

Vol.43

Recent Trends of Law & Regulation in Korea



Issue and Law

- **Six Days of Silence
Blackout Period on Pre-Election Polls**
- **FAQ on Elections**
- **Regulating Deepfakes in Politics**

Living in Korea

- **Be Prepared to Face a Little More
Cheerful Election in Korea**



Editor's Note

Dear Readers

It has already been 14 years since our first issue was published. We have tried to deliver a wide range of legal knowledge, from enacted or amended laws and regulations to immigration information, recent events in the legal community, and even lifestyle tips for foreigners living in Korea. In our continuous pursuit of excellence, we have taken a bold step forward with a magazine revamp designed with the reader in mind.

Our renewed magazine aims to enhance your reading experience with new sections. "Issue and Law" introduces you to the major theme of each edition, offering articles that span from basic legal information to in-depth knowledge. Another new section, "Bulletin Board," features upcoming events in Korea, which should be useful to foreigners or those interested in Korean and international laws.

Just like we embark on our new chapter this spring, it will also be a huge moment for Koreans. On April 10, Koreans will cast ballots to choose representatives in the 22nd National Assembly. In fact, it is not just for Korea. Globally, 4.2 billion voters from at least 64 countries will head to the polls this year, the biggest number in history. In this regard, the 43rd edition features the laws, legal issues, interviews on elections, and Korean election culture.

We want to express our gratitude to our loyal readers, contributors, and the dedicated team behind the scenes. We kindly ask for your continued support and interest.

Recent Trends of Law & Regulation in Korea

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Bulletin Board

Government Departments

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.

Six Days of Silence

Blackout Period on Pre-Election Polls



According to Article 108 of the Public Official Election Act, public announcement of pre-election survey results is prohibited in Korea from six days before the election. Thus, the public will be in the dark about voters' opinions for nearly a week. If you violate this regulation, you will face imprisonment for up to two years or a fine of up to 4 million won (about \$3,000).

Article 108 (1)

No one shall publish or report, by quoting, the details or results of a public opinion poll (including a mock voting or popularity poll; hereafter, the same shall also apply in this Article) that makes it possible to predict the approval rating of each political party or the successful candidate in an election, during a period between six days before the election day and the closing time of balloting on the election day.

However, not all opinion polls are banned during this blackout period. The results of public polls conducted before the commencement of the period can still be published, but only if they state that the poll was implemented before the period.

Also, surveying from six days before the election until the voting ends is possible. Candidates, political parties, or some media outlets conduct their own surveys to monitor voter opinion trends.

Then, what is the reason for the blackout period? The main reason is to prevent the "bandwagon Effect" and "underdog Effect." The bandwagon effect refers to the tendency of people to adopt certain attitudes just because everyone else seems to be doing so. During the election period, it is often the case that voters cast their ballots for the predicted winner or frontrunner. The underdog effect is the opposite. It is a tendency where people are inclined to a candidate not expected to succeed against an advantaged opponent. It is rooted in our psychology to reverse the situation. Those two effects usually get greater when the election day is closer, distorting people's opinions and undermining the fairness of elections.

Another reason for the blackout period is the reliability of opinion poll results. It can be easily skewed by asking intentional questions, and the results may be curated in favor of or against specific candidates. The regulation aims to prevent the risk of manipulated poll results that might interfere with the voters' independent decisions.

According to a 2023 World Poll Association World Association for Public Opinion Research (WAPOR) survey, about 73 of 157 countries had a blackout period, and another 24 countries had no election polls. 34% of countries have election polls and can release their results without the pre-election blackout period imposed by the government.

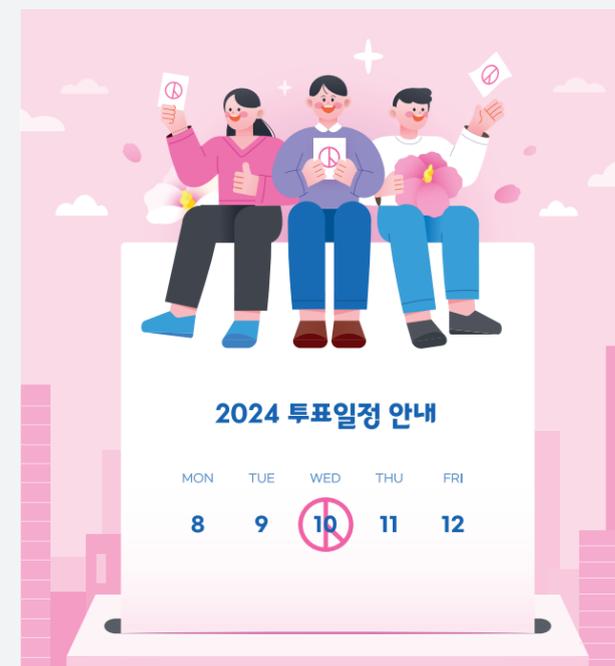
On average, Latin America has the longest blackout period: 30 days in Honduras and 15 days in Chile and Paraguay. Many European countries also restrict sharing poll results before the election: 15 days in Greece, Italy, Montenegro, and Slovakia, and ten days in Switzerland. On the other hand, there is no blackout period in countries like Canada, Japan, Netherlands, New Zealand, the US, and the UK.

Despite acknowledging the regulation's purpose, there are doubts about the effectiveness of the blackout period. Some point out that AI technologies can be misused to distort election results even during the Blackout Period, causing confusion among the voters. Such technologies can manipulate opinion polls, social media, news, and statistics.

The blackout period has both negative and positive aspects. But ultimately, fair and accurate polling is more important than anything. Fingers crossed for this 22nd National Assembly Election!

Time to Rest, Time to Vote

Holidays for Elections



If you plan to make a phone call or have a business meeting with Korean companies, you'd better avoid April 10 because the 22nd National Assembly Election is held on that day. That means April 10 is a "legal holiday" in Korea this year.

But it was not always like that. Only government offices closed on Election day until Labor Standards Act was revised in 2020. After the revision, the rule was first applied to businesses with at least 300 regular workers, then to the ones with 30 or more workers, and finally, to businesses employing between 5 and less than 30 employees in 2022. That means those with fewer than five employees do not need to guarantee their workers a holiday on Election Day. But still, they must grant the time necessary to exercise their workers' voting rights according to Article 10 of Labor Standard Act.

Then, why is Election Day designated as a public holiday in Korea? The history goes back to 1948. The election for members of the Constitutional Assembly was supposed to be held on Sunday, May 9. However, due to

many Christians complaining about having an election on Sunday, the voting day was postponed to Monday, May 10, designated as a temporary holiday for voting convenience, and this tradition has continued to this day.

Designating Election Day as a holiday was developed with the guarantee of actual voting rights. It was implemented to prevent people from giving up voting because they are busy working and encourage voters to participate in elections to increase turnout. After revising the Regulations on Public Holidays of Government Offices in 2006, Election Day finally became a legal holiday in Korea.

Article 34 (Election Day)

(1) The election day for each election to be held at the expiration of the term shall be as follows:

1. The presidential election shall be held on the first Wednesday from the 70th day before the expiration of the term of office;
2. The election of National Assembly members shall be held on the first Wednesday from the 50th day before the expiration of the term of office;
3. The election of local council members and the head of each local government shall be held on the first Wednesday from the 30th day before the expiration of the term of office.

(2) Where the election day as provided in paragraph (1) falls on a folk festival day or legal holiday closely related with the lives of the people or the day preceding or following the election day is a legal holiday, the election shall be held on the Wednesday of the following week.

Another interesting thing about Korea's Election Day is that the voting day is always on Wednesday. In fact, until 2004, elections were held on Thursdays. Why? Here again, the reason is to raise turnout. Since 2004, Korea adopted a "five-day work week" system. But suppose elections are held on Thursday like usual. In that case, people can have four vacation days (Thursday to Sunday) when they take only one annual leave on Friday, which, in turn, could lead to people giving up their ballot and just enjoying their holidays. Article 34 of Public Official Election Act stipulates elections shall be held on the first Wednesday to prevent this from happening. Isn't it interesting? Holidays always make us happy, but enjoy your right to vote first!

FAQ on Elections



Q: What kind of elections are there in Korea and how often are they held?

There are three types of public official elections: presidential elections, National Assembly elections, and nationwide simultaneous local elections. Nationwide simultaneous local elections are for electing the head of a local government and local council members. Presidential elections are held every five years, while National Assembly elections and nationwide simultaneous local elections are held every four years.

Constitution of the Republic of Korea

Article 70
The term of office of the President shall be five years, and the President shall not be reelected.

Constitution of the Republic of Korea

Article 42
The term of office of members of the National Assembly shall be four years.

Local Autonomy Act

Article 39 (Term of Office of Local Council Members)
The terms of office of local council members shall be four years.

Article 108 (Term of Office of Head of Local Government)
The term of office of the head of a local government shall be four years, and he or she may continue to hold office for up to three terms.

Q: Who can run for the President or a member of the National Assembly?

A person running for the President or a member of the National Assembly must be a Korean citizen and should receive nomination from voters or parties. Also, the person has to be 40 years of age or older to be eligible to become the President and 18 years of age or older to be eligible to become a member of the National Assembly. To be a presidential candidate, the person must have lived in Korea for at least 5 years.

Public Official Election Act

Article 16 (Eligibility for Election)

- (1) A national who is 40 years of age or older and who has resided in the Republic of Korea for at least five years as of the election day shall be eligible for election to the Presidency. In such cases, if he or she has been sent to a foreign country for the performance of public duties or stayed in a foreign country while having a domicile in the Korean territory for a certain period, he or she shall be deemed to have stayed in the Korean territory for that period. <Amended on Jan. 13, 1997>
- (2) A national 18 years of age or older shall be eligible for election as a member of the National Assembly. <Amended on Jan. 18, 2022>

Q: Who can vote? Can foreigners vote too?

Any Korean citizen who is 18 years of age or above has the right to vote. There has been a change to the age requirement, from 19 to 18 years old, as the amendments to the Public Official Election Act has been made in 2020 January. Foreigners cannot vote in the presidential election and the National Assembly election, but foreigners can vote in the elections of the head of local governments and local council members if they acquired permanent residency and three years have elapsed since the acquisition.

Public Official Election Act

Article 15 (Right to Vote)

- (1) A national of 18 years of age or older shall have the right to vote in elections of the President and members of the National Assembly: Provided, That the right to vote in elections of constituency members of the National Assembly shall only be granted to a national of 18 years of age or older who falls under any of the following as of the base date for preparation of the official list of eligible voters pursuant to Article 37 (1):

<Amended on Nov. 7, 2011; Jan. 17, 2014; Aug. 13, 2015; Jan. 14, 2020>
[...]

- (2) Any person of 18 years of age or older who falls under any of the following as of the base date for preparation of the official list of eligible voters under Article 37 (1) shall have the right to vote in elections of local council members and the head of the local government in the relevant district: <Amended on Feb. 12, 2009; Nov. 7, 2011; Jan. 17, 2014; Aug. 13, 2015; Jan. 14, 2020>
[...]
- 3. Any person who is enrolled in the register of foreigners of the relevant local government pursuant to Article 34 of the Immigration Act as a foreigner for whom three years have passed after the acquisition date of qualification for permanent residence under Article 10 of that Act.

Q: Who carries out voting management and administration?

At each polling station, one polling official and polling staff assisting voting administration are in charge of voting management. Polling station officials are appointed by Gu/Si/Gun Election Commissions from among civil servants and school faculty members who have voting management experience.

Public Official Election Act

Article 146-2 (Officials in Charge of Voting Management and Officials in Charge of Early Voting Management)

- (1) Each Gu/Si/Gun election commission shall appoint one official in charge of voting management in each voting district and one official in charge of early voting management at each early voting polling station in order to have them carry out administrative affairs for voting. <Amended on Jan. 17, 2014>
- (2) Officials in charge of voting management and officials in charge of early voting management shall be commissioned from among public officials who work for the State or a local government or school employees, but officials in charge of early voting management may be appointed from among commissioned officials in charge of voting management. <Amended on Jan. 17, 2014>
- (3) Upon receipt of a request to recommend persons eligible for an official in charge of voting management or an official in charge of early voting management, the head of a state agency or local government or the head of a school shall comply with such request preferentially. <Newly Inserted on Feb. 13, 2014>

Q: How are counting observers selected and how many?

Political parties can appoint up to six observers for ballot counting, while independent candidates may appoint up to three. They must report them to the relevant Gu/Si/Gun election commissions.

Public Official Election Act

Article 181 (Witness of Ballot Counting)

- (1) A Gu/Si/Gun election commission shall have the ballot-counting witnesses witness the ballot counting in the ballot-counting place.
- (2) In the election held in the area under jurisdiction of the Gu/Si/Gun election commission, the political party recommending a candidate and an independent candidate shall select six ballot-counting witnesses and three ballot-counting witnesses, respectively, and report in writing to the Gu/Si/Gun election commission concerned so as to have them witness the election, no later than two days before the election day. The ballot-counting witness may be replaced at any time after the report, and on the ballot counting day, he or she may be replaced and reported at the ballot-counting place.

[...]

Q: How is a decision made regarding election litigation?

Even if a violation of the election law is found, the relevant election commission or court will invalidate the result of an election only if the violation is considered to have had a substantial effect on the result of the election.

Public Official Election Act

Article 224 (Ruling, etc. Invalidity of Election)

Even where there exists facts of violating the provisions concerning the election in an election litigation, the election management commission, the Supreme Court, or the appellate court, upon receiving a petition or complaint, shall decide or rule the whole or partial invalidation of the election, or the invalidation of the election win only when it is deemed to have had a substantial effect on the result of election.

Q: Do election crimes affect the result of an election?

If an elected candidate is imprisoned or receives a fine of one million Korean won or more due to election law violations, their election will be invalidated. If an election campaign manager, accountant, or spouse of a candidate is sentenced to imprisonment or receives a fine of more than three million Korean won, the candidate's election will be invalidated.

Public Official Election Act

Article 264 (Invalidity of Election due to Election Crimes of Elected Persons)

If an elected person is sentenced to imprisonment with prison labor or a fine exceeding one million won on account of committing the crime provided for in this Act or the crime provided for in Article 49 of the Political Funds Act in the election concerned, his or her election shall become invalidated.

Article 265 (Invalidity of Election due to Election Offense by Election Campaign Manager, etc.)

If an election campaign manager, accountant in charge of an election campaign office (including a person who has not been appointed nor reported as an accountant in charge of an election campaign office, and the amount paid by him or her in collusion with a candidate for election expenses of the latter is equivalent to 1/3 or more of the restricted amount of election expenses) or the candidate (including a person intending to become a candidate), or lineal ascendant or descendant and spouse of the candidate, has committed a crime related to a contribution act from among Articles 230 through 234, or 257 (1), or a crime of illegal giving or receiving of the political funds provided for in Article 45 (1) of the Political Funds Act, and is sentenced to imprisonment with prison labor or a fine exceeding three million won (with regard to an election campaign manager and an accountant in charge of an election campaign office, including the case due to the acts before an appointment or report), the election of the candidate of the constituency (excluding the candidate for the presidency, the proportional representative National Assembly member and the proportional representative local council member) shall become invalidated: Provided, That where the crime is committed with the intention of making the election of the candidate invalidated by an inducement or provocation of another person, this shall not apply.

Source: The National Election Commission <https://www.nec.go.kr/>

Regulating Deepfakes in Politics

Election Campaigns Using DEEPFAKE, Restricted



Background Information

Deepfakes have increasingly become a problem and potential threat to elections around the world. In Türkiye's presidential election in May 2023, a deepfake video was used to attack Kemal Kilicdaroglu, the opposition leader to the incumbent president Tayyip Erdogan, to influence the election. In Slovakia, a faked audio recording was released two days before a tight parliamentary race in September 2023. It is believed to have influenced the election, with the pro-NATO Progressive Slovakia party losing to SMER, which had campaigned to withdraw military support for Ukraine.

Deepfakes are pieces of content such as videos, audio, or photos that have been generated or modified with the use of Artificial Intelligence (AI), and they are typically used for malicious purposes or to spread false information. Amidst worries that deepfakes could influence voters and affect elections, the Korean National Assembly passed a law in December 2023 to regulate its use in the run-up to elections, which will be held on April 10, 2024. The Public Official Election Act was amended, including several new articles, to regulate better deepfakes used for political purposes.

Applicable Law

Several changes to the Public Official Election Act have been made to limit the use of deepfakes in elections and to regulate the spread of deepfakes. According to Article 82(8) Paragraph 1 of the Public Official Election Act, no one can create, edit, distribute, or show deepfakes during the 90 days prior to an election for a campaign. Furthermore, Paragraph 2 states that anyone who creates, edits, distributes, or shows such material outside the 90-day window must indicate the material is imaginary information using AI technologies according to the National Election Commission Rules. Article 255 states that someone who violates Article 82(8) Paragraph 1 can be imprisoned for up to seven years or fined between 10 million and 50 million Korean won. Similarly, Article 250 stipulates that if someone does not follow the rules set out by the National Election Commission on indicating that material has been AI-generated and publishes deepfakes to influence elections within the 90 days before an election, they can face imprisonment of up to five years or a fine of up to 50 million Korean won. If someone publishes deepfakes to affect elections outside the 90-day window without properly indicating that it has been AI-generated, they can be imprisoned for up to seven years or a fine between 10 million and 50 million Korean won. Amendments to the law also mean that companies now have a responsibility to help stop the spread of political campaign videos. According to Article 82(4), the publisher and the person or company running the website where the deepfake was published must now delete



the material if requested by the National Election Commission. If someone does not remove the material after two or more requests have been made, they can face imprisonment of up to three years or a fine of up to 6 million Korean won, according to Article 256.

The Response in Other Countries

Other countries have also been dealing with the problems deepfakes pose in their elections. As a result, they have also introduced policies and laws to mitigate the negative effects.

United States

As the US holds its presidential election in November of this year, politicians and experts in various fields have been calling for the regulation of deepfakes as they can threaten the integrity of elections. Although bills have been introduced in Congress to deal with deepfakes, state legislatures have been taking the lead in regulating them with bipartisan support. Six states – California, Michigan, Minnesota, Texas, and Washington – have already enacted laws to regulate the use of deepfakes. Meanwhile, in the first six weeks of 2024, 27 states introduced bills to regulate deepfakes in elections to varying degrees. Many of these bills focus on transparency by mandating political campaigns and candidates to indicate if any material has been AI-generated. Some bills have introduced a specific time window, such as 60 or 90 days before an election, during which the publishing of deepfakes would be banned. Other bills aim to regulate deepfakes and AI-generated content in political adverts. While introducing and passing these laws, legislators have had to balance the regulation of deepfakes and protecting elections with free speech as protected by the First Amendment of the US Constitution. Although Congress has yet to pass a law regulating such AI-generated content in elections, the Federal Election Commission (FEC) began steps to potentially regulate the use of deepfakes in elections in August 2023. In response to a request by the advocacy group Public Citizen to clarify that an existing federal law against "fraudulent misrepresentation" in campaign communication includes deepfakes, the FEC voted to look into regulating the use of deepfakes in elections. However, this does not mean that the FEC will do so. There are also concerns about whether the FEC has the authority to regulate such AI-generated content. Similarly to laws introduced by various states, there are worries about how the regulation of deepfakes could clash with free speech protections. Furthermore, even if the FEC decides to ban deepfakes in campaign ads, this would not cover all the potential uses of deepfakes in elections. For instance, the ban would not prevent individuals from publishing and spreading deepfakes on social media. It is hoped that state

and federal laws will work in conjunction with rules set out by the FEC to regulate deepfakes better and protect elections.

United Kingdom

Like the US, people in the UK have also called for changes in the law to address better the dangers deepfakes pose to the UK's elections and democracy. The threat posed by deepfakes became real when faked audios of Sadiq Khan, the Mayor of London, and Keir Starmer, the Labour Party leader, were released on separate occasions towards the end of last year, creating confusion among the public. There are also fears that deepfakes could cause bigger problems as parliamentary elections must be held by January 2025 at the latest.

In response to the growing threat deepfakes pose to the integrity of elections, the UK Parliament passed the Online Safety Act in October 2023. Although the main purpose of this law is to protect children from harmful content, not only such content but also deepfakes should be removed from social media platforms. Although there are privacy concerns caused by screening illegal material, such measures are expected to help combat the spread of misinformation.

Another policy is the Digital Imprints Regime, which is part of the Elections Act 2022. It aims to increase transparency by requiring digital materials that meet specific criteria to include an imprint to show who made them. Digital materials include texts, videos, images, audio, or music paid for in an advertisement. The imprint must consist of the name and address of the promoter and any person who publishes that material on behalf of the promoter. The digital material must include an imprint as long as it is required by law and the material remains published.

This Regime only applies to paid advertisements encouraging the public to support a particular party or candidate. Even free digital material should include an imprint if it meets two conditions. First, if the material is published by or for a relevant body such as a political party, and second, if the material is created for election, referendum, or recall petition. Nevertheless, there are several exemptions to this rule. First, material whose primary purpose is journalism does not need to include an imprint. However, this exemption does not cover adverts. The second exemption is for any party's political or referendum campaign broadcast aired by a

broadcaster such as the BBC. The last is for sharing material that has not been materially altered, including the original and correct imprint.

If a digital material is published without an imprint, the promotor and anyone on behalf of whom the material is published can be punished by a fine according to the Elections Act.

Implications

Countries around the world have increasingly seen the use of deepfakes in elections as well as the potential threats they pose. The new law introduced in Korea is expected to mitigate the negative effects of deepfakes in elections and control misinformation. The Korean National Election Commission set up a task force of 62 people to help monitor the situation. They first use an AI program to collect and sort through material that may be political deepfakes. Each person then looks through approximately 300 cases per day after the filtering has occurred. Next, they use another program to check whether the material is a deepfake. If the material is difficult to discern, external experts will join to examine if it is a deepfake.

The Commission recently announced on February 27 that they found and deleted 127 cases of deepfakes related to the election since the new law took effect on January 29. The new law will likely be effective in upholding the integrity of elections and protecting people from misinformation in the future.

Reference:

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Is it Legitimate to Restrict Electioneering in Religious Organizations?



Background Information

On March 16, 1994, a comprehensive act on elections was adopted that encompasses presidential elections, National Assembly elections, and elections of local council members and the heads of local governments. Ten years later, its revised version was passed at the National Assembly and named the "Public Official Election Act."

According to Article 1 of the Act, its purpose is "to contribute to the development of democratic politics by ensuring that elections prescribed by the Constitution of the Republic of Korea and the Local Autonomy Act are held fairly in accordance with the free will of the people and democratic procedures and by preventing any malpractice related to such elections."

The Act is designed to promote solid and democratic election systems by clearly articulating the right to vote, the election structure, regulations on

candidates, and all the other components relevant to the public election. And until now, the constituency of the clauses from the Act has never been challenged. In this section, we would like to introduce the recent court's decision on constitutional complaints against clauses from the Public Official Election Act restricting public officials from conducting an election campaign.

Case Facts

(1) 2021Hun-Ba233

As a pastor in charge, Complainant A spoke out publicly in front of around ten fellow believers on March 29, 2020, in favor of a specific party. The complainant was accused of taking advantage of his role in a religious organization to show his flag to both the United Future Party (former name of People's Power Party) and the Liberty Unification Party even before the election campaign period started.

In the first instance, the court found the complainant guilty of breaching the Public Official Election Act, which prohibits religious leaders from engaging in an election campaign before the official election campaign period. However, with Article 59 of the Act amended on December 29, 2020, which allowed an election campaign conducted by words except on election day, the appellate court set aside the lower court's verdict.

During the trial, the complainant requested a decision from the Constitutional Court upon the constitutionality of Article 85 Section (3), Article 255 Section (1) Item 9, and Article 254 Section (2), which was dismissed. (More details regarding these clauses will be covered in the following paragraphs) Following the dismissal from the Constitutional Court, the pastor filed a constitutional appeal on August 6, 2021, claiming that provisions from the Public Official Election Act significantly violate the Constitution.

(2) 2023Hun-Ba239

As a pastor in charge, Complainant B publicly made negative comments against a certain candidate in front of approximately thirty believers present on January 6, 2022. The complainant was then accused of being engaged in an election campaign with the use of his religious position. He was fined by the court, which found his activity violated Article 85 Section (3) and Article 255 Section (1) Item 9.

During the trial, the complainant had requested a decision of the Constitutional Court upon the constitutionality of Article 85 Section (3) and Article 255 Section (1) Item 9, but it was rejected. Consequently, the complainant filed a constitutional complaint concerning the abovementioned provisions on August 3, 2023.

Subject Matter of Review

(1) 2021Hun-Ba233

Whether the portion of Article 85, Section (3) of the Public Official Election Act (prohibition clause) stating that "No person shall conduct an election campaign targeting the members of a religious institution or organization, by taking advantage of any occupational act in the organization thereof, or shall have such members conduct an election campaign," the portion of Article 255, Section (1), Item 9 of the same Act (punishment clause) regarding the above prohibition clause, and the Article 254, Section (2) of the same Act (punishment clause on the violation of election campaign period) violate the Constitution.

* 'Restrictive Clauses on the Use of Occupational Positions' are defined as the combination of the prohibition and punishment clauses.

(2) 2023Hun-Ba239

Whether the Restrictive Clauses on the Use of Occupational Positions violate the Constitution

(3) Clauses at Issue

- **Public Official Election Act (amended by Act No. 12393 on February 13, 2014)**
 - Article 85 (Prohibition of Involvement of Public Officials in Election) (3) No person shall engage in an election campaign targeting the members of an educational, religious, or professional institution or organization by taking advantage of any occupational act in the organization thereof, or shall have such members engage in an election campaign; or shall engage in an election campaign targeting a business organization or enterprise or members thereof, by taking advantage of special transaction status, such as a systematization or subcontract, or shall have such organization or enterprise or members thereof engage in an election campaign.
 - Article 255 (Unlawful Election Campaign) (1) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding six million won.
 - A person who commits, or aids and abets another person to commit, an act in violation of Article 85 (3) or (4)
- **Public Official Election Act (amended by Act No. 9974 on January 25, 2010)**
 - Article 254 (Violation of Election Campaign Period) (2) Except as provided in this Act, any person who conducts an election campaign by using communication facilities or tools, various printed materials, broadcasting, newspapers, news communications, magazines, other publications, campaign meetings, symposiums, debates, native folks meetings, alumni meetings, neighbors' meetings, other meetings, information and communications, the establishment of an organization

for the election campaign or private organization, door-to-door visit and other methods before an election campaign period shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding four million won.

Ruling

The Constitutional Court of Korea held that the following do not violate the Constitution: the portion of Article 85, Section (3) of the Public Official Election Act stating that "No person shall conduct an election campaign targeting the members of a religious institution or organization, by taking advantage of any occupational act in the organization thereof, or shall have such members conduct an election campaign" and the portion of Article 255, Section (1), Item 9 of the same Act regarding the above prohibition clause. The Constitutional Court also dismissed the claim against Article 254, Section (2) of the Public Official Election Act.

Summary of the Decision

(1) Decision on the Penalty Clause on the Violation of Election Campaign Period

The appellate court overturned the decision from the court of first instance, which convicted complainant A of violating regulations during the election campaign period. The appellate court's decision resulted from the amendment of Article 59 of the Public Official Election Act, which allowed the conduction of electioneering by telephone and word. Therefore, constitutionality cannot be handled at this point, given its failure to become a prerequisite to a trial.

Sources

Constitutional Court of Korea: <https://english.court.go.kr/site/eng/main.do>

National Election Commission of the Republic of Korea: <https://www.nec.go.kr/site/eng/main.do>

(2) Decision on Restrictive Clauses on the Use of Occupational Positions

- **Whether the Clauses Violate the Principle of Nulla Poena Sine Lege**
The Constitutional Court ruled that 'taking advantage of any occupational act in the religious organization' is distinguishable from other actions if one can access its details such as timing, location, and means. Therefore, it dismisses the claim that the clauses' possible violation of the vagueness doctrine under the nulla poena sine lege principle.
- **Whether the Clauses Violate the Principle of Proportionality**
The legislative purpose of the clauses, which is to promote the impartiality of the election, is legitimate enough; thus, punishing someone who violated these clauses should fit the purpose of the clauses. Since religious leaders are sometimes considered community leaders, their comments on politics are highly likely to influence or even distort the congregation's political beliefs and decision-making, which can harm the impartiality of the election. Religious leaders can join an election campaign without using their occupational position. Therefore, it is not reasonable that restrictive clauses discourage religious activity. The benefit will be much greater when preventing adverse impacts from inappropriate relationships between politics and religion.

Implications

Considering the massive extent of the influence the clergy can exert on believers, Restrictive Clauses on the Use of Occupational Positions, which prohibit the engagement of election campaigns inside the religious community, are believed to ensure the impartiality of the election. Constitutional Court found that securing the election's impartiality could never be done without those clauses, given the nature of intimate relationships between believers and priests based on mutual religious beliefs and the significance of the priests' role in a religious organization. Therefore, Restrictive Clauses on the Use of Occupational Clauses on the Use of Occupational Positions, which deter religious leaders from engaging in election campaigns, have remained following the Constitutional Court's reaffirmation of its constitutionality.

At the Front Lines of Democracy: Introducing the National Election Commission

Lee Beom Jin

Director of Legal Affairs Division
National Election Commission

Q: What are the main tasks of the National Election Commission of the Republic of Korea (NEC)? Please elaborate on some tasks with which the public might be unfamiliar.

Our roles are largely fivefold: We manage 1) various elections, 2) political party duties, 3) political funds affairs, 4) democratic citizen education, and 5) research on the electoral/political system. First of all, as most people know, the NEC manages public official elections such as the presidential election and elections for National Assembly Members, Local Council Members, and heads of the local government for their fairness and impartiality. Also, the NEC is authorized to manage entrusted elections, for instance, elections for the head of the Agricultural and Fisheries

Cooperatives. We also administer the registration, change, performance, and dismissal of political parties, support their activities, and manage affairs about political funds, such as monitoring political support funds and the operation of supporters' associations.

Besides, the NEC provides democratic citizen education to future voters by supporting school elections and running various activities/events subject to students. Furthermore, the NEC conducts education on election/political systems to party associates and the general public. Moreover, the NEC has tried to improve the Korean electoral/political system by conducting/sharing research on elections and democracy via active exchanges/cooperation with overseas election management bodies and international organizations.



Q: *Could you elaborate on the April 10 general elections? Could foreigners take part in the election as well?*

The April 10 general elections are held to select 253 constituency members and 47 proportional representation members, and foreigners are not eligible to vote for National Assembly members according to the current Public Official Election Act.

Q: *What type of elections are foreigners allowed to vote in Korea? And what is the expected effect of foreigners' participation in elections?*

Foreigners registered in the authority and those with a resident visa for more than three years are eligible to vote for local council members and the head of local government. By participating in local elections, foreigners can enjoy autonomy and feel a sense of belonging and unity as local community members.

Q: *Are there any Korean citizens disqualified from voting by law?*

Korean citizens 18 years or older have the right to vote in elections, but a person who is subject to one of the following is disqualified even though the person is 18 or older:

1. A person who is sentenced to imprisonment or confinement for one year or more by convicting a general crime and whose punishment has not been completed or whose final decision to remove punishment has yet to be handed down
2. A person who has been given a monetary penalty of one million Korean won or more due to an election crime less than five years ago or who had been sentenced to imprisonment and completed it less than ten years ago
3. A person who is deprived of a right to vote via court's judicial decision or other statutes

Q: *What sets Korea apart from other countries in the election system? In which area is Korea better off?*

It is inappropriate to say a specific country has a better electoral system than others because each electoral system has been formed by reflecting its own historical background and political/social contexts. Also, each country has operated early voting and overseas voting in a way that best fits its reality and situation. Nevertheless, it is reasonable to say that the Korean electoral system has comparative advantages in promoting

electorates' convenience, accuracy/immediacy in determining a successful candidate, and transparency throughout the whole electoral procedure.

Q: *Are any new electoral policies currently under review? Or, on the other hand, have foreign countries benchmarked any Korean electoral systems?*

We are not currently considering adopting any particular electoral system, but we always do comparative studies and research on the election systems of other countries. I think the same holds true for other countries. Also, they put a lot of effort into developing their electoral systems by reviewing and studying various cases rather than benchmarking others'.

Q: *Where does the Legal Affairs Division put focus when conducting the research?*

One of our main tasks is reviewing laws on politics, such as the Public Official Election Act, providing legislative support at the National Assembly, and revising or improving relevant rules. To that end, the Legal Affairs division has done theoretical reviews and research on foreign cases. Recently, our division has researched the recent trend in using AI technologies for electoral campaigns, how to improve the system of supporters' associations, and ways to promote freedom in electoral campaigns for entrusted elections, reflected in legislative processes. Moreover, our division has been looking for better ways to develop a whole system of the Public Official Election Act from a long-term perspective.

Q: *Are there any fields in which the Legal Affairs Division collaborates with other institutions in the electoral system, both at home and abroad?*

Under the current system, the local officials' support and cooperation are necessary for voting and ballot counting. Therefore, the NEC has closely worked with the Ministry of the Interior and Safety and local governments. To secure an accurate delivery of early and overseas votes and safety during the voting/vote counting process, we have actively cooperated with relevant agencies, such as Korea Post and the Korean National Police Agency.

Q: *What do you consider most when reviewing legislation and revising laws and regulations related to elections?*

Enacting or revising laws and regulations requires a comprehensive review, including whether the legislation is consistent with the

Constitution, logically or systemically valid, and can serve its purpose. Furthermore, since the Public Official Election Act serves as the standard of electoral procedures and campaigns, its revision requires the consensus between political parties as its priority. Therefore, it is essential to consider the advantages or disadvantages that may occur from the revision to a specific party.

Q: *As the Legal Affairs Division of the NEC is also in charge of the litigation related to elections, could you tell us about the common types of litigation and how those cases are handled?*

Before the election, we usually take cases on provisional disposition and suspension of execution related to the election procedures. After the election, administrative and civil lawsuits against our commission's measures during the election process and election petitions are filed in many cases. Regarding such lawsuits, we draft preparatory documents and carry out the lawsuit based on the comments from the working group on the cases.

Q: *Having worked at the NEC for nearly ten years, could you elaborate on any notable differences or changes compared to the past on your tasks and Korean electoral culture?*

Recently, I have seen an increasing number of cases in which an individual or a group raises groundless suspicion about the fairness and impartiality of our electoral management system. Also, those who play an important role in election management, such as local government officials, tend to refrain from participating in the election process. Such changes have become a hurdle to carry out election affairs. We are committed to finding legal and institutional solutions to this issue. However, this would only be successful with improving public awareness and promoting cooperation from our entire society.

Q: *When was the most fulfilling moment during your time at the NEC?*

I believe public elections are a symbol of democracy. In that sense, I am the one who can observe the scene of democratic history on the front line by supporting and managing elections fairly, which makes me feel very fulfilled. Another fulfilling moment is when the policies my colleagues and I promote are successfully implemented at an election, and the election ends well.

Q: *What are the frequently asked questions you have received? Also, could you introduce us to any information on elections/electoral systems that the public or foreigners might find useful?*

I am doing my utmost to answer the inquiries about the legislative procedures of electoral acts and information on electoral institutions. But sometimes, I face unfounded suspicions about our organization's neutrality and impartiality. In that case, I stringently deal with them based on objective facts.

I would like to kindly ask everyone interested in the Korean electoral system to hold a rational and critical view about groundless suspicions about the electoral process and to trust our capability and commitment to fair and transparent election management.



Be Prepared to Face a Little More Cheerful Election in Korea

At some point in Korea, if you start seeing people in colored uniforms bowing and dancing cheerfully to rhythmic songs on the streets, this probably means that an election is coming up. What do all those dances and songs have to do with the election? Indeed, they do matter, as they take up a huge part of the election culture in Korea.

The following are some of the peculiar yet ordinary scenes you will encounter in your daily life during the election season in Korea.

Election Campaign - Catchy Choreography and Music

One distinctive feature of Korea's election campaign that sets it apart from other countries is the parade float. It is a renovated truck that carries pretty much everything – from a stage for speech and dances, an audio system for blasting music, to a huge photo of the candidate with the color of his or her political party, big enough to attract the passerby's attention. A typical election campaign would have these parade floats roam around the road, stop by for a speech by the candidate, and dance with supporters.

The songs coming from the parade float are not just a random collection of songs; they are so-called "logo songs" that reflect the trend, and their lyrics are transformed to deliver messages supporting the candidate. In



1997, President Kim Dae-jung, then as a candidate, used the song "Dance with DOC" by DJ DOC, a hip-hop trio, in his election campaign commercial and changed it to "Dance with DJ" quoting the initials of his name. People loved the song's catchy rhythm and lyrics, making them automatically hum the melody in their daily lives. As it successfully reshaped the 73-year-old candidate's image to a lively, friendly one, this was enough to make the election candidates start placing strategic importance on logo songs.

More recent examples include "Pick Me" in the 2016 general election, a K-pop theme song from "Produce 101", a popular TV show featuring 101 competitors to form a K-pop girl group or boy group. Not only does the lyrics, which repeat "pick me, pick me," match the election, but the song also targets the younger generation who are more familiar with K-pop. Trot, a genre characterized by repetitive rhythm and once considered old-fashioned, has been the all-time favorite for logo songs. This is even more so recently as TV shows featuring competition among trot singers, such as "Miss Trot" and "Mr. Trot" in 2019-2020, became popular, especially among the younger generation. These logo songs are accompanied by dance moves, which volunteers and supporters with matching uniforms perform at the site of the parade float. Some videos on YouTube teach the choreography for supporters to learn.

As much as the logo songs are prevalent, they also come with complaints from people who try to keep up with their everyday lives amidst the loud noise the songs generate. Unlike other countries such as the United States, candidates in Korea are not allowed to visit the voters door-to-door, making the parade float trucks and the loudspeaker an essential medium for promoting themselves to the public. Simply imagining more than 10 local election candidates going for election campaigns on the streets of the same region at the same time would help you fathom how much noise one would have to endure in an election period. Responding to the voices of concern, the Constitutional Court decided in 2019 that the part of the Public Official Election Act, which did not set limits to the level of noise, is unconstitutional. The National Assembly followed suit, amending the Act to limit the noise from the truck to a maximum of 127dB (150dB for presidential and local governor elections). While the effects of the amendment remain to be seen, efforts to balance the attempt to attract voters' interest and the demand of voters in everyday lives continue to be made.

Election Day - Sounds of Camera Shutter

After the election campaign has passed by, what can you expect on the election day? You will notice another form of sound – the sounds of the camera shutter. With the rise of social media, trends in Korea have emerged in which voters upload photos to social media as proof that they have voted. The photo usually shows their hands with a stamp imprinted on them or any other photo showing the banner or signs that guide voters to the voting site. Many celebrities have also joined in sharing photos on social media to encourage people to cast their ballots.

However, there are some precautions voters need to take when taking photos. In the 2022 presidential election, a well-known singer in Korea shared a photo of the ballot paper on his social media as proof that he voted. He soon deleted it and uploaded a written apology after people had pointed out his violation of the Public Official Election Act. The Act stipulates that "no one shall photograph ballot papers in a polling booth" (Article 166-2). Whether this even includes the ballot paper that has not yet been marked with a stamp is not certain, as the courts have yielded different conclusions. Nonetheless, what's certain is that you may not take any photos inside the polling place, according to the National Election Commission. Meanwhile, some celebrities have shown caution by uploading images of themselves in clothing with three colors altogether (red, blue, yellow), being aware that some people try to deduce the party one voted for by the color of their dress in the photo.

The photo showing one's hand with a stamp wasn't also without any issue, especially during COVID-19. When COVID hit, voters had to vote with plastic gloves on. Because stamping on one's hand using the stamp for marking the ballot paper requires the person to remove the gloves, the National Election Commission advised that voters refrain from stamping their hands so as to prevent the further spread of COVID. Despite the precautions, taking pictures and sharing them encourages a culture of voting and grants a sense of satisfaction as you participate in the important event.

Election Results Coverage – 3D Animation, Metaverse, and What's Next?

Election results coverage of broadcasters is also fun in Korea. In delivering the results of the 2022 presidential election, one of the main broadcasters used 3D animation to portray the two leading candidates as characters competing in Winter Olympic events, speed skating in blue and red



uniforms. Some other election coverage did a parody of "Mad Max," an action movie, with the 3D-animated characters having the faces of the candidates as they ride vehicles in a desert and dance to the song of a K-pop girl group. Another broadcaster counted the ballot using the metaverse platform, a virtual world where the participants interact as avatars, recording the highest viewing rate.

These are only a few examples of the efforts to keep the viewers tuned in the election broadcasting. While these creative, flamboyant visual elements are effective in keeping the viewers awake, the value of the content also matters as the viewers tend to choose broadcasters based on not only the entertaining graphics but also the capacity to incorporate in-depth analysis of the election results.

Conclusion

Where we will be heading in the next election is unknown, but one thing notable is that what catches your eye (and ear) should also have a concrete substance to win the voters' hearts. To do so, continuously adapting to the changing demands of the voter and the audience will be inevitable. With that in mind, don't be surprised to see where our upcoming election will take us.

Inaugural Speech by Minister of Justice

My fellow members of the Ministry of Justice, I am truly pleased to work with all of you here at the Ministry of Justice, which upholds law and order in Korea. I am given a precious opportunity to contribute to the people and country again six years after I retired from public life, feeling a heavy sense of duty and responsibility. But at the same time, I feel reassured that I see you in person. Despite many difficulties, I appreciate all the efforts you have made for the duty given by the people. Also, I sincerely thank the former Minister Han Dong Hoon for actively leading our Ministry since the launch of the new government.

My fellow members of the Ministry of Justice!

Today, I would like to introduce you to our new policy direction, "Rule of Law for Fairness and Compassion." The mission of the Ministry has never changed thus far. Our duty is to realize the rule of law with laws and rules based on the constitutional values underpinned by two pillars: liberal democracy and market economy. Since our work is directly linked with the people's livelihood, we need to carefully listen to the voices of the people to protect their lives and human rights.

My fellow members,

I would like to talk about how to join our forces and knowledge together to realize the rule of law. First, we make our utmost effort to ensure the laws and rules with fair law enforcement. Law enforcement should be fair and impartial both in substance and method. Enforcement should be implemented according to the law and principles while ensuring our citizens find the process fair. Since the bill that adjusts the investigative authority of the prosecutor and police took effect, many citizens have complained about the delay of the investigation and trials.

In addition, as the responsibility of cases between the prosecutor and police is uncertain, the concern over poor investigation is growing. In particular, we need to review our work process to promptly conduct investigations and trials related to the livelihood of our people. By doing so, we need to take profound measures, such as improving the existing system or adopting a new system. Above all, we should strengthen our

work attitude again. The 22nd National Assembly Election is just around the corner. We should be thoroughly prepared to hold the election more fairly and transparently than ever. Recently, some of the prosecutors' political activities have been under scrutiny. The criticism against the prosecutors is not always correct, but we must have a sense of duty again. In fact, the answer lies ahead of us. We need to read the Prosecutor's Oath again and look back on the determination we made when appointed as a prosecutor. I hope we keep our important mission in mind and make a new resolution to serve our people and contribute to our country. I will do my best to create a system where prosecutors can have that sense of duty.

Second, we should strengthen our capability to respond to crimes that threaten the livelihood of the people and work on an effective recidivism policy. I would like to ask all of you to enhance crime responses by cooperating with relevant agencies to fight against crimes destroying people's livelihood, such as jeonse fraud, voice phishing, and crimes with abnormal motives, confiscating criminal proceeds, and strengthening the social safety net. In terms of addiction crimes, like drugs or online gambling among teenagers, we need to take care not only of punishment but also of treatment and rehabilitation. I will look into whether such recidivism policies work properly and strive to ensure people feel the effectiveness. Why is it difficult for people with an addiction to find an institution that provides them with proper treatments? And why is there a growing second conviction rate for juvenile offenders despite repeated punishment and recidivism measures? We need to have answers to these questions.

Third, we should practice the rule of law with compassion to protect victims of crimes and human rights. From the perspective of victims of crimes, we should promote their procedural rights and provide prompt and convenient support. We need to run a "One-stop Solution Center for Victims of Crimes," which will be launched in Seoul this July for the first time, as the institution providing the most optimal solution. Also, not to mention criminal justice procedure, we should comply with due process in

legal administration to enforce the law strictly and concisely. Please try your best to make our people think of our Ministry as a solid bastion of human rights.

Lastly, I hope all of you put a deep thought into the role of our Ministry that supports economic revitalization. I believe our Ministry should raise predictability and transparency through fair law enforcement, thereby contributing to economic growth. To that end, we should establish a fair trade order, an advanced infrastructure for law and order, and a systematic and balanced immigration policy. National institutions empowered by the people can only gain trust when they do their job diligently. I believe the beginning is to get your act together as the one who serves the people. For a long time ago, I have thought that public officials should have a sharp insight based on their responsibility and expertise and the courage to convince people of the right practice and put them forward. Also, we should be strict to ourselves while carefully listening to the voices of the people in a humble and generous manner. As a reliable guardian of law and order and a solid bastion of human rights, we should realize the "Rule of Law with Compassion." A couple of years ago, I read an article saying that public officials devoted to their daily work prop up the life and sustainability of citizens and the community. In that sense, all of you are the pillars of our community. Let us do our best with pride, taking our mission as bliss.

Once again, I am genuinely delighted to work with members of the Ministry of Justice. I wish you and your family the best of health and happiness.

Thank you.

2024. 2. 20.
Park Sung Jae
Minister of Justice

brief history



Education

LL.B., Korea University
Daegu High School

Work Experience

Feb. 2024-Present	Minister, Ministry of Justice
Aug. 2020	Representative Lawyer, Haesong LLC
2017	Practice law as Attorney-at-Law
Dec. 2015	Chief Prosecutor, Seoul High Prosecutors' Office
Feb. 2015	Chief Prosecutor, Seoul Eastern District Prosecutors' Office
Dec. 2013	Chief Prosecutor, Daegu High Prosecutors' Office
Apr. 2013	Chief Prosecutor, Gwangju High Prosecutors' Office
Jul. 2012	Chief Prosecutor, Changwon District Prosecutors' Office
Aug. 2011	Chief Prosecutor, Jeju District Prosecutors' Office
2010	Director of Criminal Trial Department, Seoul High Prosecutors' Office
2009	1st Deputy Chief Prosecutor of Daegu District Prosecutors' Office
2009	Deputy Chief Prosecutor, Seoul Eastern District Prosecutors' Office
2008	Inspector General, Ministry of Justice
2007	Chief Prosecutor of Gimcheon Branch of Daegu District Prosecutors' Office
2006	Director of Financial and Tax Crimes Department 1, Seoul Central District Prosecutors' Office
2005	Director of Inspection Division 2, Supreme Prosecutors' Office
2003	Professor, Judicial Research and Training Institute
2002	Prosecution Research Officer, Office of Prosecution Research, Supreme Prosecutors' Office
2001	Director, Gangneung Branch of Chuncheon District Prosecutors' Office
2000	Vice Director, Seoul Eastern District Prosecutors' Office
1991	Prosecutor, Seoul Central District Prosecutors' Office
1988	Judge Advocate, Republic of Korea Army
1988	Completed Course at Judicial Research and Training Institute (17th Class)
1985	Passed the 27th National Bar Examination

Ministry of Justice Expands the Number of Interpreters for Refugees



The Ministry of Justice certified 106 civilian interpreters dedicated to serving refugees to strengthen the fairness and expertise of the refugee screening process and awarded them letters of appointment on January 29. A total of 414 (34 languages) will be in charge of interpreting asylum seekers.

Since 2021, the Ministry of Justice has operated the Refugee-Dedicated Interpreter Certification(RDIC) program. This program aims to enhance fairness and professionalism in refugee affairs to match Korea's elevated international status and provide language support for refugee applicants who cannot express their opinions in Korean.

Refugee interpreters are experts who facilitate communication between refugee screening officials and an asylum seeker in interviews. After the Ministry of Justice verifies their language skills, they need to finish the training course, including education on the Refugee Act, Refugee Convention, and ethics.

Four hundred forty-three people (32 languages) applied for the 3rd RDIC program. And 106 people (25 languages) have been newly appointed as refugee interpreters, and they will provide professional refugee interpretation until December 31, 2026.

As of December last year, 308 refugee interpreters (34 languages) are active. With 106 additional interpreters appointed, 414 (34 languages) will be in charge of refugee interpretation, and the status of appointments by language is as follows.

The status of appointment by language of refugee interpreters

Chinese 94, English 65, Russian 63, Vietnamese 31, Mongolian 20, Arabic 15, Uzbek 13, Myanmar 11, Thai 8, Turkish 8, French 8, Indonesian 7, Singhalese 6, Nepalese 6, Bengali 6, Tagalog 6, Urdu 5, Kazakh 5, Hindi 4, Iranian 4, Swahili 4, Spanish 3, Portuguese 3, Japanese 3, Malay 2, Tamil 2, Kyrgyz 2, Malayalam 2, Cambodian 2, Twi 2, Chin 1, Cantonese 1, Dari 1, Punjabi 1

The certified refugee interpreters include Koreans fluent in foreign languages and foreigners of various nationalities who speak Korean. A Burmese interpreter said, "I will do my best to help protect refugees and support refugee work with accurate interpretation." He has lived in Korea for 17 years since he entered Korea in 2006 and acquired Korean citizenship in 2010.

The Ministry of Justice will implement a certification system for refugee interpreters this year to increase their professionalism and secure minority language interpreters.

Vice Minister of Justice Shim Woo Jung said at the appointment ceremony, "An accurate interpretation for asylum seekers is the first step in a fair refugee screening, so please interpret the message of refugees as accurately as possible to protect their rights."

Provisional Measures for Stalking Crimes: Tracking the Location of Stalkers and Introduction of Public Attorneys for Victims

「Act On Punishment Of Crime Of Stalking」 and 「Act On Electronic Monitoring」, which allow the attachment of location tracking electronic devices as a provisional measure against perpetrators and appoint public attorneys for stalking victims, took effect on January 12th after a six-month preparatory period since its revision in July last year.

Provisional Measures of Location tracking

Previously, stalking perpetrators should wear location-tracking electronics only after they were convicted. However, the revision allows location-tracking electronics to be attached to perpetrators as a provisional measure for up to nine months (up to three times within three months) from the investigation stage if the court finds it necessary to protect victims.

A stalking victim or legal representative may request provisional action or state his or her opinion to a prosecutor or judicial police officer. Also, if stalking is likely to recur, the prosecutor may request provisional action ex officio or at the request of a judicial police officer.

In addition, before the revision, even if stalkers were ordered to be restrained, it was difficult to monitor if they actually approached the victims (within 100 meters). With the revision, the relevant authorities can monitor the location of perpetrators in real-time and respond to their actions.

Enhanced 'Victim Protection System'

Until now, probation officers have informed the victim by phone when the perpetrator approaches. However, from January 12th, the perpetrator's location has been frequently texted to the victim, making it easier for the victim to check and confront the situation.

An automatic notification system is also applied to victims of those who have received restraining orders due to sexual violence, murder, robbery, etc.

Those subject to the provisional use of anklet monitors are tracked down

by the Ministry of Justice's Location Tracking Control Center for 24 hours. When the stalking perpetrator approaches, the perpetrator's access will be automatically texted to the victim, and the police will be dispatched quickly to strengthen victim protection measures.

Protection devices for victims were also improved to make them more portable and distributed starting January 12th. A mobile application to protect victims will also be launched in the second half of 2024, so there will be no need to use a physical protection device.



Public Attorneys for Victims

Just like sex crimes and child abuse crimes, the public attorney system for stalking crime victims has been introduced to protect victims' rights and interests more faithfully in criminal proceedings.

Public attorneys for victims will participate in investigating victims-legal representatives, questioning suspects before the arrest, evidence preservation procedures, trial preparation dates, and trial procedures, and reviewing litigation records and evidence. The participation of public attorneys will be decided depending on the cases.

Meanwhile, the abolition of anti-indemnity crimes and the establishment of online stalking types, which came into effect in July last year, have increased the number of reports and prosecutions of stalking crimes. Therefore, there is a growing need to strengthen responses to stalking crimes, which are highly likely to develop into serious crimes.

The Ministry of Justice will make the utmost effort to operate the provisional measures and the public attorney system, continuing to improve the criminal justice system centered on protecting and supporting crime victims.

Pilot Operation of Digital Nomad (Workation) Visa



The Ministry of Justice test-runs the Digital Nomad (workation) Visa from January 1, 2024, with which overseas remote workers can stay longer in Korea while enjoying sightseeing.

– The term “workation” is a combination of the words “work” and “vacation,” meaning both working remotely and having rest at a vacation spot or a tourist destination. Tourism-oriented countries, including Europe, Latin America, and Southeast Asia, provide Workation Visa.

Until now, foreigners who wished to stay in Korea for workation could only stay for less than 90 days with a tourist visa or after entering the country without a visa. Once the allowed period of stay had elapsed, they had to leave the country even if they wanted to stay longer.

To alleviate the inconvenience of overseas remote workers, the Ministry of Justice has established a Digital Nomad (workation) Visa system, which allows workers from foreign companies to stay sightseeing in Korea for a longer time if they prove their work experience and income above a certain level.

You can apply for a Digital Nomad (Workation) Visa at Korea’s diplomatic missions overseas, and also available for the accompanying family members. In addition, foreigners currently doing workation in Korea with their short-term stay visa can also transition to the workation visa if their work experience and income level meet the requirements.

※ However, to protect the domestic employment market, Digital Nomad (workation) Visa holders are strictly restricted from being hired in Korea, and they must obtain a separate employment visa to get a job in Korea.

The introduction of the Digital Nomad (workation) Visa is expected to revitalize the local economy as it allows high-income foreigners to stay in various regions in Korea, and it will serve as an opportunity to promote Korea’s tourism and culture widely.

The Ministry of Justice will continue actively discovering and implementing visa policies that can contribute to the national economy.

Overview of the Digital Nomad (Workation) Visa

Application for Visa

- Diplomatic missions overseas (Embassy of the Republic of Korea)

Subject of Visa

- (Subject of Visa) An individual (and his/her family member) who is a foreigner belonging to an overseas company, available for remote work, and has worked in the same type of industry for at least one year
- (Age) At least 18 years of age (except for the accompanying children)

Income Requirement

- At least twice the gross national income per capita (GNI) that the Bank of Korea announced in the preceding year

GNI per capita (2022)	Twice the GNI
42.48 million KRW (3.54 million KRW per month)	84.96 million KRW (7.08 million KRW per month)

Medical Insurance

- Required to purchase personal medical insurance worth at least 100 million KRW for hospital treatment and transfer to the home country during his/her stay

Documents for Submission

- Application for issuance of visa (attached Form 17), passport, photograph in standard dimension, fees
- Documents proving income, such as the certificate of employment, certificate of payment, and details of account transactions
- Certificate of criminal history, certificate of personal medical insurance, evidentiary document of family relationship (if accompanied by family)

Staying in Korea

- (Period of Stay) 1 year from the date of entry and an extension of an additional one year possible upon foreigner registration (maximum two years)
- (Employment) Restrictions on employment and profit-making activities
- (Change of Status) Transitioning from a short-term stay tourist visa (B-1, B-2, C-3) to a Digital Nomad (workation) Visa is possible if the requirements are met.



Bulletin Board



The 17th Together Day

The MOJ holds the 17th Together Day on May 20th to promote the co-existence between Koreans and non-Koreans with empathy and understanding and give the direction toward a future-oriented immigration policy.

This year's event aims to build consensus on immigration policies for Korea's future. To that end, it will convey the significance of Together Day through a ceremony, present a future-oriented vision of immigration policies for the co-prosperity of Korean nationals and immigrants, and provide opportunities for Koreans and non-Koreans to communicate with each other by holding nationwide events tailored to each region.

The event will also be live-streamed on YouTube to reach more audiences around the world. The Minister of Justice, Foreign Envoys in Korea, and other public figures will deliver speeches, and there will be an award ceremony to honor those who have significantly contributed to the settlement and integration of immigrants.

*Details will be posted on the website (togetherday.kr)

Together Day

It is a national commemorative day designated in 2007 to foster a society where Koreans and foreign residents can live in harmony with respect for other cultures and traditions. Together Day has been celebrated since 2008 on May 20th every year.

Opening of "Law Day Festival"



The MOJ holds the "Law Day Festival" on April 25 at Daejeon Solomon Park. This event is to celebrate the 61st anniversary of Law Day and is designed to help children and teenagers better understand our laws. Every citizen can join the event for free. Participants can enjoy various programs, such as the "Magic Concert," on school violence prevention, a law quiz event, and an election experience program in this event. You can sign up for the event and visit the website (lawnorder.go.kr) for further information.

*Only available in Koreans

Law Day

On May 1, 1963, legal representatives from all over the world came together in Athens and recommended that all nations designate Law Day on May 1. The Korean government started to celebrate Law Day in 1964. However, as Labor Day is celebrated on May 1 in Korea, the Korean government designated Law Day on April 25 in 2003, when the Law of Court Organization was implemented, the symbol of the modern judicial system.

Law Seminar for Businesses Expanding Overseas



The MOJ and the Korea International Trade Association jointly hold the "Law Seminar for Businesses Expanding Overseas" at Seoul Trade Tower on April 12, 2024. The topic of this seminar is intellectual property, dealing with American IP disputes and response strategies, how to respond to the EU's new patent system, and the trend in the International Trademark Law. Details can be found on the website (https://www.kita.net)

*Only available in Korean

시간	주제	연사
13:30 - 13:35	개회	주최
13:35 - 13:45	특허권 침해 대응 전략 수립	미국 지식재산권 변호사
13:45 - 14:30	미국 기업에 대한 지식재산권 분쟁 대응 전략 수립	미국 지식재산권 변호사
14:30 - 14:40	휴게시간	
14:40 - 15:25	미국 특허법원에 대한 무시 기각에 대한 대응	미국 지식재산권 변호사
15:25 - 16:10	특허권 침해 시 대응 전략 수립	미국 지식재산권 변호사



Government Departments

Anti-Corruption & Civil Rights Commission

<http://www.acrc.go.kr/eng/index.do>
82-44-200-7151~6

Constitutional Court of Korea

<http://english.ccourt.go.kr/>
82-2-708-3460

Fair Trade Commission

<http://eng.ftc.go.kr>
82-44-200-4326

Financial Services Commission

<http://www.fsc.go.kr/eng/index.jsp>
82-2-2156-8000

National Assembly Law Library

<http://law.nanet.go.kr/eng/index.do>
82-2-788-4111

Judicial Research & Training Institute

<http://jrta.scourt.go.kr/>
82-31-920-3114

Korea Communications Commission

<http://eng.kcc.go.kr/user/ehpMain.do>
82-2-500-9000

Korea Consumer Agency

<http://english.kca.go.kr/index.do>
82-43-880-5500

Korea Customs Service

<http://english.customs.go.kr/>
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>
82-42-481-5008

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

<http://www.nl.go.kr/kolisnet/index.php>
82-2-590-0626

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

<http://english.moe.go.kr/enMain.do>
82-2-6222-6060

Ministry of Employment and Labor

<http://www.moel.go.kr/english/main.jsp>
82-52-702-5089 (National Labor Consultation Center)
82-44-202-7137 (International Cooperation Bureau)
82-44-202-7156 (Foreign Workforce Division)

Ministry of Environment

<http://eng.me.go.kr/>
82-44-201-6568 / 82-1577-8866

Ministry of Foreign Affairs

<http://www.mofa.go.kr/eng/index.do>
82-2-2100-2114

Ministry of Gender Equality and Family

<http://www.mogef.go.kr/eng/index.do>
82-2-2100-6000

Ministry of Government Legislation

<http://www.moleg.go.kr/english>
82-44-200-6900

Ministry of Health and Welfare

<http://www.mohw.go.kr/eng/index.jsp>
82-44-202-2001~3

Ministry of Justice

http://www.moj.go.kr/moj_eng/index.do
82-2-2110-3000

Ministry of Land, Infrastructure and Transport

<http://www.molit.go.kr/english/intro.do>
(Day) 82-44-1599-0001, (Night) 82-44-201-4672

Ministry of National Defense

<http://www.mnd.go.kr/mbshome/mbs/mndEN/>
82-2-748-1111

Ministry of the Interior and Safety

<https://www.mois.go.kr/eng/a01/engMain.do>
82-2-2100-3399

Ministry of Economy and Finance

<http://english.moef.go.kr/>
82-44-215-2114

Ministry of Trade, Industry and Energy

<http://www.motie.go.kr/language/eng/index.jsp>
82-2-1577-0900 / 82-44-203-4000

Ministry of Unification

https://www.unikorea.go.kr/eng_unikorea/
82-2-2100-5722

National Assembly Library

<http://www.nanet.go.kr/english/>
82-2-788-4211

National Intelligence Service

<https://eng.nis.go.kr/>
82-111

National Research Foundation of Korea

<https://www.nrf.re.kr/eng/index>
82-2-3460-5500 / 82-42-869-6114

National Tax Service

<http://www.nts.go.kr/eng/>
82-2-397-1200 / 82-1588-0560

Network of Committed Social Workers

<http://www.welfare.or.kr/>
82-2-822-2643

Public Procurement Service

<http://www.pps.go.kr/eng/index.do>
82-70-4056-7524

Ministry of SMEs and Startups

<https://www.mss.go.kr/site/eng/main.do>
82-1357

Statistics Korea

<http://kostat.go.kr/portal/english/index.action>
82-2-2012-9114

Supreme Court Library of Korea

<https://library.scourt.go.kr/base/eng/main.jsp>
82-31-920-3612~3

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>
82-2-788-3656

National Library of Korea

<http://www.nl.go.kr/english/>
82-2-535-4142

VOD Service for Conferences

<http://na6500.assembly.go.kr/>
82-2-788-3056/2298

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The Rule of Law for Fairness and Compassion

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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