not necessarily bound by that opinion. Rather, the court must independently determine the existence of mental and physical disorders, by collectively examining not only such psychiatric evaluation but also various data revealed in documents such as circumstances of crime, means of crime, and actions of the defendant before and after the crime.

09 Supreme Court Decision 2018Do9775 Decided September 13, 2018

[Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes (Obscene Acts by Using Means of Communication)] [Gong2018Ha,2033]

Main Issues and Holdings

Benefit and protection of the 'Obscene Acts by Using Means of Communication' defined in Article 13 of the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes / whether an intent to satisfy his/her own sexual urge by causing a sense of sexual shame or aversion is included in 'sexual urges' or in a standard to determine whether there is 'an intent to arouse or satisfy his/her own or the other person's sexual urge' among the component of crime (affirmative), and whether such 'sexual urges' are combined with anger against the other (affirmative).

Summary of Decision

Article 13 of the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes punishes "a person who sends another person any words, sounds, writings, pictures, images, or other things that may cause a sense of sexual shame or aversion by telephone, mail, computer, or other means of communication, with intent to arouse or satisfy his/her own or the other person's sexual urges." 'Obscene Acts by Using Means of Communication' defined in Article 13 of the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes aims to protect 'the right to avoid pictures or other things that may cause a sense of sexual shame or aversion against one's sexual self-determination.' Thus, the protection of sexual self-determination and general personal right, and fair sexual custom in the society are the benefit and protection of the Act.

Whether one has 'an intent to satisfy his/her own or the other person's sexual urges' must be rationally decided in accordance to the social norm-including the relationship between the defendant and victim, the motive and details of an action, means and methods of an action, the content and aspect of an action, and the other party's nature and bounds.

'Sexual urge' includes not only an urge that directly aims to have a

sexual relation or intercourse but also an urge that aims to bring a mental satisfaction by causing a sense of sexual shame or aversion against the other through sexual harassment and disparagement. Also, even sexual urge combined with rage against the other is not to be seen otherwise.

10 Supreme Court Decision 2017Du38560 Decided September 13, 2018

Revocation of Readjudication on Relief Request for Unfair Flight Suspension

Main Issues and Holdings

[1] Whether fundamental rights provisions under the Constitution take effect on the legal relationship among private persons (affirmative)

[2] Content of freedom of occupation enshrined under Article 15 of the Constitution

[3] Whether freedom of decision-making in business management enshrined under Article 15 of the Constitution has to be harmoniously coordinated to ensure recognition of the human dignity of workers (affirmative)

[4] In the event of a conflict between freedom of business operation, including freedom of decision-making in business management, and the right to freedom of action enjoyed by workers over the specifics of working condition, method of resolving such conflict

[5] In a case where: (a) Company A, which operates a domestic and international air transportation business, issued a temporary work suspension on one of its pilots, namely, Captain B, for growing a beard in violation of Article 5(1)2 of the Employee Dress and Appearance Code; (b) Captain B filed a complaint with the Central Labor Relations Commission alleging that the work suspension constituted an unfair labor practice, which was subsequently upheld by the Commission; and (c) Company A brought a claim against the head of the Central Labor Relations Commission for revocation of readjudication, the case holding that the pertinent employment regulation, which Company A introduced on the basis of freedom of business operation under the Constitution, infringes upon Captain B's right to freedom of action under the Constitution, and is thus invalidated pursuant to Article 96(1) of the Labor Standards Act and Article 103 of the Civil Act

Summary of Decision

[1] While fundamental rights under the Constitution are primarily a defensive right, which protects an individual's free sphere from the invasion of public power, they are also an embodiment of the objective order of values established in the Constitution incorporated as part of its basic doctrine. Since fundamental rights affect all branches of law, including private law, a private legal relationship among private persons should also be governed in compliance with the fundamental rights provisions under the Constitution. Yet, setting aside exceptional provisions that are, by their nature, directly applicable to a private legal relation, the fundamental rights provisions indirectly affect a private legal relationship by forming the content of Articles 2 and 103 of the Civil Act, which regulate relevant laws and regulations or the general principles of private law, and by serving as the standard of interpretation therefor.

[2] Article 15 of the Constitution, stipulating that "all citizens shall enjoy freedom of occupation," guarantees freedom to choose an occupation, which includes both freedom to engage in a chosen occupation and freedom to decide freely on the content and modes of work activities. Furthermore, examining the legislative intent of Articles 15(1), 23(1), and 119(1) of the Constitution in terms of business operation, all businesses are entitled to freely conduct a business or an operation they chose and make decisions to that end, also assured by the Constitution.

[3] Article 10 of the Constitution states that "all citizens shall be assured of human worth and dignity and have the right to pursuit of happiness." The right to freedom of action deriving from the right to pursue happiness protects freedom of choosing either to act or not to act, which also includes matters regarding an individual's lifestyle and habits. Likewise, Article 32(3) of the Constitution states that "standards of working conditions shall be determined by Act in such a way as to guarantee human activity," and Article 33(1)recognizes the three basic labor rights to improve working conditions. These provisions rightly presuppose that businesses' freedom to make decisions on business management is not unlimited, but rather, should be harmoniously coordinated to ensure recognition of the human dignity of workers, who are relevant parties to such decision-making process and holders of fundamental rights. This also corresponds to the intent of Article 119(2) of the Constitution, which empowers a State to regulate and coordinate economic affairs in order to maintain balanced growth and stability of the national economy through a balance among the economic agents.

[4] When a conflict arises between freedom of business operation, including freedom of decision-making in business management, and the right to freedom of action enjoyed by workers over the specifics of working condition, such conflict must be resolved through balancing of interests that comprehensively takes into account the circumstances of individual cases, and also with regard to the relationship between working conditions and protection of human dignity from a constitutional perspective. Also, resolution of conflicts must interpret relevant statutes in a way that achieves substantive harmony among various fundamental rights; since such way of interpretation would inevitably put a limit to the exercise of the two fundamental rights (i.e., freedom of business operation and workers' right to freedom of action), it is imperative to check whether these rights are violated, and, accordingly interpret and apply the law to render a decision on the conclusive validity of the disputed provisions regarding working conditions.

[5] The instant case deals with a situation in which: (a) Company A, which operates a domestic and international air transportation business, issued a temporary work suspension on one of its pilots, namely, Captain B, who grew a beard in violation of Article 5(1)2 of the Employee Dress and Appearance Code (hereinafter "pertinent employment regulation"); (b) Captain B filed a complaint with the Central Labor Relations Commission alleging that the work suspension constituted an unfair labor practice, which was upheld by the Commission; and (c) Company A brought a claim against the head of the Central Labor Relations Commission for revocation of readjudication. The pertinent employment regulation brings about conflict between freedom of business operation of Company A, a private company entitled to put certain restriction on the attire and appearance of its employees for the sake of enhancing consumer trust and satisfaction, building a strong sense of responsibility among the employees, and promoting professionalism in the workplace, and Captain B's right to freedom of action. The pertinent employment regulation, which puts a far-reaching restriction on employee's right to freedom of action, without any effort to achieve a balance of interests or to reach harmony between the conflicting rights of a business's freedom of business operation and of an employee's right to freedom of action, and beyond what is necessary and reasonable bounds to ensure freedom of business operation, is problematic in terms of striking a balance between and achieving mutual harmony among fundamental rights. Also, a change in social perception of the diversity of appearance makes it difficult to readily conclude that employees with a beard have negative impacts and impressions on the customers. In addition to these points, the case also took into account the fact that (i) the scope of duty of a captain of the flight does not necessarily include a face-to-face interaction with passengers; and that (ii) it is unreasonable for Company A to completely and indiscriminately forbid Captain B from growing a beard, without providing any alternatives to protect his right to freedom of action aside from quitting the job, and held that the pertinent regulation introduced by Company A, pursuant to freedom of business operation under the Constitution, infringes upon Captain B's right to freedom of action guaranteed by the Constitution, and thus is invalid in accordance with Article 96(1) of the Labor Standards Act and Article 103 of the Civil Act.

(Source: Supreme Court of Justice)

Recent Events

Citizens to Participate in Correctional Facility Diagnoses

Towards a Safer Korea with Citizen-driven Recidivism Reduction Policy

- The Ministry of Justice (Minister Park, Sang-ki) is to carry out the 'Citizen Participating Organizational Diagnosis' for two months, to be put into effect this March. The Diagnosis will be part of the Ministry's advancements towards creating a 'crime-free Korea'. The Diagnosis will serve to reflect citizen demand and gain nationwide sympathy as part of the Ministry's recidivism reduction policy.
- The 'Citizen Participating Organizational Diagnosis' is an attempt to provide distinct administrative service and properly address public demand. Management of government organizations, human resources and work procedures will be revisited from the citizens' viewpoint under the new organizational diagnosis.
- Correctional facilities such as correctional institutes and detention centers are prohibited to the general public under normal circumstances and only accessible through media outlets. However, Citizen Participants will visit said facilities to meet with correctional officers in the field and discuss recidivism reduction policies.

* Main Fields of Diagnosis: the Categorization Center in charge of classifying, treating and rehabilitating criminals with a high recidivism rate; Departments in charge of recidivism reduction policies such as the Classification & Examination Division and the Psychotherapy Division

- Any Korean citizen who is interested in recidivism prevention programs, regardless of one's age·gender·occupation·residence, may assume the role of Citizen Participant. Online applications are accepted from Monday, Feb. 11st ~ Sunday, Feb. 24th for a total of 14 days through the Ministry of Justice homepage, and the Korea Correctional Service' website and Facebook page.

- All procedures during the current Citizen Participating Organizational Diagnosis will be subject to citizen participation. They include a pre-workshop, two field examinations, an intensive discussion, and a final result reporting. Suggestions gathered from field examination through discussion will be presented in the final result reporting and reflected into institutional improvement.
- The Diagnosis signifies a chance to display the 'Past and Present of Korean Correction', including the Anyang Correctional Institute, the oldest correctional facility in Korea completed in 1963, and the Seoul Eastern Detention Center, newly constructed in 2017 in an environment-resident-friendly way.
- The Justice Minister Park Sang-ki pledged to achieve "communication with the public, incorporation of the general opinion into an effective recidivism reduction policy, and the ultimate protection of the Korean people from crime" through the Diagnosis.

Seasonal Foreign Workers Helping Labor Shortage of Farmers and Fishermen in 2019

2,597 Foreign Season Workers Assigned to 41 Local Governments in the first half

The Ministry of Justice (Minister Park, Sang-ki) hosted "Council for Allocation and Evaluation of Seasonal Foreign Employees" with Ministry of the Interior and Safety; Ministry of Employment and Labor; Ministry of Agriculture, Food and Rural Affairs; and Ministry of Oceans and Fisheries, and confirmed the number of Foreign Seasonal Workers for the first half year of 2019.

- Up until 26th of the last month, MOJ accepted request applications from 42 local governments (1,296 farms and 7 agricultural corporation) and finally approved to introduce 2,597 seasonal workers to 41 local authorities.
  - MOJ strengthened accountabilities of farms and local governments on illegal entrance or immigration by reducing the approved number of employees assigned to local authorities whose number or rate of illegal aliens from the end of 2018 exceeded the certain threshold.
- Meanwhile, MOJ reflected opinions from relevant authorities and local governments and increased the maximum number of approved workers from 4 to 5, starting from this year.
  - Also, MOJ opened request applications to agricultural association corporations as well for the first time, and assigned 17 employees to 7 corporations for this round.
  - MOJ reformed the seasonal workers' system in a way that central governments of such countries, who do not grant power of executing Memorandum of Understanding (MOU) to local authorities, similar to Thailand, can execute MOU as a proxy with domestic agencies.

Since the first trial in 2015, up until 2018, seasonal foreign workers' system has contributed to easing labor shortages in farming and fishing villages as a total of 4,127 foreign workers were deployed to help alleviate labor shortages problems in farming and fishing villages; under the strict management of both MOJ and local governments, the system has established itself as a highly stable system by maintaining a very low rate of illegal immigrants (total of 115, 2.3% of total immigrants)

Current status of managing seasonal employees by year

Types	Total	2015	2016	2017	2018
Number of local governments	72	1	8	21	42
Number of seasonal employees	4,127	19	200	1,086	2,822

* Numbers from 2015 and 2016 are from pilot projects.

In the case of 2018, a total of 2,822 seasonal workers were assigned to 42 local governments (2,247 farmers and 575 fishermen); among them, 22 local governments, including Yanggu-gun and Hongcheon-gun, signed business agreements with 18 local governments in foreign countries in 7 countries respectively, including the Philippines and Vietnam, to invite seasonal workers and the other local governments invited transnationally married immigrants and their domestic and foreign relatives as seasonal workers.

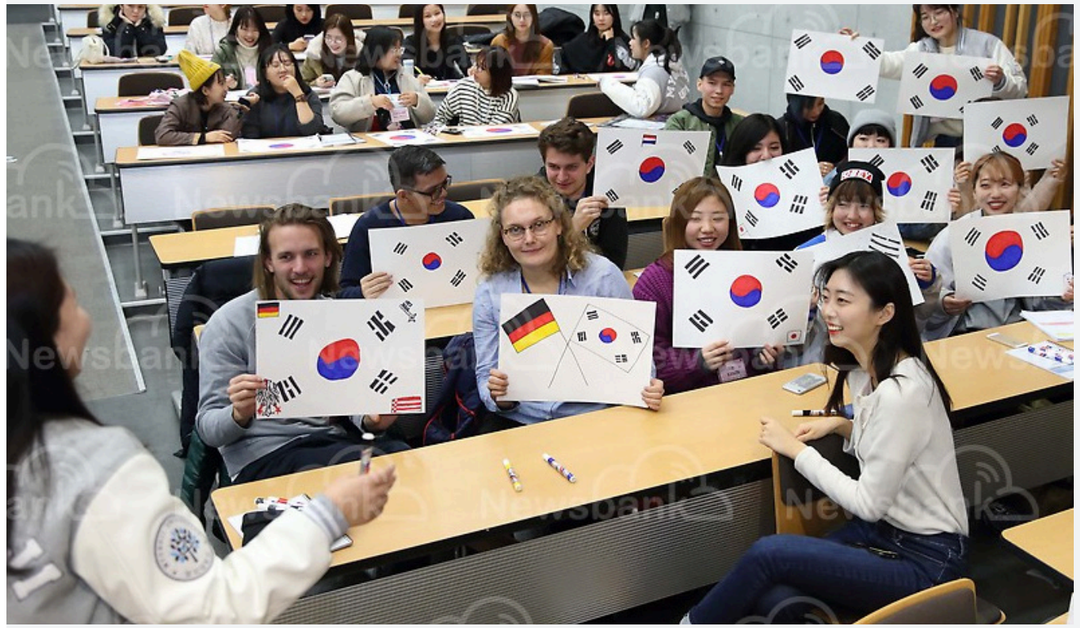
In particular, in cases in which transnationally married immigrants were employed as seasonal workers, the rate of illegal immigrants averaged to only 1.9%; also, as the cost of management was relatively low, it has been found that they were more preferred in farms.

Meanwhile, the seasonal foreign worker system was evaluated as a successful example of policy that satisfied farmers, fishermen, seasonal workers, and transnationally married immigrants. It was awarded at the "2018 Exposition of Good Instances for Improving the Administrative System" organized by the Ministry of Government Administration and Security.

For farmers, fishermen and local governments who failed to apply this time, the government plans to receive applications by June this year and allocate them quickly through the second half of the year's seasonal workers' allocation council in early July.

MOJ will continuously cooperate with relevant authorities and local governments to ease the labor shortage problem by inputting seasonal foreign workers in farming and fishing sites on time. Moreover, it will make additional efforts to prevent illegal activities, such as labor exploitation, and protect such workers' human rights through regular monitoring.

Independence Movement Day (March 1) from View of Foreign Residents in Korea



In commemoration of the 100th anniversary of the Independence Movement Day (March 1) and the establishment of the Provisional Government of the Republic of Korea, the Ministry of Justice is to provide foreign residents living in Korea with field trips to the Independence Hall of Korea.

This field trip program is designed to promote more effective social integration of foreign residents by giving them an opportunity to witness the process from the implementation of the Independence Movement Day to the establishment of the Provisional Government and learn about the Korean history.

About 600 foreign residents, including marriage immigrants, compatriots and students, will participate in the program that will carry on for 15 times from March 5 to 29.

To this end, the Independence Hall has opened a special exhibition hall dedicated for theIndependence Movement Day to mark the 100th anniversary of the Movement and also plans to provide hands-on activities, such as drawing Taegeukgi, the national flag of Korea, on a pottery.

In order to encourage the participation of the foreign residents, the Ministry of Justice will count the visit to the Independence Hall as part of the Social Integration Program*.

"Vietnam, like Korea, has a long history of fighting for independence. I have already learnt about the Independence Movement Day at a class of Social Integration Program, but I am still looking forward to visiting the Independence Hall where I will be able to learn much more about the independence of Korea," said a marriage immigrant from Vietnam.

"For the integration of the Korean society, it is essential that foreign residents are well aware of the Korean history. In this regard, I hope the spirit of the March 1st Independence Movement will be reminded by this event and bring Koreans and foreign residents closer together," said an official from the Commissioner of Korea Immigration Service.

*Social Integration Program

The Social Integration Program is established to provide living information, counseling and curriculum on the understanding of Korean language and society (law, politics, economy, history, and culture, etc.) for foreign residents to help them settle in Korea.

Anyone who completes the program, a total length of maximum 485 hours, will be exempted from the exam for naturalization or permanent residency.

MOJ to Focus on Handling Drug Offenders

A recent disclosure, which revealed that a widely-recognized club located in Gangnam District of Seoul was proved to be a hiding place for illegal drug distributors and users, has raised public criticism. With an increasing concern on narcotic crimes, the Ministry of Justice is to heavily intensify its control on the offenders who are currently under probation.

During a 6-month period for intensive control on drug offenders subject to probation set by the Ministry of Justice from March to September 2019, the Ministry will quadruple the intensity of its inspection on the drug offenders subject to probation in order to prevent recidivism. In detail, the offenders are obliged to 3 more urine examinations per month for the first 3 months, which adds up to 4 tests a month, and at least 2 tests per month afterward.

A total of 2,240 drug offenders are currently under probation at the Probation Offices nationwide of which the Ministry of Justice is in charge.

A drug test consists of two procedures. An inspector first takes urine from an offender and observes its chemical reaction to the reagent. Once tested positive, his/her urine is sent to the National Forensic Service and Forensic Chemistry Office of Supreme Prosecutor's Office for a scrutinized examination.

A drug test, as a process of probation, is carried out regularly in an unnoticed manner to encourage the offenders to self-regulate in compliance with the psychological pressure.

Over the past year, the Ministry of Justice conducted a total of 12,102 drug tests and 113 cases were tested positive. Among them, 31 offenders were severely punished after being scrutinized and being confirmed to have recommitted the crime.

Furthermore, the Ministry of Justice is planning to increase support and offer fundamental and introspective remedies for the offenders by providing intensive probation measures, such as one-on-one counseling on addiction problem and psychotherapy treatment.

The Ministry of Justice and Probation Offices, in cooperation with the Korean Association of Addiction Professional, have conducted a specialized counseling program for drug offenders under probation since 2016. In 2018, 273 drug offenders benefitted from 3,842 counseling sessions.

The Hague Convention on the Civil Aspects of International Child Abduction

Guidance for International Child Abduction

Prosecutor Kim, Sang Hyun

Mr. Kim, Sang Hyun is a prosecutor at the International Legal Affairs Division of the Ministry of Justice.

International Legal Affairs Division

Responds to investor-state disputes, enhances competitiveness of legal profession, forms and adopts international trade rules, and makes cooperation on international legal affairs

The Hague Convention on the Civil Aspects of International Child Abduction or the Hague Child Abduction Convention

The Hague Child Abduction Convention is a multilateral treaty to ensure the prompt return of a child and to secure a parent's access rights. Under the Convention, a left-behind parent in an international child abduction situation can file an application for assistance in the return of the child and/or the exercise of access rights.

Q: *Can you briefly explain what the Hague Convention on the Civil Aspects of International Child Abduction is?*

The purposes of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction are to fight international abduction by providing a procedure to bring about the prompt return of children to their country of habitual residence.

The Convention entered into force on March 1st, 2013. As of March 2019, 100 countries have joined the Convention. The Convention takes effect once Contracting States accept the accession of new member countries to the Convention. Korea has 58 treaty partner countries.

The Convention is applicable to cases of international child abduction where a child under 16 years old is removed from the child's country of habitual residence to another country in violation of Korea

has seen an increase in multicultural families, along with a rise in family breakups in such families where a parent would internationally abduct their child. To secure a legal framework to fight international abduction, Korea joined the Convention on December 13th, 2012, and the Act on the Implementation of the Hague Child Abduction Convention was enacted so that parental or legal representative's rights of custody and/or access, can be protected, provided the Convention was effective in both countries at the time of abduction.

Q: *What is the current status of international child abduction? What are the statistics on it?*

International child abduction mainly occurs in family breakups of international marriages, where a spouse returns to his or her home country with the child without the spouse's consent. Even if a couple is of the same nationality, they may live together abroad, and then one may return home due to reasons such as family feuds.

There are two types of international child abduction: outgoing cases where children are taken away from Korea to foreign countries and ingoing cases where children are brought in from foreign countries to Korea. So far, the total number of international child abduction cases received in Korea is 41, with 15 outgoing and 26 incoming cases. To provide a point of reference, the United States had 379 cases as of 2015 and Japan had 332 cases as of January 2019.

Q: *How are child abductions different from child kidnapping?*

In a nutshell, child abductions fall under the category of child kidnapping, although not completely.

Article 287 of the Criminal Act defines the kidnapping of minors as the act of obtaining and maintaining a minor under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement. Kidnapping also involves the removal of the victim against his/her will from a free state or protection. Enticement refers to acts that deceive the victim into error under the de facto control.

The Hague Child Abduction Convention in Article 3 refers to the wrongful removal or the retention of a child where it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention, and at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

Q: *International effort seems to be essential for the prompt return of abducted children. What are some of the international cooperation processes that take place?*

In the event of child abduction, the parents who have been taken away from the child will usually apply for the return of the child to the central authorities of the child's resident country. Upon receiving the application, the central authorities of the country where the child is suspected of being taken to, review whether the case meets the requirements of the Convention.

After reviewing immigration records to verify whether a child has entered the country or not, they will notify the delegated central authorities if the child has not entered the country. On the other hand, if the child is confirmed to have entered the country, they will provide the whereabouts of the child and recommend amicable settlement. Therefore, close communication between the central authorities is the key to resolving child abductions.

Q: *What are the specific roles and tasks of the International Legal Affairs Division in the said processes?*

Article 6 of the Hague Child Abduction Convention obligates Contracting States to designate a Central Authority to discharge the duties which are imposed by the Convention. Korea has designated the Minister of Justice as the Central Authority; the Department of State and the Ministry of Foreign Affairs are the respective Central Authorities in the United States and Japan, respectively. As Article 7 states, Central Authorities co-operate with each other and promote cooperation amongst the competent authorities to secure the prompt return of children and to achieve the other objects of this Convention. As the

designated competent authorities, the International Legal Affairs Division of the Ministry of Justice provides aid in locating the abducted child, encouraging amicable settlements, and providing general information on domestic laws regarding the application of the Convention.
Furthermore, the International Legal Affairs Division hosts special seminars to update legal professionals on the contents of the Convention regularly and keeps a list of specialized attorneys in association with the Korean Bar Association since 2018 to be given as needed.

Q: *What were some difficulties you experienced while working on cases of international child abduction?*

For children to be returned according to the Convention, one must provide their resident registration number or passport number to the central authorities. If a child is of dual nationality or is a foreign national and leaves or enters the country with a foreign passport, the location of a foreign passport may be difficult to trace.

Q: *Even if the court rules in favor of returning the child, domestic law in Korea does not have legislation to enforce this. What can the parents do in this case, to get help and have their child returned?*

There is no way to forcibly return the child to the applicant's custody, even with a supportive court ruling. The use of forceful means in child custody matters is avoided if possible not just in Korea, but on an international scale. However, indirect compulsory performances are allowed in certain cases. Article 13 of the Act on the Implementation of the Hague Child Abduction Convention states where a person who is obligated to return a child by a judgment or fails to perform such an obligation without any justifiable grounds, the court may order the person to perform the obligation within a certain period. Also, the court may impose a fine for negligence on any person who breaches an order of such performances without justifiable grounds. Furthermore, where a person has been imposed a fine fails to perform his/her obligation within 30 days without justifiable grounds, the court may order detention until he/she performs the obligation.
The Central Authority and competent authorities may provide general information on domestic law under these circumstances. Parents can also refer to the specialized attorneys mentioned above for further legal counsel, which the International Affairs Division can provide.

Q: *What are some notable cases of child abduction that you remember?*

Excuse the vagueness as it's inappropriate to discuss specific details, but there was a case once where a woman asked the Ministry of Justice to prevent her husband (who was not originally from Korea) from leaving the country, because it seemed highly likely that he was going to take his children abroad, away from their mother. The current Convention does not prescribe any prior action such as the prohibition of departure on children likely to be abducted. Therefore, we are trying to improve the said loophole in Convention through legislative efforts.
There is one notable Supreme Court case. A woman had taken her children away from her husband and come to Korea in order to escape domestic violence. The issue was whether the husband's domestic violence to his wife fell under the category of 'grave risk' exposing the child to 'physical or psychological harm' or otherwise placing the child in an 'intolerable situation', thus constituting grounds for dismissal in the Convention.
The Supreme Court of Korea ruled against the husband's claim to return the children, deciding that the children suffered mental distress from directly witnessing their father's violence against their mother and that there was grave danger to them considering the psychological pain they would have suffered were they to return to their father alone.

Q: *What happens if there is a grave risk that the return of the child would expose him or her to physical or psychological harm, or the child wishes to remain with whoever removed him or her?*

The Ministry of Justice, as the designated Central Authority under the Convention, encourages amicable settlement between related parties. Should the abducting parent not voluntarily return the child, the applicant parent may file with the competent court a petition seeking the return of the child. The court may order the return of the child if a violation of custody rights under the Convention has occurred, but may dismiss the petition in certain conditions stated by the Convention and the Act on the Implementation of the Hague Child Abduction Convention. Article 12.4.3 of the Act stipulates that the court may dismiss the petition seeking return of a child if the court finds that there is a grave risk that the return of the child would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. Furthermore, Subclause 4 states the court may also dismiss the petition if the court finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of his/her views.
Therefore, exceptions exist in the legal system regarding the return of the child. As mentioned earlier, according to the Convention and the Act on the Implementation of the Hague Child Abduction Convention, parents whose custody rights were violated may file a petition to have their child returned in principle, but these petitions may also be dismissed if certain conditions designed to best protect the child's rights and interests are met. These certain conditions designated by the law allow the judiciary to gain specific validity in their judgment.
Furthermore, the Convention seeks to promptly return the child as the illegal abduction of the child is detrimental to him or her. The decision to return the child under the Convention is not a permanent decision on custody rights of the child, which shall be determined under the legal system of the country of permanent residence.
However, the child may not have reached the degree of maturity to express his or her views, and there is definite difficulty in expressing views that may go against his or her parent's wishes. Therefore, the child's wishes must be taken account of, but not entirely judge the outcome of a court ruling. Furthermore, an elongated abduction period allows for the child to settle in his or her new environment, which requires careful consideration of the court.

Q: *There are many multicultural families in Korea of Chinese, Vietnamese, and Filipino descent. However, these countries are not signatories to the Hague Child Abduction Convention. If a child is abducted to one of these states, what actions can be taken?*

To begin with, it is not possible to provide assistance prescribed by the Convention to non-contracting states, so parents must refer to the consular service department of the Ministry of Foreign Affairs for diplomatic help.
Currently, the top five countries that make up Korea's multi-cultural families, except Japan, have yet to join the Convention.
Therefore, it is important for more countries to join the Convention and Korea should also review any possible diplomatic issues of those countries that can be raised.

Q: *What are some major future tasks for the International Legal Affairs Division to facilitate resolving international parental abduction?*

They can be summarized into three main tasks. First of all, it is essential to expand the scope of the Convention and make it more applicable, which will eventually allow for a more prompt response to child abductions.
In particular, efforts are needed to encourage countries with many marriage immigrants to Korea to join the Convention.
Also, in case of non-signatories, separate agreements or diplomatic support through the Ministry of Foreign Affairs should be made.
Finally, it takes a lot of effort and time to return abducted children, so prevention of child abduction is more important than anything else. Therefore, for more effective prevention, we are in the process of establishing laws that allow the prohibition of departure on children who are highly likely to be abducted to foreign countries without both their parents' consent.

Fine Dust

Definition: What is Fine Dust?

Fine Dust, a term that was newly coined in the 21st century, reflects the danger in which the Earth is exposed to. According to Korea's National Institute of Environmental Research (NIER), fine dust refers to the high-density Particulate Matter, in which there are two levels of measurement: fine PM which is smaller than 10 μm in diameter (PM 10), and ultrafine PM which is smaller than 2.5 μm in diameter (PM2.5). Particulate Matter or dust is an air pollutant containing a large number of air pollutants together with sulfur dioxide, nitrogen oxides, lead, ozone, carbon monoxide, etc. It occurs in automobiles, factories, etc. Air pollutants from fossil fuels such as petroleum and coal or from exhaust fumes from automobile soot are known to be the main cause of fine dusts, but methods for completely removing ultrafine dusts have not been developed yet. It has been found that such fine dust is detrimental to human body negatively in ways not limited to skin disorders, conjunctivitis and pulmonary diseases and even mental disorders.

Background and Negative Effects of Fine Dust

Although dust issues have always been problematic, there has been an upsurge in the interest and worries regarding the problem of fine dust. According to the Sustainable Development Goals 2018, the particular concern has been how sand and dust storms can negatively affect the progress to be made or already made on at least eleven of the 17 SDGs: ending poverty in all forms (SDG 1), ending hunger (SDG 2), good health and well-being (SDG 3), safe water and sanitation (SDG 6), decent work and economic growth (SDG 8), industry innovation and infrastructure (SDG 9), sustainable cities and communities (SDG 11), climate action (SDG 13), life below water (SDG 14), life on land (SDG 15) and partnerships for the goals (SDG 17).

Now, more recently, especially in ROK, the problem of fine dust has reached upon a degree in which outdoor activities without masks are unimaginable. While this phenomenon used to be an environmental hazard mainly in the spring, now it is becoming an issue in winter as well, with people facing cold and dust days simultaneously. In agricultural industry, as fine dust acidifies soil and water by inducing acidic rain with high concentration of sulfur dioxide and nitrogen dioxide, it causes soil deterioration and damages ecosystem, including forestry and vegetation. When fine dust which contains heavy metal gets attached to the leaves of plants, it postpones growth of crops. In industrial activities, when semiconductors and display devices are exposed to fine dust, product failure rates are increased. This very same effect applies to the assembly lines of Auto industry. In addition, fine dust blocks visibility in air, so there are difficulties in airplane navigation. Moreover, fine dust is not an issue that concerns Republic of Korea (ROK) only. Rather, it is an international issue that involves many different state players. To elaborate, reports have said that foreign factors are responsible for 30-50% of fine dust in South Korea at normal levels and 60-80% during high density. These figures were included in a document published by the government in June 2016 about special measures for controlling fine dust, and they have been used as the main grounds for challenging the efficacy of policies aimed at reducing domestic fine dust. Considering the fact that the fine dust does not originate from a single cause, the possible solutions should, accordingly, involve inter and intra- state efforts.

Current Status of Fine Dust

As of February 15, 2019, the National Assembly issued the **Fine Dust Reduction and Maintenance Act (referred as Fine Dust Act thereafter)**, followed by related Presidential Decree and Ordinance of the Ministry of Environment.

> Article 1 of the Fine Dust Act: The purpose of the Act is to reduce emission of fine dust and products of fine dust; to prevent possible harms to people's health by constantly managing the emission process; and to provide pleasant living environment by moderating air environment. The Act specifies duties of all people, including the national and local governments as well as business operators.

Under the **Article 10** of the Fine Dust Act, the created Special Commission deliberates on drafting and changing the Comprehensive Plan; checking and assessing implementation plans and performance results; reducing or maintaining emission of fine dust; managing people's health and recommendations to people; and working in international cooperation. The Special Commission can receive assistance from the Improvement Planning Group, created under **Article 12.**

International Efforts

As of March 2019, ROK, with National Institute of Environmental Research (NIER) on the lead, has collaborated with National Aeronautics and Space Administration (NASA) and embarked on its mission of KORUS-AQ (The Korea-United States Air Quality Study). It is expected that KORUS-AQ will integrate observations from satellites, aircraft, and ground sites with air quality models to understand the factors controlling air quality across urban, rural and costal boundaries in East Asia. Some of the meaning anticipated outcomes include: evaluation of next generation air monitoring tools, provision of data to the air quality modeling community to further advance global-scale modeling and formation of new international partnerships. Also, ROK attempts to follow models from the Convention on Long-Range Transboundary Air Pollution, adopted in 1979, and the U.S.-Canada Air Quality Agreement, adopted in 1991.

Not limited to cooperation with the United States, ROK proactively found ways to work with North East Asia countries to solve fine dust problems. The environment ministers of ROK and Japan discussed the common issues of both countries, including improvement of fine dust forecast accuracy, the management of invasive alien species, including red imported fire ant and marine litter, and international environment issues, such as the implementation of SDGs and climate change responses. With China, in conjunction with the opening of the Korea-China Environmental Cooperation Center the environment ministers of ROK and China mainly agreed on cooperative projects against air pollution, including the Blue Sky Project and fine dust information sharing. They agreed on the efforts to create and implement new cooperative environmental projects between central governments, local governments and the industrial sectors of both countries. Finally, ROK, China and Japan agreed to review the Implementation Situation of the Korea-China-Japan Environmental Cooperation Action Plan, which has been implemented since 2015, and to discuss the sectors that require the most cooperation at the next meeting, and then to adapt the plan for the next five years (from 2020 to 2024) at the Tripartite Environment Ministers Meeting among Japan, China and Korea (TEMM), which will be held in Korea in 2020.

Domestic Efforts

Besides such inter-state efforts, ROK has been looking for ways to combat the problem of fine dust. **Article 7** of the Fine Dust Act establishes drafting of Comprehensive Plan for every five years approved by the Special Commission. The most recent Comprehensive Plan written in 2017 before enforcement of the Act shows the

collaborated works within the Office for Government Policy Coordination, Ministry of Science and ICT, Ministry of Trade, Industry and Energy, Ministry of Land, Infrastructure and Transport, Ministry of Economy and Finance, Ministry Of Foreign Affairs, Ministry of Health and Welfare, Min istry of Maritime Affairs and Fisheries, Ministry of Education, Ministry of Agriculture, Food and Rural Affairs, Ministry of Environment, and Korea Forest Service.

The Minister of Environment compiles Implementation Performance Reports to the National Assembly in accordance with Article 9. In order to get reliable information for the Reports, the Minister of Environment is capable of opening and operating National Fine Dust Informational Center, which collects, analyses, and calculates emission quantity, under **Article 17**.

Article 18 elaborates Emergency Reduction Actions for High-concentrated Fine Dust which restricts driving motor vehicles used for commercial use; alters operating hours or rate of facilities that discharge atmosphere pollution matters; modifies construction hours of businesses that create dust scattering; and recommends shortening business and school hours. Within 30 days after the Emergency Reduction Actions are imposed, following outcomes should be reported to the Minister of Environment.

Article 23 acknowledges focused protection over vulnerable social groups of children and senior citizens. Starting in 2017, the Ministry of Education offers financial support to install air purification system at schools and the local governments supply air purifiers to Daycare Centers, child welfare institutions, and senior citizen centers. Especially, among the severely fine-dusted areas, regions with concentrated population of these vulnerable social groups are declared as Fine Dust Free Zone which limits diesel vehicles, provides priorities to green cars, and shortens operating hours of businesses creating fine dust. Starting in 2018, ROK has implemented Visiting-in Care Services to senior citizens who lives alone.

Compared to 2014's emission quantity of 324,109 tons of fine dust, 2019's emission quantity has reduced by 12.6% and comes out as 283,400 tons. In January 2019, President Moon publicly announced the need for creative and non-traditional solutions to the fine dust problem. Some of the suggested solutions include reduction of the number of aged diesel cars and increase in the number of clean energy vehicles and replacement of old household heaters with new environmentally friendly ones.

President Moon also stressed the importance of technologies such as developing technologies for artificial rain, air purification and dust collectors. Thus, the government has started investing in developing Korea Monitoring-Emission Model System (K-MEMS) starting in 2017 to analyze initiating cause of fine dust. Furthermore, the government is establishing forecasting and warning air quality system founded by Artificial Intelligence through big database collection and machine learning technology.

Currently, in terms of days in which fine dust level is severely high, a public health warning is given to citizens by text messages sent to individual mobile telephones. Citizens are encouraged to stay indoors, or if they must go outdoors, they should only remain outside for short periods of time and wear dust masks. The government emphasizes to wash hands and consume much water or Vitamin C-infused vegetables and fruits. Furthermore, the local government began a two-tier system that allows cars to run only every other day; however, this policy only applies to governmental institutions and cars. Moreover, citizens can often check fine dust concentration on www.airkorea.or.kr or on various weather Applications.

Not restricted to governmental solutions to the problem, many activists and non-governmental organizations within ROK are actively engaging with the problem of fine dust. Of the many organizations, the Korean Federation for Environmental Movements (KFEM) is the biggest environmental NGO in Korea, with over 80,000 members and 50 local offices nationwide, with 1800 members. One of the activists in the organization named Jeong Eun Song stated that KFEM is working to raise awareness of the severity of the issue and to encourage participation and cooperation from local citizens in public campaigns and effective implementation of regulations.

Q&A Section: How to deal with fine dust in our daily lives?

Although there are relevant laws and regulations to protect citizens from fine dust, citizens are inevitable exposed to the danger of fine dust whenever they go out for outdoor activities. Then, what are some of the daily actions that citizens can take to protect themselves from fine dust?

1. Wear masks during outdoor activities

For students and workers, outdoor activities are necessary. For them, it is important to wear masks whenever they go outdoors. However, not many people know the right masks to wear. Not all masks can block fine dust from entering human body. The specific one that can effectively block fine dust is a mask named KF80, KF94 and KF99. KF80 can block more than 80 percent of fine dust particles with an average size of 0.6μm, while KF94 and KF99 can block more than 94 percent and 99 percent of fine dust particles with an average size of 0.4μm. The effectiveness of the mask increases as the numbers after KF becomes larger. However, it should be noted that masks should be worn only for a day and they should not be reused.

2. Use air purifier and humidifier for ventilation

Contrary to what is commonly believed, citizens are not safe from fine dust even indoors. This is due to the fact that fine dust from outdoor activities attaches to citizens' clothes and belongings. Thus, it is important to take measures to combat fine dust indoors. There has been a study that stated indoor concentration of fine dust is no better than the concentration of fine dust outdoors. To be safe from fine dust at least indoors, use of air purifier and humidifier is essential. Recently, a big

conglomerate in ROK, LG donated 10,000 air purifiers to elementary and secondary schools, as a part of its Corporate Social Responsibility (CSR).

3. Consumption of Vitamin B and water

According to the study done by Environmental Protection Research Team of Columbia University of 2017, it has been found that those who consumed Vitamin B were more immune to the effects of fine dust, compared to those who did not consume Vitamin B. Those who took Vitamin B's heart rates were 150% lower and their leukocyte counts were also 139% lower. Moreover, by drinking water, it can protect bronchial mucous membranes and release impurities in human body.

Traditional Snacks of Korea

Well known for its scrumptious cuisines, Korean traditional snacks have been a crucial part of Korean food culture as an absolute must-have for special occasions or ceremonies. Developed over thousands of years, these snacks have evolved within the wisdom of generations and are still a big part of Korean culture. With the wisdom of Korean culinary culture, its traditional snacks are made from natural ingredients and are now loved by many people worldwide who are interested in health and wellbeing.

Tteok (Rice Cakes)

Tteok refers to all kinds of rice cakes and is commonly served either filled or covered with sweetened bean pastes, beans or honey. Among the varieties, some tteoks were served in banquets and festive events with special meanings- hopes for good luck, health, prosperity, and demonstration of respects.

Songpyeon is one of the most loved tteoks of all varieties, and its earliest records in history dates from the Goryeo Dynasty. It is served during the Korean autumn harvest festival Chuseok, and is half-moon shaped filled with beans, sesame, chestnuts and many more. “Song” means pine tree and Songpyeon got its name as it is steamed over layers of pine tree leafs, adding a refreshing scent. There is a Korean anecdote that says those who make beautiful songpyeon will meet a good spouse or have a beautiful baby.

Injeolmi is another popular kind of tteok made by steaming and pounding glutinous rice flour and covering it in steamed bean powders. Injeolmi is served in various feasts in Korea. It is often served in Doljanchi, a tradition celebrating the first birthday of a baby. For it is one of the chewiest tteoks, it wishes the baby long life.

Gangjeong (Deep-fried Sweet Rice Puff)

Gangjeong is a traditional Korean sweet cookie. To be specific, it is glutinous rice flour kneaded with alcohol, dried in shades after being cut into diverse shapes, fried in oil, and then covered with starch syrup and garnishes. Gangjeong is empty in the inside and tastes sweet and tender. Depending on the garnish, there are various kinds of gangjeongs. For instance, there are soybean gangjeong, sesame gangjeong, cinnamon gangjeong, pine nut gangjeong, and rice paste gangjeong. Hence, people can choose types of gangjeong they like based on their preference on garnishes.

Gangjeong derived from ‘hangu’ which was a traditional appetizer in Chinese Han. It is assumed that Han’s tradition of eating hangu before breakfast was spread to Korea during the Koryo Dynasty. Gangjeong is a famous dessert for Korean New Year’s Day or memorial services in spring and for feasts and banquets as well. Nowadays, people enjoy gangjeong as a daily dessert bought from marketplace or sometimes even made at home.

Sujeonggwa (Cinnamon Punch with Dried Persimmon)

Sujeongwa is one of Korean traditional beverages made by adding sugar or honey to a brew of cinnamon and ginger. People add dried persimmon or pine nut in sujeongwa depending on their preferences. Sujeongwa is famous for its spicy and sugar taste due to the mixture of cinnamon and sugar. It is also known as an excellent winter drink although it is usually regarded as a cold drink. Sujeongwa is especially considered as a signature beverage for Korean New Year’s Day. Although Sujeongwa is delicious as itself, there have been some fusions to tailor to young people’s tastes by adding new ingredients such as caramel syrup or sodas.

Government Departments

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http://www.acrc.go.kr/eng/index.do
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Constitutional Court of Korea
http://english.ccourt.go.kr/
82-2-708-3460

Fair Trade Commission
http://eng.ftc.go.kr
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Financial Services Commission
http://www.fsc.go.kr/eng/index.jsp
82-2-2156-8000

Global Legal Information Network
http://www.nanet.go.kr/glin/index.jsp
82-2-788-4211 (National Assembly Library)

Judicial Research & Training Institute
http://jrti.scourt.go.kr/
82-31-920-3114

Korea Communications Commission
http://eng.kcc.go.kr/user/ehpMain.do
82-2-2110-2114

Korea Consumer Agency
http://english.kca.go.kr/index.do
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Korea Customs Service
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82-1577-8577

Ministry of Food and Drug Safety
http://www.mfds.go.kr/eng/index.do
82-43-719-1564/ 82-1577-1255

Korean Intellectual Property Office
http://www.kipo.go.kr/kpo/user.tdf?a=user.english.main.BoardApp&c=1001
82-42-481-5073

Korea Law Service Center
http://law.go.kr/LSW/main.html
82-2-2100-2520
(Ministry of Government Legislation)/
82-2-2100-2600
(Legislative Research Services)

Korea Meteorological Administration
http://web.kma.go.kr/eng/index.jsp
82-2-2181-0900

Korean Bar Association
http://www.koreanbar.or.kr/eng/
82-2-3476-4008

Korean Library Information System Network (Korean Library Information System)
http://www.nl.go.kr/kolisnet/index.php
82-2-535-4142 (National Library of Korea)

Korean National Police Agency
http://www.police.go.kr/eng/index.jsp
82-182

Ministry of Agriculture, Food and Rural Affairs
http://english.mifaff.go.kr/main.jsp
110 (from Korea) / 82-2-6196-9110 (from overseas)

Ministry of Culture, Sports and Tourism
http://www.mcst.go.kr/english/index.jsp
82-44-203-2000

Ministry of Education
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Ministry of Employment and Labor
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82-44-200-6900

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Ministry of Justice
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Public Procurement Service
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Small & Medium Business Administration
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Statistics Korea
http://kostat.go.kr/portal/english/index.action
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Supreme Court Library of Korea
https://library.scourt.go.kr/Eng/main.jsp
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Supreme Prosecutors' Office
http://www.spo.go.kr/eng/index.jsp
82-2-3480-2337

The Board of Audit and Inspection of Korea
http://english.bai.go.kr
82-2-2011-2114

The Supreme Court of Korea
http://eng.scourt.go.kr/eng/main/Main.work
82-2-3480-1100

The National Assembly of the Republic of Korea
http://korea.assembly.go.kr/index.jsp
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Ministry of Justice

The Ministry of Justice of the Republic of Korea

is the leading state authority which promotes liberty,

democracy, equality, justice and respect for humanity

through fair and transparent enforcement of law.

Emblem The Republic of Korea government has changed its official "government identity." The new logo conveys the dynamism and enthusiasm of the country with the three colors of blue, red and white. It echoes off Korea's national flag *Taegeukgi* with the *taegeuk* circular swirl and the blank canvas embodies in white. The typeface was inspired by the font used in the "*Hunminjeongeum*" (1446), the original *Hangeul* text, in consideration of the harmony embodied in the *taegeuk* circle. Starting March 2016, the new logo is used at all 22 ministries including the Ministry of Justice and 51 central government agencies.

Ministry of Justice, Republic of Korea

Ministry of Justice

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