

Recent Trends of Law & Regulation in Korea



Interview

- **Inside the Work of a Foreign Legal Consultant on Chinese Law**

Case Law

- **A Look into the Supreme Court's Decision on Stalking: Can Continuously Calling Someone Be Considered Stalking?**

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Publisher
Han Dong Hoon /
Minister of Justice

Editor
Koo Sang-Yeop /
Deputy Minister for Legal Affarirs

Editorial Board
Jo A Ra
Ahn Sooyoung / answim512@korea.kr
Chang Junhyeok

Special Thanks to
Baek Sea-won
Choi Hyun Jai
Lee Hyeseung
Park Seojin

Edited in International Legal Affairs Division
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Ministry of Justice, Government Complex
Gwacheon, 47 Gwanmoonro, Gwacheon-si,
Gyeonggi-do, 427-720, Republic of Korea

TEL: 82-2-2110-3661
FAX: 82-2-2110-0327

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Emblem



Ministry of Justice

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.

ACT ON THE INDEMNIFICATION FOR FIRE-CAUSED LOSS AND THE PURCHASE OF INSURANCE POLICIES

Act No. 19265, Mar. 21, 2023



Article 1 (Purpose)

The purposes of this Act are to prevent loss of life and property from fire, and, when a fire breaks out, to make a speedy recovery from the disaster and to ensure proper compensation for damage to life and property, thereby contributing to the stability of life for the citizens. <Amended on Apr. 18, 2017>

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Jan. 18, 2017; Jan. 21, 2023; Mar. 21, 2023>

1. The term "indemnity insurance company" means a person who has obtained permission for a fire insurance business under Article 4 of the Insurance Business Act;
2. The term "fire insurance with a special attachment" means insurance to cover any loss or damage to a building caused by a fire and any

liability for damages under Article 4 (1);

3. The term "special building" means a State-owned building, public-owned building, educational facility, department store, market, medical facility, entertainment place, accommodation facility, multi-use establishment, transportation facility, factory, apartment house, or other buildings where many persons access, work or reside, which are prescribed by Presidential Decree in consideration of fire risks, footprint of a building, etc.;
4. The term "firefighting systems" means firefighting systems, etc. defined in subparagraph 2 of Article 2 of the Installation and Management of Firefighting Systems Act, evacuation facilities prescribed in Article 49 of the Building Act, and other firefighting-related facilities prescribed by Presidential Decree.

Article 3 Deleted. <Apr. 18, 2017>

Article 4 (Liability for Damages by Owner of Special Building)

- (1) Even where the owner of a special building has no negligence about a fire in such building, which has caused death or injury to another person or caused any loss or damage to the property of another person, he or she shall be liable for such damages within the extent of the insurance amount under Article 8 (1) 2. In such cases, the forgoing shall also apply to cases of minor negligence by the owner of a special building, notwithstanding the provisions of the Act on Civil Liability for Fire Caused by Negligence. <Amended on Apr. 18, 2017>
- (2) The provisions of the Civil Act together with the provisions of this Act shall govern liability for damages by the owner of a special building.

Article 5 (Obligation to Obtain Insurance)

- (1) The owner of a special building shall obtain fire insurance with a special attachment, which is provided by an indemnity insurance company, in order to receive compensation for any damage or loss to the special building caused by a fire and assume liability for damages under Article 4 (1), for such building: Provided, That where such owner obtains industrial accident compensation insurance under the Industrial Accident Compensation Insurance Act for his/her employees, he or she may not obtain insurance covering liability for damages caused by death or injury among liability for damages under Article 4 (1) for such employees. <Amended on Apr. 18, 2017>
- (2) In addition to fire insurance with a special attachment, the owner of a special building may obtain insurance coverage for loss or damage caused by wind, water, or the collapse of the building, etc.
- (3) No indemnity insurance company shall refuse to conclude a contract of insurance under paragraphs (1) and (2).
- (4) The owner of a special building shall obtain fire insurance with a special attachment within 30 days from the date prescribed in the following: <Amended on Apr. 18, 2017>
 1. Where a special building is constructed: the date on which the owner obtains approval for use of buildings under Article 22 of the Building Act, undergoes a pre-use inspection under Article 49 of the Housing Act, or receives authorization of completion, confirmation of completion, etc. under relevant statutes;
 2. Where the ownership of a special building changes: the date on which the owner acquires the ownership of such building;
 3. Other cases: the date prescribed by Presidential Decree in consideration of when the owner of a special building becomes or is able to become aware that his/her building falls in the category of special buildings and other matters.
- (5) The owner of a special building shall renew a contract for fire insurance with a special attachment referred to in paragraph (4) annually. <Amended on Apr. 18, 2017>

Article 6 (Special Cases for Building Owned by Foreigner)

@Articles 4 and 5 shall not apply to any of the following special buildings:

1. A building owned by ambassador, minister, or other equivalent envoy of a foreign country dispatched to the Republic of Korea;
2. A building owned by an organization of the United Nations and its employees (limited only to foreigners) dispatched to the Republic of Korea;
3. A building owned by foreign armed forces stationed in the Republic of Korea;
4. A building for military use and a building owned by a foreigner, which is prescribed by Presidential Decree.

Article 7 (Encouragement of Obtaining Insurance)

- (1) If a person who is obligated to obtain insurance under Article 5 fails to obtain such insurance, the Financial Services Commission may request the relevant administrative agency to take necessary measures against the obligator, such as the cancellation of authorization or permission, suspension of business or restriction on the use of the building, etc.
- (2) The administrative agency shall, upon receiving the request under paragraph (1), comply with it unless there exists any good cause not to do so.

Article 8 (Amount of Insurance)

- (1) The amount of insurance obtained under Article 5 shall be in accordance with the following classification: <Amended on Apr. 18, 2017>
 1. Fire insurance: The amount equivalent to the market price of the special building concerned;
 2. For insurance which covers any liability for damage, the amount in accordance with the following classifications:
 - (a) In case of death: The amount determined by Presidential Decree, which shall be at least 50 million won for each victim;
 - (b) In case of injury: The amount determined by Presidential Decree to the extent of the amount of insurance for each dead person;
 - (c) In case of causing any loss or damage to property: The amount determined by Presidential Decree in consideration of the safety of citizens, the fire risk of special buildings, etc., which shall be at least 100 million won for each fire.
 3. Deleted. <Apr. 18, 2017>
- (2) The criteria for determination of the market price referred to in paragraph (1) 1 shall be determined by Ordinance of the Prime Minister.

Article 9 (Claim for the Insured Amount)

Where liability for damages referred to in Article 4 (1) arises, a victim may make demand for payment of the amount of insurance under Article 8 (1) 2 from an indemnity insurance company, as prescribed by Presidential Decree. <Amended on Apr. 18, 2017>

Article 10 (Prohibition of Seizure)

The claim on insurance covering any liability for damage among insurance claims under this Act shall not be seized. <Amended on Apr. 18, 2017>

Article 11 (Establishment of Korean Fire Protection Association)

Indemnity insurance companies shall establish the Korean Fire Protection Association (hereinafter referred to as the "Association") which perform duties, such as safety inspection of fire prevention and firefighting systems, research and education thereon, etc., upon permission from the Financial Services Commission as prescribed by Presidential Decree. <Amended on Mar. 21, 2023>

Article 12 (Legal Personality)

- (1) The Association shall be an incorporated association.
- (2) Except as provided for in this Act, the provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis to the Association.

Article 13 (Restriction on Use of Name)

No person other than the Association under this Act shall use the name of "Korean Fire Protection Association" or any other name similar thereto.

Article 14 (Contribution)

An indemnity insurance company shall contribute the expenses necessary for the establishment and operation of the Association, as prescribed by Presidential Decree.

Article 15 (Duties)

The Association shall conduct the following duties: <Amended on Mar. 21, 2023>

1. Safety inspection of fire prevention and firefighting systems;
2. Assessment of the discount levels for fire insurance premium rates according to fire facilities and equipment;
3. Survey, research, and education on materials regarding fire prevention and firefighting systems;
4. Recommendation to administrative agencies or other related institutions on fire prevention;
5. Other duties authorized by the Financial Services Commission.

Article 16 (Safety Inspection)

- (1) The Association shall conduct a safety inspection of fire prevention and firefighting systems of the relevant special building whenever a contract of insurance is concluded or renewed: Provided, That the Association may not conduct such safety inspection for a specific period as prescribed by Presidential Decree with regard to any of the following special buildings: <Amended on Jan. 15, 2019; Mar. 21, 2023>

1. A special building having a low fire risk index (referring to a fire risk index determined by an insurance premium rate calculation institution under Article 176 of the Insurance Business Act) which is determined by Ordinance of the Prime Minister as a result of a safety inspection;
2. A special building having a low fire risk index which is determined by Ordinance of the Prime Minister as a building, a safety improvement plan for which needs to be prepared pursuant to Article 13-2 (1) of the High-Pressure Gas Safety Control Act;
3. A special building having a low fire risk index which is determined by Ordinance of the Prime Minister as a building, a process safety report on which needs to be prepared pursuant to Article 44 (1) of the Occupational Safety and Health Act.

- (2) The Association may, if it deems necessary, conduct a safety inspection of fire prevention and firefighting systems of a special building for which fire insurance with a special attachment is obtained. In such cases, the proviso of paragraph (1) shall apply mutatis mutandis. <Amended on Mar. 21, 2023>
- (3) The Association shall use forms prescribed by Ordinance of the Prime Minister when conducting safety inspections under paragraphs (1) and (2). <Newly Inserted on Mar. 21, 2023>
- (4) The owner of a special building shall comply with a safety inspection referred to in paragraphs (1) and (2) unless there exists any good cause not to do so. <Amended on Mar. 21, 2023>
- (5) If the owner of a special building fails to comply with a safety inspection referred to in paragraphs (1) and (2), the Association may request the chief of a fire station to conduct the safety inspection thereof. <Amended on Mar. 21, 2023>
- (6) The Association shall not collect expenses on any pretext when it conducts a safety inspection under paragraphs (1) and (2). <Amended on Mar. 21, 2023>
- (7) Where the Association has conducted a safety inspection pursuant to paragraphs (1) and (2), it shall notify the head of a Si/Gun/Gu and the head of the fire station of the results of the inspection as prescribed by Ordinance of the Prime Minister. In such cases, where a request for improvement is made pursuant to Article 17, the request shall be included in the notification. <Newly Inserted on Mar. 21, 2023>
- (8) Matters necessary for conducting safety inspections under paragraphs (1) and (2) and making notification, etc. under paragraph (7) shall be prescribed by Presidential Decree. <Amended on Mar. 21, 2023>

Article 17 (Requests for Improvement Based on Results of Safety Inspections)

Where deemed necessary for fire prevention, response, etc. as a result of a safety inspection under Article 16, the Association shall request the relevant administrative agency to take measures necessary for improving the relevant firefighting systems. <Amended on Mar. 21, 2023>



Article 18 (Donation of Fire Extinguishing Equipment)

- (1) The Association may donate fire extinguishing equipment to administrative agencies or other related institutions, or lend funds necessary to improve fire extinguishing facilities and equipment to the owner of a special building, as prescribed by the articles of association.
- (2) An indemnity insurance company or the Association may install a manufacturing factory of fire extinguishing equipment or lend funds necessary for a person who manufactures fire extinguishing equipment, as prescribed by the articles of association.

Article 19 (Operational Plan)

- (1) The Association shall prepare an operational plan for each business year and submit it to the Financial Services Commission before the corresponding year commences.
- (2) The Financial Services Commission shall, upon receipt of an operational plan referred to in paragraph (1), notify the Fire Commissioner of the National Fire Agency thereof. <Amended on Nov. 19, 2014; Jul. 26, 2017>
- (3) The provisions of paragraphs (1) and (2) shall apply mutatis mutandis where an operational plan referred to in paragraph (1) is modified.

Article 20 (Executive Officers)

- (1) No person who is ineligible to be appointed as an executive officer

of an insurance company under Article 13 of the Insurance Business Act shall be an executive officer of the Association.

- (2) If an executive officer who is engaged in routine duties of the Association intends to do other duties, he or she shall obtain approval thereof from the Financial Services Commission.
- (3) If an executive officer of the Association falls under any of the following cases, the Financial Services Commission may order the Association to dismiss him or her:

1. Where he or she violates this Act, an order issued under this Act, or the articles of association of the Association;

2. Where he or she is adjudged to be guilty for a criminal case;

3. Where he or she is declared bankrupt;

4. Where he or she commits an act detrimental to the public interest;

5. Where he or she has difficulty performing his/her duties because of physical or mental disability;

6. Where he or she has a ground referred to in paragraph (1) or turns out to be a person who has such ground as at the time of his/her appointment.

Article 21 (Supervision)

- (1) The Financial Services Commission may, if it deems necessary for the efficient operation of the Association, order the Association to modify the articles of the association or operational methods of the

Association, or issue an order necessary for supervision.

(2) The Fire Commissioner of the National Fire Agency may issue an order necessary for supervision of duties referred to in subparagraphs 1 and 3 of Article 15 among the duties of the Association under the said Article. <Amended on Nov. 19, 2014; Jul. 26, 2017>

Article 22 (Report and Inspection)

(1) The Financial Services Commission may, if it deems necessary, order the Association to submit a report on its duties, or have the Governor of the Financial Supervisory Service established pursuant to Article 24 of the Act on the Establishment of Financial Services Commission inspect the progress of the duties, books, documents or other necessary things of the Association, on a regular basis or at any time. <Amended by Apr. 18, 2017>

(2) Paragraph (1) shall apply mutatis mutandis where the Fire Commissioner of the National Fire Agency deems it necessary for the duties of the Association prescribed in subparagraphs 1 and 3 of Article 15. <Amended on Nov. 19, 2014; Jul. 26, 2017>

(3) An person who conducts an inspection under paragraphs (1) and (2) shall carry an identification verifying such authority and show it to the related persons.

Article 23 (Penalty Provisions)

A person who fails to obtain fire insurance with a special attachment in violation of Article 5 (1) shall be punished by a fine not exceeding five million won.

Article 24 (Administrative Fines)

A person who uses the name "Korean Fire Protection Association" or other name similar thereto in violation of Article 13 shall be punished by an administrative fine not exceeding three million won.

Article 25 Deleted. <May 19, 2011>

ADDENDA <Act No. 2482, Feb. 6, 1973>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) The owners of special buildings who fall under Article 5 as at the time this Act enters into force or where time-limit regarding effecting insurance as prescribed in Article 5 arrives between the enforcing date of this Act and June 30, 1974 shall effect the fire insurance-cum special agreement under this Act: Provided, That with respect to any State-owned building, the Minister of Finance may adjust the time of effecting insurance with the limit of the Budget after consulting the Minister of Economic Planning Board.

(3) (Idem) Any non-life insurance company falling under subparagraph 1 of Article 2 as at the time this Act enters into force shall establish the Association under Article 11 not later than June 30, 1973.

ADDENDA <Act No. 4069, Dec. 31, 1988>



Article 1 (Enforcement Date)
This Act shall enter into force on April 1, 1989. (Proviso Omitted.)
Articles 2 through 15 Omitted.

ADDENDUM <Act No. 5258, Jan. 13, 1997>
This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 5505, Jan. 13, 1998>

(1) (Enforcement Date) This Act shall enter into force on April 1, 1998. (Proviso Omitted.)

(2) (Transitional Measures relating to Dispositions) At the time of the entry into force of this Act, authorization or other actions taken by administrative agencies, or various reports or other actions submitted to administrative agencies under the previous provisions, shall be deemed to be actions taken by or submitted to administrative agencies under this Act.

(3) through (5) Omitted.

ADDENDA <Act No. 5697, Jan. 29, 1999>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures relating to Executive Officers) The amended provisions of Article 20 shall apply to executive officer elected on after the date of the entry into force of this Act.

ADDENDA <Act No. 5982, May 24, 1999>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)
Articles 2 through 6 Omitted.

ADDENDA <Act No. 6106, Jan. 12, 2000>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures relating to Penal Provisions) The application of the penal provisions to any act committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 6891, May 29, 2003>

Article 1 (Enforcement Date)
This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)
Articles 2 through 34 Omitted.

ADDENDA <Act No. 7186, Mar. 11, 2004>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)
Articles 2 through 5 Omitted.

ADDENDA <Act No. 8863, Feb. 29, 2008>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation.
Articles 2 through 5 Omitted.

ADDENDA <Act No. 10174, Mar. 22, 2010>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of subparagraph 3 of Article 2 shall enter into force on January 1, 2011.

(2) (Applicability concerning Exemption of Safety Inspections) The amended provisions of Article 16 (1) 1 shall apply to a special building that takes the first safety inspection after this Act enters into force.

ADDENDUM <Act No. 10695, May 19, 2011>
This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 12844, Nov. 19, 2014>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)
Articles 2 through 7 Omitted.

ADDENDA <Act No. 14829, Apr. 18, 2017>

Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Scope of Obligations of Owners of Special Buildings to Purchase Insurance)
The amended provisions of Article 5 (1) shall begin to apply from a contract for fire insurance with a special attachment, which is newly concluded or renewed after this Act enters into force.

Article 3 (Transitional Measures concerning Scope of Liability for

Damage)
Where any loss or damage is caused by a fire in a special building occurring before this Act enters into force, former provisions shall apply notwithstanding the amended provisions of Articles 4 (1) and 8 (1).

ADDENDA <Act No. 14839, Jul. 26, 2017>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended pursuant to Article 5 of the Addenda, amendments to an Act, which was promulgated before this Act enters into force but the date on which it enters into force has yet to arrive, shall enter into force on the enforcement date of the relevant Act.
Articles 2 through 6 Omitted.

ADDENDA <Act No. 16272, Jan. 15, 2019>

Article 1 (Enforcement Date)
This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)
Articles 2 through 21 Omitted.

ADDENDA <Act No. 19265, Mar. 21, 2023>
This Act shall enter into force six months after the date of its promulgation.

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Inside the Work of a Foreign Legal Consultant on Chinese Law

Han Jun

Foreign Legal Consultant (China)
at Lee&Ko

What is a Foreign Legal Consultant (FLC)?

- A Foreign Legal Consultant (FLC) is a foreign licensed lawyer who is approved by the Minister of Justice to provide legal consultation about foreign laws in the Republic of Korea.
- A FLC acts as a ‘foreign member’ of the Korean Bar Association.
- Unlike a Foreign Legal Consultant, a foreign licensed lawyer, in principle, cannot perform legal services under his/her name in the Republic of Korea.

Q: What drew you to study law in China?

When I was very young, creditors came to our house and took away all the electronic appliances that could be re-sold. I assumed my father, who ran a business, had a dispute with business partners. I asked my mother at the time how people resolve such disagreements, and she told me that people could file a petition in court, and then the judges would decide on disputes according to the law. I didn’t know what law was back then, but I learned that it could help solve problems between people, and that’s how I became interested in law. That drew me to study law at the Southwest University of Political Science & Law, and I learned about access to justice and how it can protect the socially disadvantaged.

Q: What made you work in Korea after receiving a law degree in China?

After passing the bar exam in China and working as a lawyer, I realized that I needed to study more. As a result, I decided to move to Korea to study and gain in-depth knowledge and expertise.

While studying in Korea, I not only grew academically but also learned about the culture. I had the opportunity to meet great senior lawyers who actively worked in Korea and listen to their experiences. From such experiences, I learned there was a demand for legal services for Chinese law at leading companies and law firms in Korea. Considering the relationship between Korea and China in various fields, such as the economy, culture, education, and technology, it would be helpful to expand my career when I gain practical experience in Korea.



Q: What kind of work do Foreign Legal Consultants (FLCs) usually do at Korean law firms, and what areas have been in high demand recently?

FLCs on Chinese law mainly offer legal advice needed for Korean companies’ investment in China and Chinese companies’ investment in Korea, as well as on international treaties to which China is a party. It may be slightly different for each law firm, but based on my experience, I do a lot of work on foreign investments, mergers and acquisitions, corporate restructuring, labor, taxation, dispute resolution, general corporate advice, contract reviews, certification or notarization of Chinese translations, and translation of various Korean and Chinese documents.

Recently, despite the end of COVID-19, the demand for traditional corporate legal advice, such as on foreign investment or mergers and acquisitions in China, has decreased. On the other hand, the demand for advice on dispute resolution, corporate dissolution, liquidation, and bankruptcy has been increasing significantly.

Q: You have worked both in Korea and China. Are there any differences that practitioners should pay particular attention to in each country’s legal system or working environment?

I would like to say no country can have a legal system or regulation that is perfect and clear. In particular, with the recent economic development, China has been adopting many new legislations and revisions to the existing laws, so monitoring such trends has been important. Also, from a practitioner’s perspective, I often face difficulty when relevant departments and government officials do not clearly

understand the interpretation of key legislation and provisions. Therefore, the final advice I provide in legal counseling is not only based on the legal provisions but also on relevant judicial precedents, theories, and how relevant government departments interpret the law. In particular, in the case of legal advice on Chinese law, it is necessary to take note of different issues: whether each local or autonomous district enacts laws in addition to national regulations, whether there are judgments with varying opinions on the same set of facts, whether there are differences in the way each local government department handles the work, and whether there are other considerations such as political influence and relations with the government within China in addition to legal factors.

Q: What is the most memorable case you take?

A tax lawsuit that a Korean client filed against the Korean taxation authority comes to my mind. The client paid income tax generated in China under a different name. The Korean taxation authority imposed the global income tax upon that tax, not considering it a foreign tax. As a result, the client filed a lawsuit for the revocation of imposition of general income tax but lost their first trial at the Seoul Administrative Court. During the appeal trial, the Seoul High Court ordered the client to prepare clarification on tax items and their amount, tax base, applied tax rates, and whether the same tax rate applies to the payment in another’s name according to Chinese law.

As this case requires legal advice on Chinese law, Korean attorneys in the taxation department at the law firm requested my assistance. So, I worked with the law firm’s attorneys, accountants, and tax accountants to provide the court with documents on Chinese tax law regulations, tax calculations, and their translations. As a result, we ended up winning the case.

I felt fulfilled to protect the client’s vast amount of property rights. But this case is especially meaningful because there are only a few litigation cases related to tax administration in China compared to major countries, and also, it is very difficult to win a lawsuit against tax authorities.

Q: What advice would you give to people interested in becoming FLCs?

Anyone who has an attorney license in his/her country can take a shot at being a FLC. I expect FLCs’ opportunities and practice areas in Korea to widen as the system becomes better systematized and regularized. As far as I know, I am the youngest FLC in Korea, and there are still many opportunities and possibilities, so I encourage everyone to challenge themselves and gain diverse experiences when given the opportunity.

Recent Events



MOJ Celebrates the Opening of Geochang Detention Center

On October 18, the Ministry of Justice ("MOJ") held the opening ceremony of Geochang Detention Center, attended by Justice Minister Han Dong Hoon, Commissioner General of Korea Correctional Service Shin Yong Hae, and notable local government officials.

The ceremony started with a progress report offered by the Director of Geochang Detention Center, followed by an award ceremony and the Minister's congratulatory remark. Then, participants unveiled the signboard and planted commemorative trees.

Since the city embarked on the project in 2011, driven by residents' voluntary proposal to establish a detention center in their region, the construction has been repeatedly suspended and resumed due to the opposition of some residents. Thanks to the efforts of the regional government and residents to promote communications and find common ground, the project swiftly resumed after residents had decided to continue the project through the referendum vote.

Also, Minister Han said in his speech, "Geochang residents have shown the value of democracy" and acclaimed the massive role that Geochang residents had played, stating, "Even opponents trusted the voting procedure and respected the result. All residents showed what

the unity is."

Geochang Detention Center is the country's second "Self-governing*" correctional facility, and its design focuses on harmonizing with nature and protecting the region's environment by utilizing green energy, such as solar and geothermal heat, as its power source.

Furthermore, the center has hired talented people in Geochang to coexist with the local community and promoted tourist spots in Geochang and local products.

*The correctional facility grants more autonomy to the prisoners to secure their independence and enhance their social adaptability.



Ministry of Justice Hosts the 12th Asia-Pacific ADR Conference

A global gathering of experts in international arbitration on the topic of ISDS, sharing the latest trend in the new business paradigm and discussing developmental directions

From November 1 to November 2, MOJ will host an international conference on alternative dispute resolution ("ADR*") and investor-state dispute settlement ("ISDS") in collaboration with the United Nations Commission on International Trade Law ("UNCITRAL"), the International Chamber of Commerce ("ICC"), and Korean Commercial Arbitration Board ("KCAB").

On November 1, different arbitral institutions will share their various efforts to address the new business paradigm in endemic, under the theme of "Endemic and the New Digital Age: New Crossroads Ahead for Arbitral Institutions." This year's conference, which takes place in person after three years in a virtual modality, will gather around 250 experts in international arbitration and officials of governments and international organizations, including Secretary Anna Joubin-Bret of UNCITRAL and Secretary-General Meg Kinnear of ICSID.

During the Special Session held by MOJ and UNCITRAL on November 2, there will be discussions on the directional development of recently drafted international norms and systems under the topic of ISDS reform. As ISDS cases are increasing each year, the demands for

institutional reform are growing, along with criticisms over the procedures, such as the possibility of threatening the policy space of governments, high costs, etc. This year's sessions will address various institutional improvement solutions, such as the use of mediation during ISDS procedures, the insurance of procedural fairness through establishing a code of conduct for adjudicators, providing legal support for developing countries, etc.

During the opening remarks for the 12th Asia-Pacific ADR Conference, Minister Han Dong Hoon introduced MOJ's recent achievements, such as the new establishment of an international legal affairs bureau to strengthen Korea's capabilities to respond to ISDS and confirmed MOJ's efforts to turn the Asia-Pacific region, including Korea, to become the world's center in the field of ADR.

MOJ will continue to strive to ensure that Korea takes the lead in the global standards in the fields of ADR and ISDS

* Alternative Dispute Resolution (ADR): Mediation, arbitration, and other neutral processes to resolve disputes without a trial

Policies of the Ministry of Justice

MOJ Implements Innovative Expansion of Skilled Worker Points System (K-point E74)

A new visa system will allow foreign workers with high Korean proficiency or a recommendation by their employers to convert their visas to encourage their contribution to the development of Korea and their social integration.

- The Ministry of Justice implemented the 'Innovative Expansion of 35,000 Skilled Worker Points System (K-point E74)' on September 25, which reflects the opinions of the business community and industry and comprehensively considers national interests, social integration, and balanced regional development.
- The basic direction of this plan (K-point E74) is to allow foreign workers with a certain level of Korean proficiency to switch their visa to a skilled workforce visa (E-7-4) if they meet the following requirements: 1) those who have stayed in Korea for more than four years 2) those with at least 200 points (including extra points) out of 300 points 3) those recommended by a company they have worked for more than one year as of the application date. Even after receiving a skilled workforce visa (E-7-4), they should continue to work for the company for at least two more years.

In particular, Korean language proficiency has become a mandatory requirement, considering foreign workers' integration into Korean society. Another requirement is whether they comply with laws and regulations by excluding illegal immigrants, tax delinquents, and those with a criminal history of more than one million won from the new visa program. To support the revitalization of the local economy and balanced regional development, those recommended by municipal governments or who worked more than three years in low-populated areas also get additional points.

* In the case of overdue wages, assault, or illegal employment, the relevant company immediately deprives the chance of recommendation for the next five years.

- Foreign workers who entered Korea with simple labor visas (E-9, etc.) can obtain a skilled workforce visa (E-7-4) if their abilities are verified under this system. They can obtain residence status (F-2) or permanent residency (F-5) if they meet additional requirements regarding certain income levels and five-year stays.
- Since Minister of Justice Han Dong Hoon announced a plan to expand the quota of foreign skilled workers at the National Financial Strategy

Meeting held on June 28, the Ministry has gathered and listened to various opinions and concerns by visiting industrial sites and local governments to check the workforce condition.

- Minister Han said, "This plan aims to prioritize the opinions of foreign workers, employers, and local governments when screening the visa switch. In the face of invisible wars around the world to secure talent, the Ministry of Justice will devise various policies in a timely manner, putting national interests first so that foreign STEM talents and skilled workers can contribute to the development of Korea."
- The application for E-7-4 visa conversion is being conducted through the Hi Korea website (www.hikorea.go.kr) without having to visit the Immigration and Foreigners' Office. The examination is being carried out quickly by a dedicated screening team of 21 employees.

Key Points of K-point E74

	Before	After
Annual Quota	2,000	35,000
Recommendation	Central Department	Central Department + Local Governments, Corporations
Scoring Items	11	Simplified basic criteria into three: income, Korean language proficiency, and age
Method of Applying	Visiting	Online (if unavoidable cases, visiting allowed)
Changing Workplace	Allowed	2-years of mandatory work in current workplace
Korean Language Proficiency	Optional	Mandatory
Employer Recommendation System	No regulations	Mandatory if worked more than 1 year
Permitted Number of People	Maximum 20% of domestic workers (30% in case of root industry)	Maximum 30% of domestic workers (40% in case of root industry)

Mobile Financial Transactions Available to Registered Foreigners - Implementation of 'Residence Card Verification Service' –

The Ministry of Justice (MOJ) is implementing the 'Residence Card Verification Service' from September 18, making mobile financial transactions accessible for registered foreign residents, in collaboration with the Financial Services Commission and the Korea Financial Telecommunications & Clearings Institute (KFTC).

- Residence Card Verification Service: In case a registered foreigner needs to carry out identification verification with his/her residence card when using a mobile app for banking services, the registered foreigner may submit the Residence Card (including Permanent Resident Card and Overseas Korean Resident Card) information to the financial company, which will then transmit this data to the Ministry of Justice. The Ministry of Justice will conduct comparison of the card details and the photo with previously stored data, and reply back to the financial company, confirming the card authenticity in real-time.

Because there was no system for verifying Residence Cards until now, registered foreigners had to face a cumbersome burden when dealing with issues such as opening a bank account due to the requirement of in-person visits to the bank.

*Verification services for residence registration cards, drivers' licenses, and passports are currently provided for only Korean nationals.

With the amendment of the Immigration Act in December 2022, and the establishment of the 'Residence Card Verification Service' system that links the MOJ and financial companies, registered foreigners can now conduct financial transactions with their mobile phones without having to visit a bank in person.

The rollout of this service will initially commence with the banking sector, and after stabilizing the system and gaining a better understanding of the demand from financial companies, its implementation is planned to expand to non-banking financial institutions.

*The list of financial companies that participate in providing this service will be uploaded on the Korea Immigration Service website (www.immigration.go.kr) and HiKorea (www.hikorea.go.kr).

Justice Minister Han Dong-hoon highlighted the importance to meet global standards in terms of local living conditions in order to attract foreign talents. Adding that the Residence Card Verification Service is in line with this objective, he anticipates that the service will help alleviate inconveniences that foreigners experience regarding financial transactions. Meanwhile, following the implementation of the Residence Card Verification Service, MOJ has launched a 24/7 online service on HiKorea (www.hikorea.go.kr), a civil service portal for foreigners, for reporting lost cards to prevent the misuse of residence cards.

The Ministry of Justice will continue to endeavor to identify and improve the challenges faced by foreigners staying in Korea to facilitate their stable integration into the Korean society.

A Look into the Supreme Court's Decision on Stalking: Can Continuously Calling Someone Be Considered Stalking?

Background information

Background to the Introduction of the [Act on Punishment of Crime of Stalking]

A law punishing the act of stalking was first proposed in 1999, but one was never passed until the [Act on Punishment of Crime of Stalking] took effect on October 21, 2021. Previously, stalking had been punished by citing other related charges, such as a misdemeanor or home invasion. However, these carried relatively lighter sentences, usually with fines of 100,000 won (\$70) for a misdemeanor, a maximum sentence of three years imprisonment, or a fine of up to 5,000,000 won (\$3800) for a home invasion. Furthermore, there was criticism that these charges and punishments were applied after the act of stalking (and any other escalatory act, if applicable) had occurred. Therefore, calls were growing to introduce a law that holds perpetrators accountable for stalking and introduce preventative measures to protect the victim better and to keep stalking from escalating to a more severe crime.

In the three years before the introduction of the law, there were 2,772 reported stalking cases in 2018, 5,468 reported cases in 2019, and 4,515 reported cases in 2020. The concern over stalking was sparked by the murder of a mother and her two daughters in March 2021. A man in his twenties stalked the older daughter by continuously trying to contact her and showing up in front of her house numerous times. He eventually broke into their home and murdered all three people before being arrested. This brutal murder case provoked a public outcry, calling for the law to protect victims better and to stop stalking from escalating further. As a result, the Act on Punishment of Crime of Stalking was passed and took effect in 2021.

The Supreme Court’s Decision 2022Do12037 Decided May 18, 2023

A. Case Facts

During the period of October 29, 2021, to November 26, 2021, the

Defendant called the victim 29 times using their own and another person's phone. The Defendant and the victim talked over the phone for seven seconds on October 29, 2021, and then left missed calls and unidentified calls on the defendant’s phone numerous times. Such consistent and repeated action with the use of the information and communications network aroused anxiety and fear in the victim without just cause against the victim’s will.

B. Main Issue and Holdings

[1] Whether the act of provoking anxiety and fear of another person by making another person’s phone keep ringing or leaving multiple missed calls constitutes stalking as stated in Article 2 Subparagraph 1 Item (c) of the Act on Punishment of the Crime of Stalking, regardless of whether telephone conversations have actually been made (affirmative)
[2] In a case where an offender made an unwarranted telephone call against the will of another person, engaged in a conversation, and had his speech actually be arrived at that individual, whether these actions may constitute the act of stalking as stated in Article 2 Subparagraph 1 Item (c) of the Act on Punishment of the Crime of Stalking, even though it is not revealed that the telephone conversations were of the nature that they induced anxiety or fear in the said individual (affirmative with restriction)

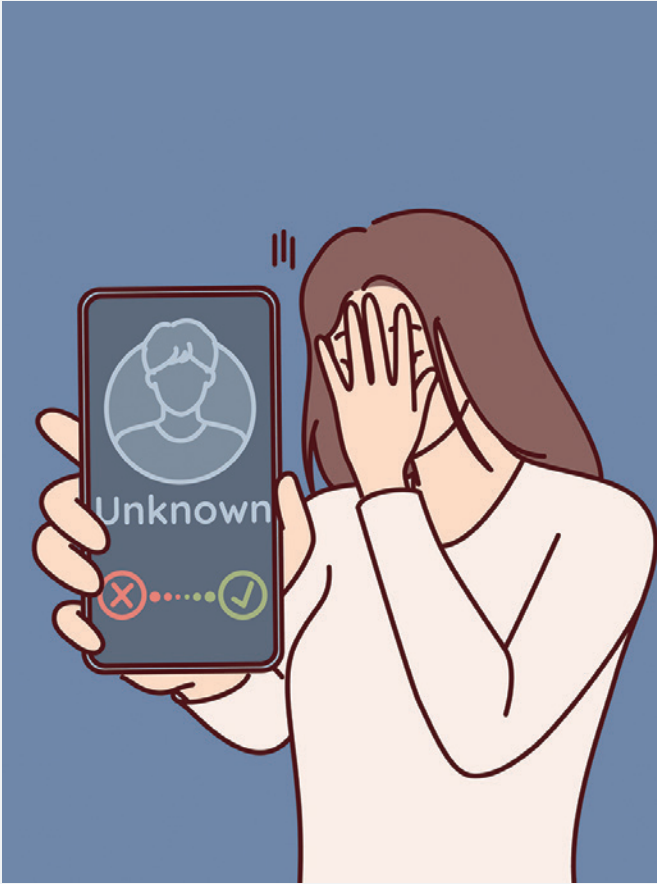
Whether the act of stalking, as stated in the abovementioned provision, is applicable in a case where the offender made a call to another person but did not make any utterances, thereby not completing the act of "enabling the speech to arrive at [the receiver]" (affirmative with restriction)

C. Ruling

The Supreme Court annulled the original decision and remanded the case to the Busan District Court.

D. Summary of Decision

[1] Comprehensively taking into account the language and text and legislative purpose of the Act on Punishment of the Crime of Stalking (hereinafter “Stalking Punishment Act”), the act of stalking as stated in Article 2 Subparagraph 1(c) of the Stalking Punishment Act includes the act of making a call to a person and making that person’s phone keep



ringing or showing a few missed call notifications, thereby inducing anxiety or fear in another person, regardless of whether there was an actual telephone conversation.

[2] The Defendant made an unwarranted telephone call against the will of the victim, engaged in a conversation, and had his speech arrive at the victim. Such act by the Defendant may fall under the category of the act of stalking as stated in Article 2 Subparagraph 1 Item (c) of the Stalking Punishment Act, even if the substance of the telephone call is found to be neither apprehensive nor frightening, insofar as the act of making a phone call per se is considered to have induced anxiety or fear when comprehensively taking into account the relationship between the Defendant and the victim, their status and disposition, and various circumstances preceding and following the conduct in question. Even if the Defendant did not utter any words at the time of the telephone conversation with the victim, thereby not completing the act of “enabling the speech to arrive at [the receiver],” the Defendant’s actions still constitute the act of stalking in the abovementioned provision insofar as they are considered to have induced anxiety or fear in the victim by making the victim’s phone keep ringing before the victim answers the phone or leaving caller IDs on the phone’s screen, which constitutes the “act of transmitting sounds or texts.”

E. Applicable Law

[Act on Punishment of Crime of Stalking], October 21, 2021*

* This was later revised on July 11, 2023 after the Supreme Court Decision.

Article 2 (Definitions)

The terms used in this act are defined as follows:

1. The term "act of stalking" means engaging in any of the following acts directed at the other person or a member of the other person’s household or family against the will of the other person, without good reason, which causes the other person anxiety or fear:
 - (a) An act of approaching or following the other person or obstructing the other person’s path;
 - (b) An act of waiting for or observing the other person at the other person’s residence, workplace, school, or other places of daily life (hereinafter referred to as "residence, etc.") or the vicinity thereof;
 - (c) An act of having things, written or verbal statements, codes, sound, drawings, pictures, or video images (hereinafter referred to as "things, etc.") delivered by mail, telephone, facsimile, or information and communications networks defined in Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection;
 - (d) An act of having things, etc., delivered directly or through a third person or placing things, etc., in the other person’s residence, etc., or the vicinity thereof;
 - (e) An act of damaging things etc. placed in the other person’s residence etc., or the vicinity thereof;
2. The term "crime of stalking" means engaging in a repeated or continuing act of stalking;
3. The term "victim" means any person who has suffered direct harm as a result of the crime of stalking;
4. The term "victim, etc." means a victim and a person who has been subjected to the act of stalking.

F. Implications and Changes to the Law

This judgment indicates that the continuous act of calling, even if the victim does not pick up the phone, can constitute stalking if it causes fear or anxiety in the victim. Also, even if the telephone conversation between the Defendant and the victim is not proven to have caused fear or anxiety in the victim, by taking into account the context around the telephone conversation and contact attempts, the act of calling itself can be considered to have caused fear or anxiety. Moreover, when the victim does not pick up the phone, leaving caller ID notifications and causing the victim’s phone to ring can be considered the "act of transmitting sounds or texts" and, therefore, amount to the act of stalking.

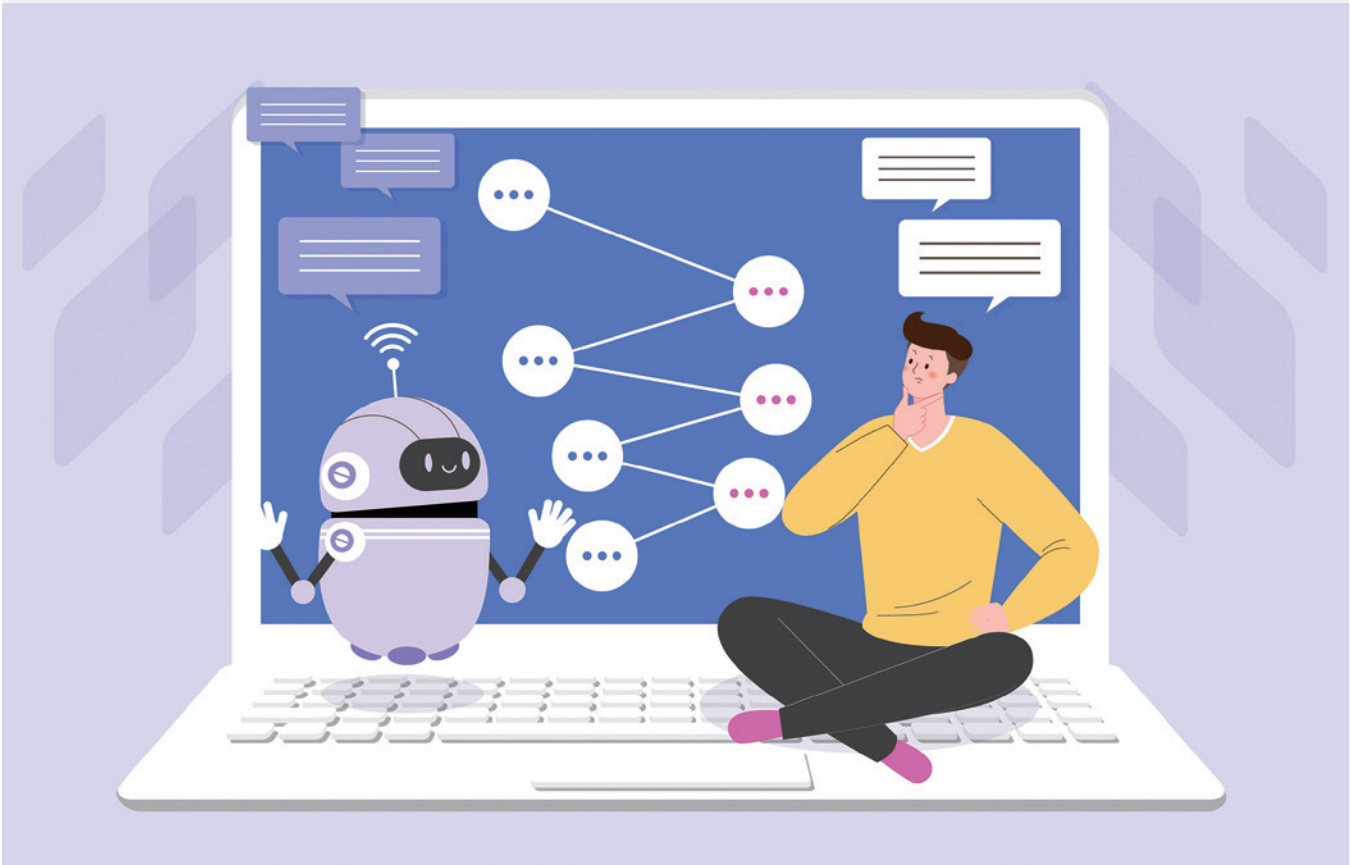
After the Supreme Court Decision, the National Assembly amended the [Act on Punishment of Crime of Stalking] on July 11, 2023. As a result, the scope of actions that can be considered stalking has been



expanded. This includes revealing personal information about the victim, such as their location, using social media, as well as using social media to contact the victim repeatedly. The amended law also allows courts to order the electronic tagging of perpetrators with a tracking bracelet before they have been found guilty to protect victims. One of the biggest changes to the law was abolishing a clause that stipulated that a stalker could not be held criminally responsible if the victim did not consent to the punishment. The original law passed in 2021 stated that stalkers may be punished only with the consent of the victim. However, it gained fierce criticism because victims could give up seeking punishment against perpetrators due to fear of retaliation. With the revision, the victim's consent is not needed for stalkers to face punishment. A separate law was also introduced in July 2023 to protect victims in the workplace better. If a company treats the victim or another person who reported an act of stalking unfairly, such as through dismissal or disciplinary action, the relevant people in charge can be punished with the same sentence as the stalker, with a maximum sentence of three years imprisonment or a fine of up to 30,000,000 won (\$23,000). Therefore, through these changes, as well as the Supreme Court Decision, it is expected that the state will be better able to protect victims of stalking while punishing perpetrators.

Sources:
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<https://glaw.scourt.go.kr/>

Data Protection in AI Development

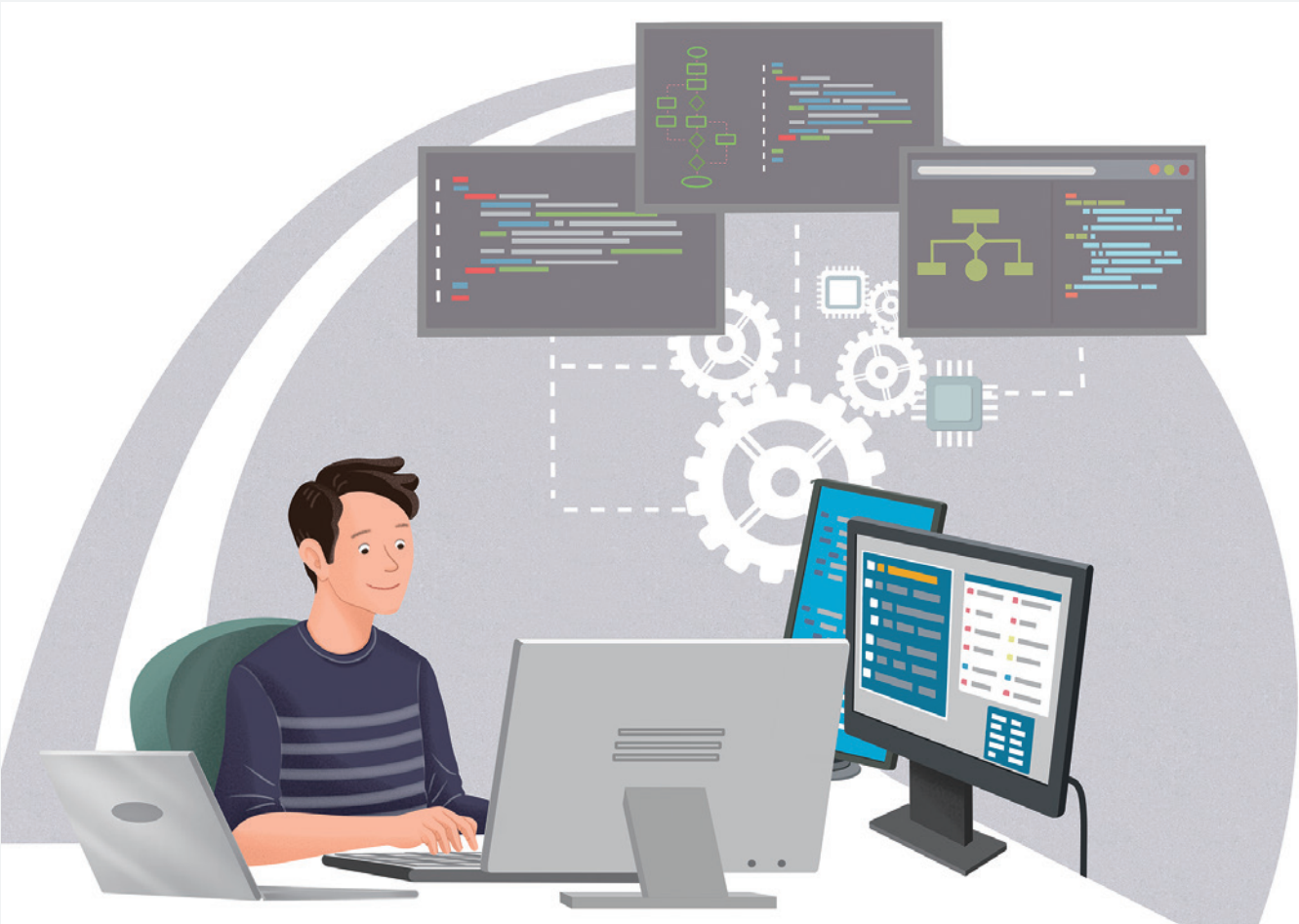


A new trend is booming in Korea – an AI-generated profile picture. Once you upload a few photos of yours, the AI-based app will automatically generate the most pretty, seamless-looking profile photo that looks like you but isn't technically you. The number of social media posts with tags related to AI-generated profile pictures is soaring to over 20,000, and there are even discussions about the propriety of using the image for job applications and official identification cards. As such, AI is no longer a distant technology only for a few; it has been deeply immersed in every component of our lives, ranging from chatbots to self-driving cars. With such development, new legal questions have been posed regarding the precautions the AI developers and operators need to take.

AI and Its Legal Implication

Artificial intelligence (AI) refers to the “science and technology for implementing human intelligence with computers,” including the “ability to recognize the situation, judge and act rationally and logically, and perform emotional and creative functions.”¹⁾ Developing this ability requires a tremendous amount of data. The data may include personal information, such as one’s name, phone number, health conditions, financial information, and conversation records. In other words, this is a piece of information that identifies a particular individual by itself or with other information combined and, thus, needs to be protected under the Personal Information Protection Act. As services using AI become more prevalent, the need to protect privacy becomes even more crucial. In addition to privacy protection, other issues, such as copyright, should also need to be taken into consideration.

1) “National Strategy for Artificial Intelligence (December 2019)”.



Privacy Precautions for AI Developers and Operators

According to the Personal Information Protection Act, a “personal information controller” is defined as an entity that processes personal information directly or indirectly to operate the personal information files as part of its work (Article 2(5)), and “personal information handler” as persons who process personal information under the command and supervision of the personal information controller (Article 28). Any AI developers and operators considered personal information controllers and handlers should comply with the following conditions of the Personal Information Protection Act when they want to use data. However, it is not an exhaustive list, and more can be found in the Personal Information Protection Commission’s guidelines.

1. Data Subject’s Consent

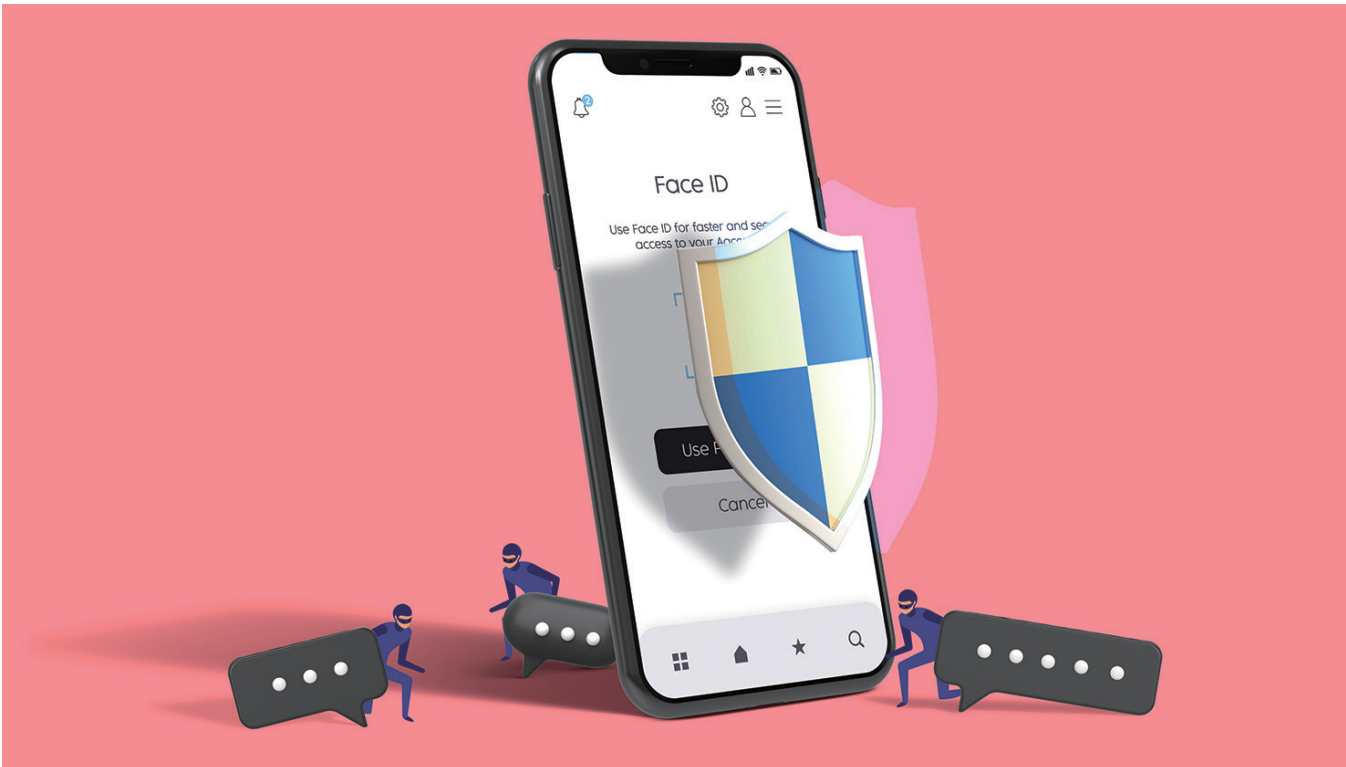
Personal information is an essential component of building an AI-based service, which requires the voluntary consent of the “data subject,” an individual who is identifiable through the information processed (Article 2(3)). Before obtaining the data subject’s consent, the following must be informed: what personal information will be collected, the purpose of

collection and use, the period of storage and use, and the right to deny consent (Article 15(2)). However, if the data is pseudonymized – processed so that it cannot identify an individual without additional information – or if the circumstance pertains to other exceptions provided in Article 15(1), the data can be used without the data subject’s consent. The concept of “pseudonymized information” was introduced in the amendment of the Act in 2020, with the aim of fostering the growth of the data-based industry while protecting personal information.

Personal Information Protection Act

Article 28-2 (Processing of Pseudonymized Information)

- (1) A personal information controller may process pseudonymized information without the consent of data subjects for statistical purposes, scientific research purposes, archiving purposes in the public interest, etc.
- (2) A personal information controller shall not include information that may be used to uniquely identify an individual when providing pseudonymized information to a third party, according to paragraph (1).



2. Purpose of Data Collection and Usage

When you develop and operate an AI-based service, you can only use data for the purpose the data subjects have initially agreed to. Nonetheless, even if the usage is outside the scope of the initial purpose, there are some exceptions where data can be used without additional consent – for instance, when the additional use is “reasonably related to the initial purpose of the collection.” If not, the use beyond the initial purpose requires an additional consent (Article 18(2)). When the developer or operator doesn't need the data anymore, for example, because the purpose of using the data has already been achieved, the data should be destroyed without delay (Article 21(1)).

Personal Information Protection Act

Article 3 (Principles of Information Protection)

(1) The personal information controller shall explicitly specify the purposes for which personal information is processed and shall collect personal information lawfully and fairly to the minimum extent necessary for such purposes.

Article 15 (Collection and Use of Personal Information)

(3) A personal information controller may use personal information without the consent of a data subject within the scope reasonably related to the initial purpose of the collection as prescribed by the Presidential Decree, considering whether disadvantages have been caused to the data subject and whether necessary measures to ensure safety, such as encryption, have been taken.

3. Ensuring Data Subject's Rights

Due to the nature of AI, data subjects may find it hard to understand the system or to foresee the consequences of processing the data. To guarantee their rights, such as the right to access, correct, and erase their data (Article 4), AI developers and operators should be equipped with a Privacy Policy with items mandated by the Act, disclose the Policy in a way easily recognizable by the data subjects (Article 30), and provide a specific procedure for data subjects to exercise the rights mentioned above (Article 38).

Personal Information Protection Act

Article 3 (Principles of Information Protection)

(5) The personal information controller shall make public its Privacy Policy under Article 30 and other matters related to personal information processing, and shall guarantee the data subject's rights, such as the right to request access to his or her personal information.

Law Put into Practice

Q. I am a developer at company A, which provides AI-based recommendations for workout routines. My company already got consent from the users for this service to use their data, but I would like to use it further to develop another new service. Do I need to get their consent again?

A. If you collected data to provide a particular service and want to use

the data to improve the original service further, it can be used without additional consent, given that the use is considered reasonably relevant to the original purpose of collection, the data subjects could predict it, and the use is unlikely to infringe upon their interests wrongfully. However, you would need additional consent if you plan to use the data to develop a new service. A recent decision on an AI Chatbot company in 2021 by the Personal Information Protection Commission made it clear that data collected for a particular service should not be arbitrarily used for developing other services. Even if the company indicated "development of a new service" as part of the purpose of using data in the consent form, this does not allow the company to use the data for a new service, as a mere mentioning of that phrase does not help users to expect which specific kind of new service their data will be used for.

Q. I plan to use my users' data to develop an AI solution after pseudonymizing it. However, the Act states that even if I pseudonymize the data, the use is only restricted to purposes like scientific research. Am I safe to assume that developing an AI service also applies to such a purpose?

A. Developing an AI service is considered scientific research, even for commercial purposes, since scientific methods such as modeling and testing are applied in developing it. However, service operations such as disclosing and providing the service itself may not be regarded as scientific research, requiring additional consent from the data subjects or anonymizing the data. While pseudonymization refers to processing the data so that it cannot single out a person unless other information is combined, anonymization means processing data to an extent it cannot identify a particular individual even with additional information.

Q. I am launching service B, an AI-powered solution that helps communication based on the data collected from users' conversations with others. I plan to provide a link to my service's Privacy Policy to the users so that I do not have to worry about data protection issues. This can be considered as the users' consent to data collection. Is there anything I need to do more?

A. There is one more thing you need to do – prepare a separate Agreement on the Collection and Usage of Personal Information and get users' consent to this. Simply providing users with a privacy policy does not mean you have gained their consent. The consent has to be obtained on a separate agreement form via other methods, such as a checkbox, with which the data subjects can clearly express their intention to consent.

Conclusion

Being aware of these privacy considerations is crucial for developing AI services that customers feel safe about and knowing your rights when using AI services. Simply imagining how often you consent to certain sites and applications online every day will remind you how important

your data protection is. While it should also be admitted that the requirements mentioned above are demanding for companies, especially those who develop AI, to follow, we must remember that data protection is a key to sustaining the long-term growth of the AI industry. The service will lose credibility once the users start to have qualms about using a service due to privacy concerns. On the other hand, users should also be aware of the inherent risk involved in using AI by, for example, being wary of providing sensitive details and double-checking to not infringe on the property rights of others. These combined efforts to respond to AI's newly arising risks would wisely open ways for us to use AI technologies with unimaginable potential.

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K-POP, Beyond the Boundaries



Hey guys, welcome to a new section. I will randomly serve up some spicy doses of K-pop trends. I've brought some interesting news today, so prepare for a thrilling ride!

You may already know that K-pop has expanded its range beyond the boundaries. Here, "beyond" literally means "crossing borders." Although K-pop was considered a subculture and gained popularity only among Korea and some nearby Asian countries just a few years ago, K-pop has been recognized as one of the full-fledged music genres and is being loved by people all over the world. These days, the international popularity of K-pop is remarkable, with various K-pop artists, from BlackPink to BTS, making their mark on Billboard charts and performing at international music festivals. Just like Aespa's performance at last year's Coachella Valley Music and Arts Festival went viral, many K-pop fans worldwide, including me, were literally "hyped" to watch New Jeans perform in the 2023 Billboard Music Awards, by the way!

Especially intriguing is the trend of K-pop idol groups recruiting members of diverse nationalities, further boosting overseas expansion. This can be understood as one kind of marketing strategy because if a foreign member exists, the group can easily gain interest and recognition from fans from foreign countries.

Until the early 2010s, most of the foreign members were Korean-

Americans. However, after EXO's success in China in 2012, the number of Chinese members began to increase rapidly. Thanks to the successful debut of TWICE, the number of Japanese and Taiwanese members has also increased sharply. Recently, we have seen some members from English-speaking regions are not of Korean descent. Taiwanese-American member Mark from GOT7, Taiwanese-Hong Kong-Canadian Henry from SUPER JUNIOR-M, and Vietnamese-Australian Hanni from New Jeans are some of those members.

The general trend of foreign members was to form a group with other Korean members and debut as multinational K-pop idols. But did you know that there are some K-pop groups without any 'Korean' members? Some K-pop idol groups only have 'Non-Korean' members. Oh, I see. It's something new to you, right? Let me tell you more about them, then!

Born in New York, Made in Seoul

Have you ever imagined New Yorkers performing in a Korean K-pop boy band group? Here they are, the EXP Edition. This group has a really interesting background story. Back in 2014, Kim Bo-ra, a graduate student at Columbia University, was working on her master's thesis. She

was majoring in contemporary art, especially concentrating on subculture, and she wondered whether having a K-pop group without Koreans would be possible. She decided to find it out herself, holding a K-pop idol group audition in New York. The members were selected out of 150 competitors. They all had different cultural backgrounds but gathered as one under the dream of becoming a K-pop idol.

As you might notice by the group's name, the EXP Edition started as an "experiment" for the master's thesis. However, the group gained greater popularity than expected. It also raised \$30,000 (over KRW 30 million) through crowdfunding! No more being as a project group, the EXP Edition expanded its business, catching the opportunity to debut in Korea as a K-pop singer officially. Finally, on April 26, 2017, the four members, Frankie, Hunter, Sime, and Koki, officially debuted on a Korean music show with their song "Feel Like This."

Since their debut in Korea, the members have continuously released new albums. However, mainly due to the COVID-19 issue, the group seems to be practically disbanded. Although EXP Edition is no longer here, it was surely a meaningful pioneer in that it was the first K-pop group without any Koreans.

Girls from All over the World

Black Swan is a five-member K-POP multinational girl group from DR Music that debuted on October 16, 2020. It is the first "all-foreign K-pop girl group" to sing Korean songs and act based on Korean without any Korean members. And you know what? The most notable part about this group is that it produced the first purely black member, the first Indian member, and the first Brazilian member in the history of the Korean music industry! Especially among the black K-pop fans, the debut of Fatou, a pure black member, was such a big issue. They described it as a "revolution," being happy and surprised. In October 2021, Black Swan performed in front of about 10,000 audiences in Belgium, Fatou's hometown, and received thunderous applause.

Although the group was re-formed after many twists and turns as the existing members left, Black Swan is currently on a roll with enthusiastic cheers from the public. This new type of idol has certainly attracted public interest.

I'm Boundless, HYBE

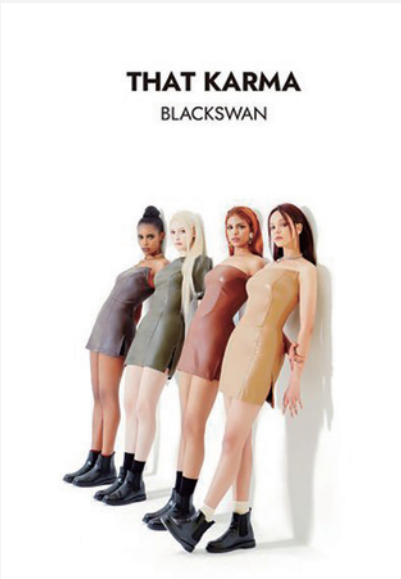
If you are a fan of K-pop, I am sure you are familiar with HYBE Entertainment, a company that produces the most popular K-pop groups these days, from BTS to Le SSerafim and New Jeans. HYBE is also following this new K-pop trend. Bang Si-hyuk, the chairman of HYBE, shared his expanding business model, naming it "Boundless." He defined being "Boundless" as an expansion without boundaries in four following areas: nations and regions, industries, fan experiences, and solid artist portfolios.

Similarly, HYBE recently launched a new girl group audition program called "The Debut: Dream Academy" to create global pop stars under the so-called K-pop style, which includes a trainee system, meticulous post-debut management, fancy group choreographies, etc. It is a collaboration between HYBE and Geffen Records, an American record label established by David Geffen and owned by Universal Music Group. Since "The Debut: Dream Academy" is the first time a U.S. record label has partnered with a K-pop company to foster newcomers, various global media groups have also shown great interest in the project. Rolling Stone commented on the project by emphasizing the creation of a non-Korean global girl group that introduces the development method of K-pop idols.

Girls from all over the world, from Argentina to Switzerland, gathered to pursue their dream of becoming a K-pop star. They took the first step of their journey last September. I can't wait to see their amazing performances!

For the New Era of K-pop

Of course, it is hard to please everybody. Some people jib at this kind of 'boundless' K-pop trend. Since Korean public music has accommodated its own political, economic, historical, social, and cultural context, they say that perfect separation from the locality of Korea might not be possible in the field of K-pop. Some are also concerned about the inevitable conflict between domestic and overseas fans of non-Korean K-pop groups. However, we must remember that music is something people worldwide enjoy together. Plus, considering the worldwide popularity of K-pop, it seems what really matters now is not whether it is "Made in Korea" but whether it is "Made by Korea." Either way, the case of the non-Korean K-pop group will have a deep impact on the direction in which K-pop should go in the future. So, what do you guys think about this "new" kind of K-pop?



Preamble, an Effective Guide to the Constitution



If you are from one of many countries that have adopted the written Constitution, you can find a paragraph-long text called a preamble. When you open the Constitution, it welcomes you rather than the main articles. While accurate, the word "preamble" brings up the image of a paragraph full of fancy rhetoric without any legal force. It is valid to some extent as the preamble usually neither confers powers and rights to any person nor functions as a substantive provision. However, despite its lack of legal weight in a court of law, it serves as a guide to understanding the following provisions of the supreme law; thus, its importance should not be underrated. It sets forth implications and ideas that the Constitution aims to convey, while substantive provisions are often insufficient to indicate them. Furthermore, the preamble exerts a soft interpretative push to keep people consistent with the intended direction. Although preambles to the constitutions of different countries function similarly, each has distinctive features reflecting its historical background and highest

value. Let us look at preambles from three countries – Korea, the United States, and France - and figure out how those preambles differ in consideration of the context of each document.

Republic of Korea

Preamble

We, the people of Korea, proud of a resplendent history and traditions dating from time immemorial, upholding the cause of the Provisional Republic of Korea Government born of the March First Independence Movement of 1919 and the democratic ideals of the April Nineteenth Uprising of 1960 against injustice, having assumed the mission of democratic reform and peaceful unification of our homeland and having determined to consolidate

national unity with justice, humanitarianism and brotherly love, and To destroy all social vices and injustice, and To afford equal opportunities to every person and provide for the fullest development of individual capabilities in all fields, including political, economic, social and cultural life by further strengthening the basic free and democratic order conducive to private initiative and public harmony, and To help each person discharge those duties and responsibilities concomitant to freedoms and rights, and To elevate the quality of life for all citizens and contribute to lasting world peace and the common prosperity of mankind and thereby to ensure security, liberty and happiness for ourselves and our posterity forever, Do hereby amend, through national referendum following a resolution by the National Assembly, the Constitution, ordained and established on the Twelfth Day of July anno Domini Nineteen hundred and forty-eight, and amended eight times subsequently.

The Constitution of the Republic of Korea was promulgated on July 17, 1948, before the launch of the government the following month. It occurred merely three years after the country's liberation from Japanese colonization. Still, history shows that a number of scholars and political figures from the provisional government have made constant efforts to draft the country's own Constitution. Throughout more than seven decades of constitutional history, the Constitution has experienced nine amendments to reflect the social changes promptly and the valuable ideas of the different political regimes. The relatively long preamble of the Korean Constitution consisting of the country's main principles was often subject to amendment four times among nine amendments. The latest amendment of the Korean Constitution in 1987, which successfully reflected the nation's high aspiration towards enhanced democracy, encompassed the spirit of the Provisional Republic of Korean government for the first time in the preamble. It clearly shows the recognition and respect from the people of Korea towards the Provisional Government, which had committed to independence from Japanese rule despite ongoing debates over whether it delivers merely the symbolic meaning or even more to be considered in a court of law.

Furthermore, the April Nineteenth Uprising of 1960 had been a matter of debate for quite a long time, resulting in its repeated ins and outs from the Constitution. Many scholars point out that the unique characteristic of the historical event that outraged students across the country in response to the rigged election, which led to then-President Rhee Syngman's resignation, is the main reason behind its removal in the amendment in 1980. The removal of the historic event in the Constitution was obvious because the new amendment was led by former President Chun Doo-hwan, who had overthrown the incumbent President via a coup. However, the spirit of the keystone of Korean democracy in 1960 was later successfully restored in the latest amendment in 1987 following the June Democratic Struggle. Other than that, the Korean preamble distinctively emphasizes basic

human rights by enumerating the "fields" that "equal opportunities" shall be provided. Furthermore, the country's ironclad commitment to international pacifism is highlighted by delineating that it should "contribute to lasting world peace and the common prosperity of mankind." The significance of the objectives has never been unnoticed, as both statements have survived throughout nine rounds of the amendment in Korean constitutional history.

United States

Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Even though the Articles of Confederation, the first Constitution of the United States, entitled the Confederation Congress to decision-making abilities, it lacked the enforcement power that significantly confined the power of central authority exerting towards states. As concerns over the possibility of a newborn country's collapse grew amid the surge of disputes over taxation and trade between states, the Constitutional Convention, consisting of delegations from different states, was assembled in 1787. After a heated debate in Philadelphia where the delegates discussed the best form of the Constitution and contemplated controversial issues, such as slavery, 38 representatives signed to consent to the newly drafted Constitution, which still stands as the supreme law of the United States on September 17, 1787. The famous words that kicked off the longest-lasting Constitution in the world were drafted in the final days of the Philadelphia Convention. The Committee of Style, led by Gouverneur Morris, has made some significant changes to the initially suggested preamble, which became the final version. The preamble of the Constitution for the United States of America articulates who has the power to own and interpret the supreme law, what is being adopted as of then, and how the document should be interpreted. 'We the People of the United States,' the iconic phrase of a famous preamble, leaves so much implication than what could have been thought given its array of simple words. It declares it is not a particular entity or some high political figures from the most powerful state but the people of all states responsible for the Constitution. It also empowers the people of the United States to apply and interpret the Constitution. The interesting story is that the initial draft included the names of all thirteen states, which was later replaced by 'the United States' in the final version. The removal of precatory expressions unintentionally eliminated the necessity to revise the preamble every time a new annexation of the state occurs. Additionally, 'We the People of the United States' is



followed by main goals such as promoting ‘general Welfare’ so that the following provisions in the Constitution should be understood in a manner that aligns with the previously stated aspirations. As noted, the preamble was not used so much for judges solving legal disputes but for politicians expressing their views on constitutional norms. For instance, President Ronald Reagan interpreted “We the People” as embodying “the genius, the hope, and the promise of America forever and for all mankind” in 1987. Furthermore, President Barack Obama depicted the implication of the preamble as “the true United States of America...[that] helped [the union] re-emerge as a beacon of freedom and equality under the law.”

France

Preamble
The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and complemented by the Preamble to the Constitution of 1946, and to the rights and duties as defined in the Charter for the Environment of 2004. By virtue of these principles and that of the self-determination of peoples, the Republic offers to the

overseas territories which have expressed the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived for the purpose of their democratic development.

Although France adopted the Constitution as early as the United States, it has been subject to frequent abolition due to either the revival of the monarchy or its unsatisfactory feature to evoke continuous political tumult. However, the Constitution introduced in 1958, which kicked off the current Fifth Republic, has lasted more than six decades. As Charles De Gaulle stepped up as the Prime Minister of France in 1958, he showed his initiative to strengthen the power of the executives, later reflected in the new Fifth Republic Constitution, which came into force on October 4th, 1958. The French preamble recognizes the value of the Declaration of the Rights of Man and the Citizen by attaching it, known as the beginning of the modern Constitution in France. The year 1789, when this historic Constitution was proclaimed, was full of political turbulence, mainly due to the famous French Revolution. The recognition from the Constitution of 1958 clearly states that the French people acknowledge the basic rights and freedoms indicated in the Declaration. Moreover, the Fifth Republic expanded its attachment of the preamble to the former Constitution, which had been accepted in 1946 after the Second War. By referring to the former preamble, which “complemented”

the rights and freedoms elaborated in the “Declaration of 1789” such as the equal rights of men and women, the current Constitution shows its shared understanding of what French people should enjoy and benefit from the Republic. The appendix of the Charter for the Environment of 2004 is remarkable as it imposes a constitutional duty to the people concerning the preservation of the environment. Like most preambles to constitutions in other countries, the preamble to the current French Constitution has been regarded as an ancillary paragraph that has little to do with judicial decisions. However, a judicial decision by the French Constitutional Council in July 1971 gave the current preamble and the historic Declaration of 1789 a constitutional value by initiating the sentence with “Having regard to the Constitution and its preamble.”

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Anti-Corruption & Civil Rights Commission

<http://www.acrc.go.kr/eng/index.do>

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Constitutional Court of Korea

<http://english.ccourt.go.kr/>

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<http://eng.ftc.go.kr>

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Financial Services Commission

<http://www.fsc.go.kr/eng/index.jsp>

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<http://law.nanet.go.kr/eng/index.do>

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<http://jrti.scourt.go.kr/>

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Ministry of Food and Drug Safety

<http://www.mfds.go.kr/eng/index.do>

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Korean Intellectual Property Office

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47 Gwanmoonro, Gwacheon-si, Gyeonggi-do, 427-720, Republic of Korea

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The Rule of Law Based on Justice and Common Sense

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.



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Ministry of Justice, Government Complex Gwacheon, 47 Gwanmoonro,
Gwacheon-si, Gyeonggi-do, 427-720, Republic of Korea

TEL: 82-2-2110-3661

FAX: 82-2-2110-0327

ildhd@moj.go.kr,

www.moj.go.kr



Ministry of Justice