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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 PROTECTION OF FIXED-TERM AND PART-TIME EMPLOYEES

Act No. 18177, May 18, 2021

Article 1 (Purpose)

The purpose of this Act is to promote the sound development of the labor market by redressing undue discrimination against fixed-term and part-time employees and improving their working conditions.

Article 2 (Definitions)

The definitions of the terms used in this Act are as follows: <Amended on Apr. 11, 2007; Mar. 22, 2013; May 26, 2020>

1. The term "fixed-term employee" means an employee who has signed an employment contract whose period is fixed (hereinafter referred to as "fixed-term employment contract");
2. The term "part-time employee" means a part-time employee defined in Article 2 of the Labor Standards Act;
3 .The term "discriminatory treatment" means unfavorable treatment in terms of any of the following matters without any justifiable grounds:

(a)Wages under Article 2 (1) 5 of the Labor Standard Act;
(b)Incentive pay on a regular basis such as regular bonuses and holiday bonuses;
(c)Performance based bonuses;
(d)Other matters concerning working conditions and welfares.

Article 3 (Scope of Application)

(1)This Act shall apply to all business or workplaces regularly employing at least five employees: Provided, That this Act shall not apply to business or workplaces which employ only relatives living together with their employer, nor to servants hired for domestic work.
(2)With respect to business or workplaces regularly employing up to four employees, part of the provisions of this Act may apply, as prescribed by Presidential Decree. <Amended on May 26, 2020>
(3)With respect to State and local government agencies, this Act shall apply regardless of the number of employees they regularly employ. <Amended on May 26, 2020>

CHAPTER II FIXED-TERM EMPLOYEES

Article 4 (Employment of Fixed-Term Employees)

(1)Any employer may hire a fixed-term employee for a period not exceeding two years (where his or her fixed-term employment contract is repetitively renewed, the total period of his or her continuous employment shall not exceed two years): Provided, That where a fixed-term employee falls under any of the following subparagraphs, any employer may hire such employee for more than two years: <Amended on May 26, 2020>

1. Where the period required to complete a project or particular task is specified;
2 .Where a fixed-term employee is needed to fill a vacancy arising from an employee's temporary suspension from duty or dispatch until the relevant employee returns to work;
3. Where the period required for an employee to complete his or her schoolwork or vocational training is specified;
4. Where an employer enters into an employment contract with a senior citizen as defined in subparagraph 1 of Article 2 of the Employment Promotion for the Aged Act;
5. Where the job requires professional knowledge and skills or is offered as part of the Government's welfare or unemployment measures, as prescribed by Presidential Decree;
6. Where any reasonable ground exists equivalent to those mentioned in subparagraphs 1 through 5, as prescribed by Presidential Decree.

(2)Where any employer hires a fixed-term employee for more than two years although those grounds under the proviso of paragraph (1) do not exist or cease to exist, such fixed-term employee shall be deemed an employee subject to non-fixed term employment contract.

Article 5 (Conversion to Employees on Non-Fixed Term Contract)

If any employer intends to enter into a non-fixed term employment contract, he or she shall endeavor to preferentially hire fixed-term employees engaged in the same or similar kinds of work at the relevant business or workplace. <Amended on May 26, 2020>

CHAPTER III PART-TIME EMPLOYEES

Article 6 (Restrictions on Overtime Work of Part-Time Employees)

(1)If an employer intends to have a part-time employee provide his or her services in excess of the contractual work hours prescribed in Article 2 of the Labor Standards Act, he or she shall obtain the consent of the relevant employee. In such cases, the number of overtime hours shall not exceed 12 hours a week. <Amended on Apr. 11, 2007; May 26, 2020>
(2)Any part-time employee may refuse to work overtime if the employer orders the overtime work without obtaining his or her consent under paragraph (1).
(3)Any employer shall pay 50/100 or more of the average wage for overtime work under paragraph (1) in addition to ordinary wages. <Newly Inserted on Mar. 18, 2014>

Article 7 (Conversion to Full-Time Employees)

(1)If an employer intends to hire a full-time employee, he or she shall endeavor to preferentially hire part-time employees engaged in the same or similar kinds of work at the relevant business or workplace. <Amended on May 26, 2020>
(2)If an employee applies for part-time work due to household duties, study or any other reason, the employer shall endeavor to convert the relevant employee to a part-time employee. <Amended on May 26, 2020>

CHAPTER IV PROHIBITION AND CORRECTION OF DISCRIMINATORY TREATMENT

Article 8 (Prohibition of Discriminatory Treatment)

(1)No employer shall give discriminatory treatment to any fixed-term employee on the ground of his or her employment status compared with other employees engaged in the same or similar kinds of work on a non-fixed term employment contract at the relevant business or workplace. <Amended on May 26, 2020>
(2)No employer shall give discriminatory treatment to any part-time employee on the ground of his or her employment status compared with full-time employees engaged in the same or similar kinds of work at the relevant business or workplace. <Amended on May 26, 2020>

Article 9 (Application for Correction of Discriminatory Treatment)

(1)Any fixed-term or part-time employee who has received discriminatory treatment may file a request for its correction with the Labor Relations Commission under Article 1 of the Labor Relations Commission Act (hereinafter referred to as the "Labor Relations Commission"): Provided, That this shall not apply where six months have passed since such discriminatory treatment occurred (in cases of continuous discriminatory treatment, since such treatment ended). <Amended on Feb. 1, 2012; May 26, 2020>
(2)If a fixed-term or part-time employee files a request for correction under paragraph (1), he or she shall clearly state details of the relevant discriminatory treatment.
(3)Necessary matters concerning the procedures for and methods of the

filing of a request for correction prescribed in paragraphs (1) and (2) shall separately be determined by the National Labor Relations Commission under Article 2 (1) of the Labor Relations Commission Act (hereinafter referred to as the "National Labor Relations Commission").

(4)With regard to disputes arising in connection with Article 8 and paragraphs (1) through (3) of this Article, the burden of proof shall be upon employers. <Amended on May 26, 2020>

Article 10 (Investigation and Inquiry)

(1)Each Labor Relations Commission that has received a request for correction under Article 9 shall conduct, without delay, necessary investigations and inquiries into the parties concerned.

(2)When any Labor Relations Commission conducts an inquiry pursuant to paragraph (1), it may have a witness attend the inquiry upon request of the parties concerned or ex officio, to ask necessary questions.

(3)In conducting an inquiry pursuant to paragraphs (1) and (2), each Labor Relations Commission shall give sufficient opportunities for the parties concerned to present evidence and cross-examine witnesses. <Amended on May 26, 2020>

(4)Necessary matters concerning the methods and procedures for investigations and inquiries prescribed in paragraphs (1) through (3) shall be determined separately by the National Labor Relations Commission. <Amended on May 26, 2020>

(5)Any Labor Relations Commission may have expert members to conduct professional surveys or research on the business of correcting discrimination. In such cases, necessary matters concerning the number, qualification requirements, remunerations, etc. of such expert members shall be prescribed by Presidential Decree.

Article 11 (Mediation and Arbitration)

(1)Any Labor Relations Commission may commence mediation procedures upon request of both or either of the parties concerned or ex officio, during the course of an inquiry under Article 10 and may conduct arbitration if the parties concerned agree to follow an arbitration award rendered by the Labor Relations Commission and file for arbitration with the Commission.

(2)Each request for mediation or arbitration under paragraph (1) shall be filed within 14 days from the date of the request for correction of discriminatory treatment under Article 9: Provided, That any request for mediation or arbitration may be filed after such 14 days where the competent Labor Relations Commission approves such request.

(3)Each Labor Relations Commission shall take time to hear the opinions of the parties concerned when conducting mediation or arbitration. <Amended on May 26, 2020>

(4)Each Labor Relations Commission shall present mediatory suggestions or render an arbitration award within 60 days from the date of the commencement of mediation procedures or from the receipt of a request for arbitration unless there is a compelling reason not to do so. <Amended on May 26, 2020>

(5)If both parties concerned accept mediatory suggestions, the competent Labor Relations Commission shall prepare a mediation protocol; and if it renders an arbitration award, it shall prepare a written arbitration award.

(6)A mediation protocol shall be signed and sealed by the parties concerned and all members involved in the mediation, whereas a written arbitration award shall be signed and sealed by all members involved.

(7)A mediation or arbitration award under paragraphs (5) and (6) shall have the same validity as a settlement in litigation under the Civil Procedure Act.

(8)Matters concerning mediation and arbitration methods, preparation of mediation protocols or written arbitration award, etc. under paragraphs (1) through (7) shall be determined by the National Labor Relations Commission. <Amended on May 26, 2020>

Article 12 (Corrective Orders)

(1)Where any Labor Relations Commission determines that the treatment in question is discriminatory after completing an investigation and inquiry under Article 10, it shall issue a corrective order to the employer; and where it determines that the treatment in question is not discriminatory, it shall make a decision to dismiss the request for correction. <Amended on May 26, 2020>

(2)Any determination, corrective order, or decision of dismissal under paragraph (1) shall be made in writing and addressed to the respective parties together with the detailed reasons therefor. In such cases, when issuing a corrective order, the Labor Relations Commission shall explicitly enter details of such corrective order, compliance period, etc. <Amended on May 26, 2020>

Article 13 (Details of Mediation, Arbitration, or Corrective Order)

(1)Details of mediation or arbitration under Article 11 or of a corrective order under Article 12 may include suspending discriminatory actions, improving working conditions (including an order to improve institutions such as employment regulation, collective agreement, etc.), such as wages, and making adequate monetary compensation. <Amended on Mar. 18, 2014>

(2)The monetary compensation under paragraph (1) shall be determined based on the amount of damages sustained by any fixed-term employee or any part-time employees as a result of discriminatory treatment: Provided, That the Labor Relations Commission may order monetary compensation within the scope not exceeding three times the amount of the damages in cases where clear willfulness is recognized in the discriminatory treatment by an employer or the discriminatory treatment occurs repeatedly. <Newly Inserted on Mar. 18, 2014>

Article 14 (Confirmation of Corrective Order)

(1)Any party who is dissatisfied with a corrective order or decision of dismissal rendered by any Regional Labor Relations Commission may request the National Labor Relations Commission to retry the case within 10 days after he or she is notified of such corrective order or decision of dismissal. <Amended on May 26, 2020>

(2)Any party who is dissatisfied with a decision on a retrial made by the National Labor Relations Commission pursuant to paragraph (1) may file an administrative lawsuit within 15 days after he or she is notified of such decision on retrial. <Amended on May 26, 2020>

(3)Where no request for retrial is made within the period prescribed in paragraph (1) or no administrative lawsuit is filed within the period prescribed in paragraph (2), the relevant corrective order, decision of dismissal, or decision on retrial shall become final and conclusive.

Article 15 (Request for Submission of Compliance Report on Corrective Order)

(1)With regard to any confirmed corrective order, the Minister of Employment and Labor may require the relevant employer to submit a compliance report. <Amended on Jun. 4, 2010>

(2)Any employee who has filed a request for correction may report his or her employer's failure to comply with a confirmed corrective order to the Minister of Employment and Labor. <Amended on Jun. 4, 2010>

Article 15-2 (Minister of Employment and Labor's Request for Correction of Discriminatory Treatment)

(1)Where any employer gives discriminatory treatment in violation of Article 8, the Minister of Employment and Labor may request the correction thereof.

(2)Where any employer fails to comply with a request for correction under paragraph (1), the Minister of Employment and Labor shall notify the Labor Relations Commission of the details of the discriminatory treatment at issue. In such cases, the Minister of Employment and Labor shall notify the relevant employer and employee of such fact. <Amended on May 26, 2020>

(3)Where the Labor Relations Commission is notified of such fact by the Minister of Employment and Labor in accordance with paragraph (2), it shall, without delay, examine whether the discriminatory treatment at issue was actually given. In such cases, the Labor Relations Commission shall provide the relevant employer and employee with an opportunity to present their opinions.

(4)Articles 9 (4) and 11 through 15 shall apply mutatis mutandis to the Labor Relations Commission's examination under paragraph (3) and other correction procedures. In such cases, the "date of the request for correction of discriminatory treatment" shall be construed as the "date of the receipt of notification"; "decision of dismissal" as "decision of no discriminatory treatment"; "parties concerned" as "relevant employer or employee"; and "employee who has filed a request for correction" as "relevant employee".

(5)Matters relating to the Labor Relations Commission's examination,

etc. under paragraphs (3) and (4) shall be determined by the National Labor Relations Commission. [This Article Newly Inserted on Feb. 1, 2012]

Article 15-3 (Extension of Confirmed Corrective Orders)

(1)The Minister of Employment and Labor may investigate discriminatory treatment of fixed-term or part-time employees for the business or in the workplace of the employer who is in duty to perform the confirmed corrective order under Article 14 (including the cases applied mutatis mutandis under Article 15-2 (4)), other than the employees who are under the umbrella of the relevant corrective order, and request correction when discriminatory treatment is found.

(2)Article 15-2 (2) through (5) shall apply mutatis mutandis where any employer fails to comply with the request for correction under paragraph (1). <Amended on May 26, 2020> [This Article Newly Inserted on Mar. 18, 2014]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 16 (Prohibition of Unfavorable Treatment)

No employer shall dismiss nor give any other unfavorable treatment to a fixed-term or part-time employee on the ground that he or she has conducted any of the following acts: <Amended on May 26, 2020>

1. Refusing the employer's request for overtime work pursuant to Article 6 (2);
2. Filing a request for correction of discriminatory treatment pursuant to Article 9, attending and making a statement at any Labor Relations Commission pursuant to Article 10, or filing any request for retrial, or bringing an administrative lawsuit pursuant to Article 14;
3. Reporting a failure to comply with a corrective order pursuant to Article 15 (2);
4. Giving notification pursuant to Article 18.

Article 17 (Written Statement of Working Conditions)

When any employer enters into an employment contract with a fixed-term or part-time employee, it shall clearly state, in writing, each of the following matters: Provided, That subparagraph 6 shall apply only to part-time employees: <Amended on May 26, 2020>

1. Matters concerning the contract period;
2. Matters concerning work hours and recess;
3. Matters concerning components, methods of calculation, and payment of wages;
4. Matters concerning holidays and leave;
5. Matters concerning the place of work and duties to perform;
6. Work days and working hours for each work day.

Article 18 (Notification to Regulatory Authorities)

Where any violation of this Act or an order issued under this Act occurs at business or workplace, any of its employees may notify the Minister of Employment and Labor or a labor inspector of such violation. <Amended on Jun. 4, 2010; May 26, 2020>
[Title Amended on May 26, 2020]

Article 19 (Delegation of Authority)

Part of the authority held by the Minister of Employment and Labor under this Act may be delegated to the head of a regional employment and labor office, as prescribed by Presidential Decree. <Amended on Jun. 4, 2010; May 26, 2020>

Article 20 (Efforts by State to Promote Employment)

The State and local governments shall endeavor to take necessary measures to promote the employment of fixed-term and part-time employees on a preferential basis, such as providing employment information, vocational guidance, job placement services, and workplace skill development services.

CHAPTER VI PENALTY PROVISIONS

Article 21 (Penalty Provisions)

Any person who gives unfavorable treatment to an employee in violation of Article 16 shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding ten million won.

Article 22 (Penalty Provisions)

Any person who causes a part-time employee to work overtime in violation of Article 6 (1) shall be punished by a fine not exceeding ten million won.

Article 23 (Joint Penalty Provisions)

If an agent or employee of, or any other person employed by, an employer commits any violations falling under Article 21 or 22 in conducting the business affairs of the employer, the employer shall be punished by a fine prescribed in that Article in addition to punishing the violators accordingly: Provided, That the same shall not apply where such employer has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violation. <Amended on May 18, 2021>

Article 24 (Administrative Fines)

(1)Any person who fails to comply with a corrective order confirmed final under Article 14 (including cases applied mutatis mutandis under Articles 15-2 (4) and 15-3 (2)) without good cause shall be subject to an administrative fine not exceeding 100 million won. <Amended on Feb. 1, 2012; Mar. 18, 2014; May 26, 2020>

(2)Any person who falls under any of the following subparagraphs shall be subject to an administrative fine not exceeding five million won: <Amended on Jun. 4, 2010; Feb. 1, 2012; Mar. 18, 2014; May 26, 2020>

1. Any person who fails to comply with a request of the Minister of Employment and Labor to submit a compliance report without good cause, in violation of Article 15 (1) (including cases applied mutatis mutandis under Articles 15-2 (4) and 15-3 (2));
2. Any person who fails to clearly state, in writing, working conditions in violation of Article 17.

(3)Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. <Amended on Jun. 4, 2010; May 26, 2020>

(4)Deleted. <Oct. 16, 2018>

(5)Deleted. <Oct. 16, 2018>

(6)Deleted. <Oct. 16, 2018>

ADDENDUM <Act No. 18177, May 18, 2021>

This Act shall enter into force on the date of its promulgation.

Recent Events

MOJ Holds the 11th Asia-Pacific ADR Conference

Discussions on the Development of the ADR System for the Post-Pandemic Era

- The Ministry of Justice jointly held the flagship events of the Seoul ADR Festival 2022, from November 7 (Mon) to November 11 (Fri) 2022, with UNCITRAL RCAP, the International Chamber of Commerce (ICC), and the KCAB International: the 11th Asia-Pacific ADR Conference, the UNCITRAL ADR Special Session, and the UNCITRAL RCAP@10 Seminar.

Events Overview

- (Asia-Pacific ADR* Conference) An annual international conference co-organized with the Ministry of Justice, the KCAB International, UNCITRAL, and the International Chamber of Commerce (ICC), discussing the current status and development of ADR*
  *ADR (Alternative Dispute Resolution): Dispute resolutions, such as mediation and arbitration, other than through the court
- (UNCITRAL ADR Special Session) An annual flagship event co-organized with the MOJ and UNCITRAL RCAP to provide educational programs on international trade standards to public officials of developing countries in the Asia-Pacific region
- (UNCITRAL RCAP@10 Conference) An international seminar jointly held by the MOJ and UNCITRAL Regional Centre for Asia and the Pacific (RCAP) to celebrate the 10th anniversary of the opening of RCAP

- The event is held from November 7 (Mon) to November 11 (Fri) to exchange ideas on the current status and future of ADR and to discuss solutions for the harmonization of international trade norms and standards. The details of the event are as follows:
  - From the 9th to 10th of November, the 11th Asia-Pacific ADR Conference was held virtually under the theme of "Solidarity for Recovery: Resilience, Restoration, Recalibration."
  - The flagship events was held both online and offline: the UNCITRAL ADR Special Session on November 10 (Thu) with the topic of "Regional Perspectives on Cross-Border Dispute Resolution"; the RCAP@10 Conference on November 11 (Fri) under the theme of "The Road Ahead: Regional Trade, Global Standards, and the Future of Legal Harmonization."

- Minister Han Dong Hoon stated in his opening remarks at the 11th Asia-Pacific ADR Conference, "The global popularity of the Korean pop culture known as K-Culture is growing, and the pandemic has brought changes to the international community. We will turn these changes into an opportunity for Korea to become a hub for dispute resolution in the region and contribute to further development of the ADR mechanism."

- The MOJ will strive to make Korea a major hub for international dispute resolution, while contributing to the development of the ADR system

Ministry of Justice holds "Business and Human Rights Seminar" to promote practices on business and human rights

Updates on global trends and best practices regarding business and human rights

- The Ministry of Justice held the "Business and Human Rights Seminar" online on October 28(Fri) and November 4(Fri), 2022. The event was jointly held by the Korean Bar Association and the UN Global Compact Network Korea under the theme of "Exploring the way to implement business and human rights framework* with Taking action in business and human rights* with increased awareness of ESG(Environmental, Social, and corporate Governance)."
  * "Business and Human Rights" framework refers to an effort to prevent and mitigate the negative impacts of business activities on human rights. Relevant international norms include the "UN Guiding Principles on Business and Human Rights(UNGPs)" and the "OECD Guidelines for Multinational Enterprises." They focus on the declaration of human rights policies, conducting due diligence on human rights risks, and providing remedies for human rights violations.
  - Recently, European countries proposed legislation on human rights due diligence. In response to this move, the event was organized to help Korean businesses - especially those directly or indirectly related to the global supply chain or trying to enter into the foreign market - prepare for such international trends and introduce business practices that respect human rights, reflecting on their situations.

- The seminar was held in two parts. Each part touched upon international business and human rights trends, domestic implementation plans, and business practices by sector.
  - During Part 1 (October 28), Min Chang-wook, a lawyer of Jipyong LLC, and Lee Hee-joo, an official at the Ministry of Trade, Industry, and Energy, gave presentations on topics while representatives from Pulmuone Co., Ltd., and DRB Dongil Co., Ltd. gave the case presentation.
  - During Part 2 (November 4), Nam Seung-hyun, an associate professor at the Korea National Diplomatic Academy, and Oh Seung-jae, executive director of Sustinvest Co., Ltd., gave a topic presentation while representatives from Doosan Group and Korea Workers' Compensation & Welfare Service gave the case presentation.

- Minister of Justice Han Dong Hoon stated in his congratulatory speech, "Promoting practices that respect human rights consistent with global standards is an important task of Korean businesses expanding overseas. However, it is not easy to constantly monitor and brace for rapidly changing international trends." He added, "I hope to help practitioners, such as corporate lawyers, can find realistic solutions by sharing their business experiences and practices that enhance human rights.

- The Ministry of Justice will continue to help Korean businesses conduct business practices that respect human rights and disseminate this corporate culture.

Ministry of Justice Approves Establishment of Korea's First Joint Venture Law Firm

- On November 29 (Tue), 2022, the Ministry of Justice approved the establishment of a Korea-UK joint venture law firm*, which is the first-of-its-kind authorization since Korea approved Phase 3 Legal Market Liberalization that allows foreign law firms to form a joint venture law firm (for the UK, August 2016)**.
  * According to the Foreign Legal Consultant Act, the Minister of Justice may approve the establishment of a joint venture law firm if an applicant fulfills all of the requirements prescribed in legal provisions (Article 35-3). But when it violates the requirement, the Ministry may revoke authorization for establishment (Article 35-29).
  ** Korea opened its legal market through FTAs to various nations. The country list of Phase 3 liberalization includes the EU, the US, Canada, Australia, the UK, Vietnam, and Colombia.

Joint Venture Law Firm

- (Overview) According to the legal market liberalization process based on the Foreign Legal Consultant Act, the government provides approval for establishing joint venture law firms between Korean firms and firms of countries where Korea has initiated Phase 3 market liberalization process under the Free Trade Agreements.
- (Features) Joint venture law firms may hire Korean lawyers and provide legal consulting services in regard to some domestic legal issues
- (Requirements)
  Participants must submit a resolution document and contract to establish a joint venture law firm.
  Domestic and foreign participants must have at least three years of work experience.
  Each participant must have at least five attorneys-at-law or foreign legal consultants, each with at least three years of work experience.
  A foreign participant of a joint venture shall not hold more than 49% of shares of the joint venture law firm.
- (Scope of Service) Joint venture law firms must not provide legal services involving the following: litigation, government-related disputes, notarization, registration or recording at an administrative agency, family law, labor and intellectual property rights (professional service sectors that have not been liberalized), etc.

- The liberalization of Korea's legal market is conducted in three phases.
  Phase 1: A foreign law firm may establish a Foreign Legal Consultant (FLC) office.
  Phase 2: When handling cases involving Korean and foreign laws, a foreign legal consultant office may work jointly with a Korean law firm.
  Phase 3: Korean and foreign law firms may establish joint venture firms.

- We hope the first joint venture law firm will promote competition in Korea's legal market, providing the people with a broader range of options and strengthening the competitiveness of Korea's legal services.

Policies of the Ministry of Justice

The Ministry of Justice Strengthens Protection of Human Rights for Foreign Seasonal Workers

Reinforcing activities to prevent violations of human rights, such as the arrangement of communication assistance, assessment of human rights violations, and abolishment of the security deposit system

The Ministry of Justice has set out and implemented the following plans to enhance the protection of human rights for foreign seasonal workers to address concerns over potential human rights violations in expanding the *Seasonal Worker Program (SWP).

*SWP: The program allows the legal hiring of foreign workers for a short period to address chronic labor shortages during the busy farming and fishing season.

Details of the Plan

Arrangement of communication assistance

To minimize the risk of human rights violations such as conflicts and misunderstandings from cultural differences as well as verbal abuse due to language barriers in the early days of foreign seasonal workers in Korea, "language and communication helpers" such as marriage migrants will be dispatched to help with language and communication issues.

- In the case of signing an MOU with foreign municipal governments, the provisions of placing language helpers who can communicate in Korea (e.g., those who have studied in Korea or those with Level 3 or higher in the Korean Proficiency Test by the National Institute for International Education) will be stipulated in the MOU. If the relevant local governments agree to dispatch marriage immigrants, benefits regarding permission to stay will be granted.

With the assistance of language helpers, the following remedy procedures will be executed upon detection of violations:

- Victims of sexual harassment: Consult the Immigration Contact Center (1345) → Immediately contact the National Policy Agency (translation services available)
- Victims of unfair employment, such as breach of working conditions: Notify the Korea Immigration Service (Investigation Bureau) and bolster workplace supervision, including investigation of the actual working conditions (at any time).

By establishing a cooperative system with foreign missions in Korea, the authorities will share cases of human rights violations received at the missions and instruct the competent immigration office to investigate the situation (at any time).

Reinforcement of Verification Process by Using Indicators to Identify Human Rights Violations

By using "the index on the identification of human rights violations against foreign seasonal workers," the verification process of human rights violations will be reinforced. It consists of three steps: questionnaires before visa issuance, employment, and departure.

- (1) Select 10% of the invited workers during the visa screening process, (2) Mandate local governments with a more than 20% rate of job abandonment to conduct surveys for seasonal workers, and (3) Survey all seasonal workers before departing Korea. If a local government (including employers) is identified to have infringed on human rights, it will be restricted from hiring foreign workers, or the remedy procedures will be conducted for foreign seasonal workers.

Abolition of the Security Deposit System

The "Security deposit system" has been implemented to prevent job abandonment besides the basic fees. But the system will be abolished next year as there have been concerns that this system may violate the human rights of foreign seasonal workers. Also, to eradicate corruption of employment brokers, an authorized agency dedicated to attracting seasonal workers will be appointed through the public offering process and operated in the first half of next year.

Joint Inspection with Related Ministries

The employers accused of violating working conditions or human rights will be subject to joint inspection with the related ministries (Ministry of Agriculture, Food and Rural Affairs, local governments) (at any time).

- However, employers with more than four persons are required to conduct assessments for any violations of living and working conditions at the competent office within 30 days of entry of the foreign seasonal workers.

Implementation of Customized Education to Prevent Human Rights Violation

The Ministry of Justice's "Early Adaptation Program*" will be updated to meet the individual needs of seasonal workers and incorporated into the human rights violation prevention education (2-3 hours) operated by local governments after the workers arrive in Korea.

- The "Early Adaptation Program" is an educational program designed to provide foreign nationals entering Korea for the first time (marriage migrants, guest workers, foreign celebrities, international students, etc.) with the opportunities to acquire essential information about living in Korea and basic knowledge of Korean laws. It is offered in 13 languages for 3 hours.

Through this improvement, the Ministry of Justice will detect human rights violations against seasonal workers early and figure out a fair and transparent procedure to protect the human rights of workers. At the same time, it will take the lead in creating a working environment where foreign seasonal workers, farmers, and fishers can live in harmony by helping foreign workers adapt to Korea smoothly.

Policies of the Ministry of Justice

Korea Is Getting Younger!

The National Assembly passed the bill requiring the use of the international age-counting system

In South Korea, three age-counting systems exist. First is following the "international age" calculation system where a person is zero at birth. It is the same system used in most other countries. Second is the "counting age" system, a person's age is calculated from zero at birth, and another year is added on every new year. The last one is the "Korean age" system, in which an individual is considered one year old at birth, and a year is added on New Year's day.

The international age system has been used for medical and legal documents since the early 1960s. When determining one's eligibility to drink alcohol and smoke, the counting age system is used. Still, most people held to the traditional method of using the Korean age in everyday life and social setting. Such a wide array of methods often left people confused about their age. For instance, a legal case went all the way to the Supreme Court because of confusion around the age definition for extra wages and retirement.

Now an official change to the country's age calculation system is expected. The Ministry of Justice and the Ministry of Government Legislation announced the National Assembly passed the bills that unify Korea's age-counting system on December 8. From June 2023, all official documents should follow the international system. The revision aims to reduce unnecessary socioeconomic costs arising from legal and social disputes due to the different ways of calculating age.

According to a survey by the Ministry of Government Legislation on unifying the age-counting system, 8 out of 10 citizens (81.6 percent) supported the change. Moreover, 86.2 percent of the respondents said they would use the international age calculation system in their daily lives after the law takes effect.

Minister of Justice Han Dong Hoon said, "The promise to address the inconvenience of the people by establishing a unified standard has been implemented in about six months after the inauguration of the government. We will spare no effort to take follow-up measures to maximize the positive effects of the new system."

"People finding their age one or two years younger will create a positive social impact as well," said Lee Wan-kyu, South Korean minister of government legislation. He said the government would widely promote the new age system to help it settle into the everyday life of the citizens. Furthermore, the Ministry of Government Legislation said it plans to conduct research, collect public opinions concerning the age calculation system, and then consult with relevant ministries to promote the amendments.

When Can Evidence Obtained Without Due Process Be Admissible?

Case Study

Q. As a foreign national, I was not informed of the right to notify my country's consular post of my arrest and detention at the time of my arrest. In this case of violations, can the evidence obtained after my arrest or detention be used as incriminating evidence?

A. Although arresting or detaining a foreign national without informing him/her of the right to notify the consular post is unlawful, the evidence obtained without due process can be accepted as incriminating evidence if it is found that the contents and severity of the procedural violations are neither grave nor considered to have fundamentally violated the rights and legal interest of the foreign national.

1. In the case where a judicial police officer arrested the Defendant, an Indonesian national, and did not immediately inform him of the right to notify the consular post, the Supreme Court held that the procedure of arrest or detention violates Article 36(1)(b) of the Vienna Convention on Consular Relations.
2. Simultaneously, given that (a) it is difficult to assume that the Defendant would have sought consular assistance even if he had been informed of the right to consular notification; and (b) it cannot be assumed that the Defendant incurred considerable losses as the consequence of the procedural breach, the Supreme Court found that even though the law enforcement agency did not notify the Defendant of the right to consular notification, the contents and level of violations are neither considered to be grave nor fundamentally contravened the foreign Defendant's rights and legal interests. Hence, the evidence obtained after the arrest and detention can be used as incriminating evidence (Supreme Court Decision 2021Do17103 Decided April 28, 2022).

Summary of the Case

Outline of Events

(a) A judicial police officer arrested the Defendant, an Indonesian national, on the charge of violating the Immigration Act as a flagrant offender and seized a urine and hair sample that the Defendant voluntarily submitted.

(b) Upon a positive result of the urinary drug test for the presence of MDMA("ecstasy"), a psychotropic substance, the Defendant confessed to all his violations of the Immigration Act and the Narcotics Control Act (Psychotropic) and was placed under detention.

(c) The Defendant became aware of the right to inform the consular post of his arrest and detention in the stage of a prosecutorial investigation. Still, he did not request the law enforcement agency notify his country's consular post.

Main Issues

1. The intention of Article 36(1)(b) of the Vienna Convention on Consular Relations and Article 91(2) and (3) of the Rules of Police Investigation that obligate the law enforcement agency, when arresting or detaining a foreign national, to inform the said foreigner without delay of the right to notify the consular post, and obligate the law enforcement agency to notify the consular post of the arrest or detention upon request of the arrested or detained foreign national.

Whether the procedure of arrest or detention is lawful where the law enforcement agency failed to notify without delay a foreigner under arrest or detention of the right to have the consular post of his or her country notified of the arrest or detention (affirmative)

1. Cases of exception where evidence obtained without due process is acceptable as incriminating evidence and standards for determining whether certain evidence falls within such an exception

Summary of Decision

1. Article 36(1)(b) of the Vienna Convention on Consular Relations (Treaty No. 594 that took effect for the Republic of Korea on April 6, 1977; hereinafter "Conventions") states, "With a view to facilitating the exercise of consular functions relating to nationals of the sending State," and stipulates under Subparag. (b) that "if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody, or detention shall be forwarded by the said authorities without delay. The authorities shall inform the person concerned without delay of his rights under this sub-paragraph." Following this Convention provision, Article 91(2) and (3) of the Rules of Police Investigation stipulates, "In cases of arresting and detaining a foreign national, the competent authority shall notify the person arrested or detailed of his or her right to interview and communicate with a consulate staff within the scope not violating domestic laws and regulations, and right to request the competent authority to notify the consular post of his or her arrest and detention. Where an arrested or detailed foreign national makes a request of notification under Paragraph (2), a judicial police officer shall draft a letter of notification of arrest and detention to the consular post on the form in Attachment No. 93 and have the arrested or detained foreign national's consulate be notified."

Article 36(1)(b) of the Conventions and Article 91(2) and (3) of the Rules of Police Investigation, which provide direction to law enforcement officials to notify without delay a foreign arrestee or detainee the right to consular notification and to notify the appropriate consular officer of the arrest or detention upon request of the arrestee or detainee, are designed to offer cooperation to foreign countries in taking measures to protect their nationals. Therefore, if the law enforcement agency fails to notify without delay an arrestee or detainee of the right to consular notification when arresting or detaining a foreign national, it is a violation of Article 36(1)(b) of the Conventions which has the same effect as the domestic law and is therefore unlawful.

1. Any evidence obtained in violation of due process shall not be admissible (Article 308-2 of the Criminal Procedure Act). However, where procedural violations of the law enforcement agency do not constitute an infringement on the substantive component of due process, but rather, where denying the admissibility of evidence obtained from such procedural violations results in an outcome that contradicts the intention of instituting procedural provisions of criminal procedure under the Constitution and the Criminal Procedure Act to achieve a balance between the principle of due process of law and the finding of substantive truth and thereby to realize criminal justice, the court may use that evidence as incriminating evidence. Whether evidence obtained as such is admissible as incriminating evidence should be determined by exhaustively and comprehensively examining the overall circumstances related to procedural violations committed in the process of the law enforcement agency's evidence collection: (a) purpose of the procedural provisions; (b) contents and level of violations; (c) specific background leading up to the infraction of the provisions and whether the violations could have been avoided; (d) nature of rights and legal interests the procedural provisions intend to protect and the gravity of the infringement; (e) how these rights and legal interests are related to the Defendant; (f) connection between rights and legal interests that the procedural provisions intend to protect and the degree of violation thereof; and (g) perception and intention of the law enforcement agency.
2. The case held as follows: (a) given that the judicial police officer did not inform the Defendant of the right to consular notification at the time of the arrest, the relevant officer committed a violation of Article (36)(b) of the Vienna Convention on Consular Relations regarding the procedure of arrest or detention; (b) however, comprehensively taking into account the context, it is difficult to assume that the Defendant would have sought consular assistance even if he had been informed of the right to consular notification; (c) even though the law enforcement agency did not notify the Defendant of the right to consular notification, it cannot be assumed that the Defendant incurred considerable losses as a consequence of the agency's failure to notify the Defendant of such right, and, therefore, it is difficult to

assume that the law enforcement agency's failure to notify the Defendant of the right to consular notification had significantly adverse impact on the law enforcement agency's evidence collection and the subsequent trial proceedings; (d) hence, the contents and level of violations are not considered to be "grave," nor have these violations fundamentally violated the foreign Defendant's rights and legal interests that the procedural provisions intend to afford protection to; and (e) therefore, the evidence obtained after the arrest and detention and the evidence based thereon can be used as incriminating evidence.

Reference: https://hearimlaw.com/index.php?mid=lawinfo&listStyle=gallery&document_srl=3540
https://library.scourt.go.kr/search/judg/judgDetail?seqNo=5418&kindCode=2&langCode=1

Large supermarkets in Korea may no longer have to close twice a month

Have you ever visited a supermarket chain on a Sunday, only to find it was closed? In Korea, big retailers are required by law to close their stores at least twice a month. The Korean government recently hinted at the possibility of revising this law.

I've heard of this before...

The Distribution Industry Development Act entered into force in 2012, restricting the working days and hours of big supermarkets in Korea. Under this Act, heads of local government may restrict the operation of those stores from midnight to 10 a.m. and designate two days out of each month as mandatory off-days. As a result, most large retail stores in Korea close on the second and fourth Sundays. This legislation was designed to revive traditional markets and guarantee discount store workers' rights to rest and leisure.

Distribution Industry Development Act

Article 12-2 (Restrictions, etc. on Business Hours of Superstores, etc.)

(1)The Mayor of a Special Self-Governing City or the head of a Si/Gun/Gu may order discount stores (including a store which is established within a superstore and meets the requirements for a discount store) and quasi-superstores to restrict business hours or suspend business, designating a date for compulsory closedown as prescribed in the following subparagraphs, where deemed necessary for the establishment of sound practices in distribution, employees' health rights, and win-win development for both superstores, etc. and the small and medium distribution industry: Provided, That the foregoing shall not apply to a superstore, etc. prescribed by ordinance of the local government concerned, in which the sales of agricultural and fishery products under the Act on Distribution and Price Stabilization of Agricultural and Fishery Products account for at least 55 percent of the annual turnover:

1. Restrictions on business hours;
2. Designation of a date for compulsory closedown.

(2)The Mayor of a Special Self-Governing City or the head of a Si/Gun/Gu may place restriction on business hours from 0 a.m. to 10 a.m. pursuant to paragraph (1) 1.

(3)The Mayor of a Special Self-Governing City or the head of a Si/Gun/Gu shall designate two days for compulsory closedown each month pursuant to paragraph (1) 2. In such case, a day for compulsory closedown shall be designated from among holidays, but it shall be possible to designate a day, which is not a holiday, for compulsory closedown through agreement with interested parties.

(4)Matters necessary for imposing restrictions on business hours and designation of a day for compulsory closedown under paragraphs (1) through (3) shall be prescribed by ordinance of the local government concerned.

[This Article Wholly Amended on Jan. 23, 2013]

Ten years after implementation

Immediately after the implementation of this Act, six discount stores filed a lawsuit against Seongdong-gu and Dongdaemun-gu, both located in Seoul. They demanded a cancellation of the business restrictions imposed by the local governments under the Act.

The first-instance court ruled in favor of Seongdong-gu and Dongdaemun-gu, saying the restrictions were not an abuse of their discretion. However, the court of appeal ruled to lift the restrictions on the plaintiffs, explaining they excessively infringed upon consumer rights. In 2015, the Supreme Court overturned this ruling. The court announced, "Given the purpose of the legislation – to properly regulate the concentration of the market and the abuse of economic power – and the public interest can be strengthened by designating mandatory off-days. Therefore, the local governments are not considered to have abused their discretion. Also, the regulation has not fundamentally violated the discount stores' freedom of business and consumers' right to choose."

It has been ten years since the Act came into effect. How has it impacted domestic businesses? Some experts believe the Act has adversely affected not only discount stores but also traditional markets. When people go shopping at a supermarket chain, they are also likely to visit small businesses nearby. Some experts say the restrictions have mitigated this effect.

In 2012 when the Act was implemented, discount stores rapidly increased nationwide while traditional markets were floundering. Throughout the mid-2010s, however, the distribution industry went through rapid changes due to the rise of e-commerce. At that time, some critics pointed out that the Act would become outdated. They argued that by limiting discount stores' early morning sales and delivery services, the restrictions tilted the playing field in favor of then-emerging online retail powerhouses such as Coupang and Market Kurly.

Past studies have also suggested the Act may not help protect traditional markets. According to a 2021 survey by the Federation of Korean Industries titled "Consumer Perception on Distribution Regulation," only 8.3% of respondents said they visited traditional markets when large supermarkets were closed.

Why is this law suddenly an issue?

Last June, the Office of the President newly established a "public proposal" section on its website, where citizens can submit policy ideas. Out of 13,000 policy proposals made online, the Office put ten ideas to a public vote, promising to review the top three as its policy

agenda. When the vote ended on Aug. 31, the proposal to repeal the Distribution Industry Development Act came first with 577,415 votes. Discount store owners and consumers welcomed the result. Still, traditional market merchants and discount store workers announced a series of statements, even saying they would hold protests against the abolition of the law. However, the situation soon turned around. The day after the vote ended, the Office announced, "We decided not to rank the proposals this time because we detected many cases of double voting."
Heeding the confusion that ensued, the Office for Government Policy Coordination expressed its intention to listen to on-site opinions. The Distribution Industry Development Act was promptly chosen as the topic of the first Regulatory Innovation Strategy Meeting* held on Aug. 4.

* The Regulatory Innovation Strategy Meeting is a new system created by the Yoon Suk Yeol administration to precipitate regulatory reforms. The government meticulously reviews existing regulations, holding online public discussions and collecting the opinions of experts and industry insiders.

What do stakeholders say?

According to the Office for Government Policy Coordination, there have been various suggestions regarding easing restrictions. For example, discount stores should at least be allowed to provide delivery services during restricted hours and on mandatory closing dates.
If the government decides to ease the restrictions, it also needs to consider the exact course of action. Some argue that the Act should be revised to ensure equal and uniform application of the law across various administrative districts. Others believe the law should be kept intact since the restrictions can be revised by changing how local government heads apply the Act. Should the Act be amended, discount store workers' right to rest and leisure will also be an issue.

Let us take a closer look at what stakeholders say:
Discount store owners:

> We suffered greatly from the restrictions, but the thing is, they did not even help revive traditional markets. We must rethink whether the Act is appropriate in the first place.

Discount store owners argue the Act should be amended or abolished. On top of this, the Korea Chainstores Association demanded the government allow early morning and weekend deliveries.
Small business owners and traditional markets:

> We will put up banners opposing the abolition of the Act in traditional markets across the country. We have not even recovered from COVID-19 yet. If the restrictions are lifted, our situation will be even more challenging.

The Korea Federation of Micro Enterprise, the Korea Merchant Association, and the Korea Supermarkets Alliance are protesting against the abolishment of the Act, saying it would threaten the right to survival of small business owners. Additionally, according to a recent survey of traditional market merchants conducted by the Ministry of SMEs and Startups and the Korea Federation of Micro Enterprise on the abolition of the Act, most respondents were opposed to the idea.

Discount store workers:

> The Act allows us to take at least two days off each month. We understand the government may loosen the restrictions, but it should not infringe upon our right to rest. and leisure.

Discount store workers also expressed their opposition. On the day of the first Regulatory Innovation Strategy Meeting, the Korean Mart Labor Union staged a protest against the abolition of the Act.

Consumers:

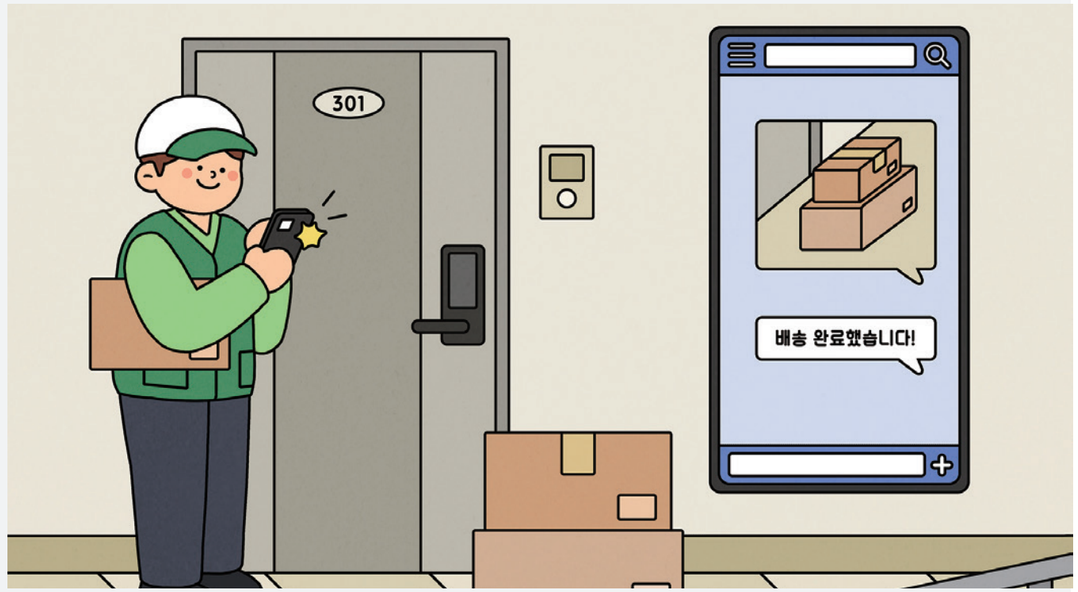
> The regulation restricts our available options. Also, most consumers who regularly shop at discount stores do not go to traditional markets just because discount stores are closed on the second and fourth Sundays.

In 2012, the government implemented the Act after inspecting stakeholders' opinions, such as discount store owners and traditional market merchants. Still, some critics say the government needs to pay more attention to consumers' views.

What now?

It will take work to find a solution everyone can accept. The government is taking a cautious approach, recognizing that regulatory improvement is necessary but should not harm small business owners already hit by the COVID-19 pandemic. In a meeting with the heads of associations and organizations representing small business owners, Lee Young, Minister of SMEs and Startups, said, "The Ministry of SMEs and Startups is well aware of who should be protected and fostered. We will closely review what we discussed today and communicate with the government and related ministries."

The New Normal: 'Untact' Services Emerge Since the COVID-19 Outbreak



What is 'Untact' Service?

'Untact' – a combination of the prefix' un' and the word 'contact' – means doing things without direct contact with others, such as shopping online or making contactless payments. The spread of COVID-19 has given rise to an 'untact' life as consumption channels rapidly shifted from offline to online. According to Statistics Korea, as of September 2022, online shopping transactions amounted to KRW 17.45 trillion, rising 11.8% from last year. Likewise, the parcel delivery service industry, which is in charge of the physical movement behind online consumption activities, has shown a similar surge in demand. According to a recent study, the monthly usage of delivery services grew 56.5% after the COVID-19 outbreak. In comparison, 65% of the users were willing to use these untact services even after going back to normal life.

Legal Issues

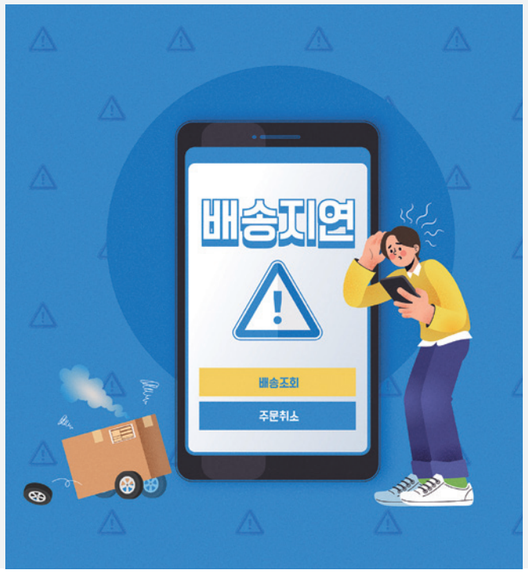
Along with the boom of untact services, consumer disputes related to online transactions have also surged. According to Korea Fair Trade Mediation Agency, disputes related to online transactions in 2021 have risen nine times compared to 2017, especially showing an increasing trend after the COVID-19 outbreak.
The following three legal standards primarily govern online transactions in Korea. First, the Act on Consumer Protection in Electronic Commerce (E-Commerce Act) protects consumers' rights and interests. It enhances market confidence by prescribing matters relating to the fair trade of goods or services, including electronic commerce transactions and mail orders. Second, the General Terms and Conditions of Delivery guarantee fair delivery transactions between courier service providers and buyers. Third, the Framework Act on Consumers prescribes consumers' rights and responsibilities, the responsibilities of the State, local governments, and businesses, the roles of consumer organizations, and the relationship between consumers and business entities in the free market economy.

10 Points to be Aware of When Using 'Untact' Services

1. In cases where the seller unilaterally cancels the order and then sells the product at a higher price, what legal protections can be

offered to the buyers?
According to Article 15 of the E-Commerce Act, where the supply of ordered goods is unavailable, the seller shall inform the buyer of the reason without delay. In the case of a prepaid order, the seller shall make a refund or take the measures necessary for a refund within three business days from the date the buyer pays all or part of the price. If the seller fails to make a refund within the given period, the buyer shall inform the Fair Trade Commission of the situation so that the Commission can take corrective measures. Cases where (1) the seller does not inform the reason for the cancellation of the order within three days, (2) such reason is not considered appropriate, (3) the order is falsely canceled despite the product being in stock are all considered as violating the E-Commerce Act.

2. There are cases where online scams seek to defraud buyers financially. Are these also regulated under the E-Commerce Act?
According to Article 13 of the E-Commerce Act, when a transaction happens, the seller shall notify crucial information so buyers can clearly understand the deal without any error or discrepancy. Such crucial information includes names, types, or contents of the goods, the market price of the goods, the method to supply goods, and so on. Thus, if a buyer charges or pays without being notified of specific purchase details, he or she can get a refund. There is a case where the Korea Consumer Agency informed a company to refund all fees the customer automatically paid by clicking a pop-up screen.
3. What happens if the seller does not accept the order cancellation?
According to Article 17 of the E-Commerce Act, buyers may cancel the order within seven days of receiving a document on the contents of the contract. Yet if the contents of the goods are different from what was indicated or advertised, buyers may cancel the order within three months from the date of receiving the goods or within 30 days from the date of having known such fact.
4. There are cases where the seller refuses order cancellation, refund, or exchange because the buyer opened the package to check the product. How should the buyer respond to these situations?
According to Article 17 of the E-Commerce Act, order cancellation, refund or exchange cannot be asked when the goods have been destroyed or damaged due to a cause attributable to the buyer. Yet this shall not apply where the package has been damaged to check the contents of the goods. Thus, if the buyer opens the package to check the product, order cancellation, refund or exchange is still possible.
5. In some cases, the seller refuses to give cash refunds and instead refunds by providing points that can be later used to buy other products. How should the buyer respond to these situations?
According to Article 18 of the E-Commerce Act, buyers are entitled to receive cash refunds. If the seller delays the refund to the consumer, he or she shall pay a penalty interest for delay calculated by multiplying the interest rate of 15% per annum.
6. What happens if the seller refuses to address the cancellation of orders or refunds due to business suspension?
According to Article 22 of the E-Commerce Act, the seller shall continue to handle the cancellation of orders and refunds following such cancellation, even during temporary closure or suspension of business. If one fails to perform this duty, the Fair Trade Commission may order him or her to take corrective measures.
7. Recently, many people have chosen to use contact-free delivery services, such as leaving packages on their doorsteps or other designated places. But what happens if such deliveries are lost?
In principle, deliveries should be delivered directly to the recipient. If this is not possible, deliveries should be kept at the business office. Yet if buyers designate where they will get deliveries, the logistics company is not held responsible for the loss. For instance, an early-morning delivery service is seen as an implicit agreement to leave the deliveries on the doorstep. However, if deliveries are lost after the courier leaves the package arbitrarily, the delivery company must refund the courier fee and compensate for the damages. In such a case, the customer must notify their loss to the delivery company within 14 days from the date of receipt. The compensation for damages depends on whether the consumer has written the market value of the product. If such information is not stated, the maximum amount of compensation is KRW 500,000 according to Article 5 of the General Terms and Conditions of Delivery.
8. Should consumers still pay the delivery fee if there is a delivery delay ?
Delivery companies don't need to pay the delivery fee if the delay is due to natural disasters or other unavoidable reasons. If the delivery company has already received the delivery fee, it must be refunded according to Article 23 of the General Terms and Conditions of Delivery. Suppose the delay is due to the nature or defect of the deliveries or the customer's negligence. In that case, the delivery company may charge the customer the full delivery fee and the cost of disposing of the goods.
9. What happens if the delivery company refuses compensation even after recognizing my product has been lost or damaged?
In such case, one may contact the 1372 Consumer Counseling Center (www.ccn.go.kr) operated by the Fair Trade Commission and receive support from the Korea Consumer Agency, which settles complaints and prescribes remedies for damages of consumers. Upon receipt of an application for remedy from a consumer, the Agency may recommend the parties agree on compensation for damages. If they cannot reach an agreement within thirty days after the receipt of the application, the Agency will file a request for mediation to the Consumer Dispute Mediation Commission. If the case requires considerable time to inquire into the causes of damages, the settlement period may be extended up to 60 days. Details of the mediation can be found in section 3 of the Framework Act on Consumers.
10. What happens if the dispute is not settled through mediation? Is there any other way for the customer to request damage relief?
Such disputes will have to be resolved by the court. One may request an order of payment according to Article 462 of the Civil Procedure Act. If the amount of charge does not exceed KRW 30 million, small civil claims may be filed. If any of the above measures do not settle the dispute, one may institute a lawsuit by filing a written complaint with a court according to Article 248 of the Civil Procedure Act.



Finding Oasis in Seoul: Scenic Parks with Nature

Seoul, the vibrant capital of Korea, is known for being one of the busiest cities in the world. Modern skyscrapers, bright neon lights, and streets bustling with people are a few of the images that come to mind when thinking of Seoul. While the skyscrapers and neon lights indeed allure everyone's eyes, the city also offers various places to enjoy serenity and nature — from mountains and streams to gardens and parks. Among these outdoor spaces, Yeouido Hangang Park, Gyeongui Line Forest Park, and Naksan Park are a few of the many parks that are easily accessible and provide a scenic view.

Yeouido Hangang Park

Hangang, also known as the Han River, is an iconic river flowing through Seoul. Alongside the river are 12 different parks, each offering a unique riverscape and fun facilities. Yeouido Hangang Park is one of the parks located in Yeouido, Seoul's banking and finance district.

Yeouido Hangang Park provides space for diverse activities. There are broad running and bicycle paths around the park, where people can take a stroll or rent a bike to ride along the river. Furthermore, visitors can view the cityscape of Seoul anywhere in the park, which includes the skyline of tall buildings such as 63 Square (63 Building), the International Finance Center Seoul, and even the N Seoul Tower across the river.

When it is not a rainy day, it is easy to spot many people holding picnics by the river. Many people like to place their picnic mats on the grassy field and enjoy delivery food, like chicken or pizza. One might wonder how food is delivered to the middle of the park. Yeouido Hangang Park has designated delivery zones, so people can easily pick up their food. Besides getting delivery food, people also like grabbing snacks or ramen from nearby convenience stores. After buying packaged ramen at the store, you can take it to a ramen-cooking machine that will boil it in an aluminum or paper bowl. It is a popular opinion that eating ramen by the Hangang tastes better than just eating one at home.

Yeouido Hangang Park offers visitors something to do all year long. The park becomes the heart of the Yeouido Cherry Blossom Festival in the springtime. Visitors can walk along the Hangang and near the National Assembly Complex, where beautiful cherry blossom flowers bloom on over 1,400 cherry blossom trees. In summer, the park opens an outdoor swimming pool where people can forget the summer heat with the cool waters. In the fall, the Seoul International Fireworks Festival is held near the Hangang, where people can watch grand fireworks in the night sky. Yeouido Hangang Park is the most famous place to watch the show. In 2022, teams from Korea, Japan, and Italy participated in the event and illuminated the sky with magnificent fireworks.

Gyeongui Line Forest Park

Gyeongui Line Forest Park is a park that goes through the city center, starting from Mapo-gu to Yongsan-gu. The park's area was formerly a railroad connecting Seoul and Sinuiju. The name "Gyeongui" comes from the name of two cities, "Gyeong" from Gyeongseong, the former name of Seoul, and "ui" from Sinuiju, a city in North Korea. The railroad was constructed in 1904 by Japanese imperialists but stopped its operation with the peninsula's division in 1950. The railroad was reformed into a public park in 2016, offering green space for locals.

The park is unique in that it is a long and narrow park of 6.3 kilometers passing through different neighborhoods in Seoul. The park is divided into four sections. The first one begins in Yeonnam-dong and ends near Hongik University station. Walking down the path in this section, people can enjoy many cafés and restaurants, tall ginkgo trees, and a streamlet. The second section starts from Hongik University station and ends near Sogang University station. This section is themed as a book street, with small bookstores and galleries on the path. The third section connects Sogang University station to Gongdeok station. Visitors can see flowers along the way in the springtime and beautifully colored leaves in the fall. Finally, the last section begins at Gongdeok station and closes at Samgakji Station. Many people come to this area to see cherry blossom trees in the spring. This section is also close to Hyochang Park, notable as a national cultural heritage site with royal tombs and graves for leaders who fought for Korea's independence.

Gyeongui Line Forest Park is an ideal park to visit with families or friends. Visitors can experience the calming and comfortable atmosphere surrounded by trees and also stop by many cafés, restaurants, and stores along the walk.

Naksan Park

Naksan Park is a historical park that follows the Seoul City Wall. The park is located near Daehakro and Dongdaemun. The name "Naksan" means Camel Mountain, as the topography of the mountain looks like a camel's back. The Seoul City Wall was initially constructed in 1396 along four mountains, Bugaksan, Naksan, Namsan, and Inwangsan. The wall is approximately 18.2 km long, and its primary purpose was to protect and defend the city from invaders and set its boundaries. Now, the fortress trail of Naksan Park allows visitors to walk right next to the Seoul City Wall and experience its history.

Walking along the fortress is quite steep, but once visitors walk up the hill, they can catch a stunning panoramic view of Seoul. The view of the

city is even more spectacular at night when the bright lights of buildings can be seen at one glance. Several courses are up to the park; visitors can begin their walk from the Hansung University entrance, Dongdaemun station, or Hyehwa station. Since all courses involve a walk uphill and visitors might encounter a fleet of stairs, it is recommended to wear comfortable shoes when coming to Naksan Park.

There are also several tourist attractions near the park, such as Daehakro, Marronnier Park, and Ihwa Mural Village. Daehakro means university street in Korean. The name comes from the history of the College of Liberal Arts and Sciences of Seoul National University in this area before its relocation in the 1970s. The area near Daehakro and Marronnier Park is known for performing arts, such as musicals or plays. Furthermore, Ihwa Mural Village is where visitors can enjoy fun and colorful street art. It is definitely a place to visit for people who love taking pictures and wish to experience decorative murals.

Conclusion

Yeouido Hangang Park, Gyeongui Line Forest Park, and Naksan Park are all great places that provide visitors with an opportunity to experience a different perspective of Seoul. Moreover, the spectacular views and wide-open areas to enjoy diverse activities are other reasons to visit these parks. For those who need a respite from the bustling city, a moment in any of these parks will make you feel calm and peaceful.

	Yeouido Hangang Park	Gyeongui Line Forest Park	Naksan Park
Address	330, Yeouidong-ro, Yeongdeungpo-gu, Seoul	147-89, Donggyo-dong, Mapo-gu, Seoul	41, Naksan-gil, Jongno-gu, Seoul
Transportation	Yeouinaru Station (Line 5)	Hongik University Station (Line 2), Gongdeok Station (Line 5, 6), Daeheung Station (Line 6), Hyochang Park (Line 6)	Hyehwa Station (Line 4), Dongdaemun Station (Line 4)
Website	www.hangang.seoul.go.kr	https://parks.seoul.go.kr/template/sub/gyeongui.do	www.parks.seoul.go.kr/template/sub/naksan.do

The Judicial System of Joseon Dynasty (1392-1910)

In "Corea or Cho-Sen: The Land of the Morning Calm" by Arnold H. Savage Landor, an English painter and explorer, Landor recounts in detail what he observed and experienced during his stay in Joseon at the end of the 19th century. About Joseon's landscape, culture, and customs, he offers a fresh perspective of an outsider into the life of Joseon people. And yet, it reveals some mistaken beliefs about Asian medieval society. For example, he wrote that Joseon people could endure harsh punishment because their bodies, unlike the Westerners, were naturally numb to physical pain. Similarly, travel memoirs written by outsiders who lack an understanding of Asian culture often refer to the Asian medieval society as backward, uncivilized, and primitive.

Contrary to popular belief, the judicial system during Joseon Dynasty (1392-1910) echoed the fundamental structure and spirit of the modern judicial system. For example, the Joseon Kingdom had compiled a code of laws since its foundation, including 'Gyeonggukdaejeon,' which includes articles about legal procedures, guides, and formats of the ruling. The code was established so that official and impartial principles, not the King's arbitrary ruling, could govern the people. In addition, Joseon's judicial system was built on respect for human life. For example, after three trials attended by government officials, capital punishment was only meted out to felons or traitors and only given by the King.

To better understand Joseon's judicial system, the following sections outline its structure, trial procedures, and some interesting facts.

The Judicial Body of the Central Government

Uigeumbu (similar to today's Supreme Court) was a special institution in charge of trying the royal family, national criminals, traitors, officials, and their relatives. Hyeongjo (similar to the Ministry of Justice) administered felony appeals, criminal and legal investigations, prison management, supervision of slaves and prisoners of war, legal education, and detention of prisoners. Saheonbu (literally, 'Office of the Inspector-General') served as a supervisory authority, such as inspecting the fairness of punishments and investigating and condemning the actions of civil servants. Hanseongbu (today's Seoul Metropolitan Government) oversaw general administration, police affairs within and five kilometers outside of the capital wall, and litigations related to census registration and real estate across the country.

Crime and Punishment

Punishments served to maintain social order in Joseon. The ten most serious crimes, according to 『Daemyeong-ryul(大明律)』, were rebellion, destroying royal property, treason, parricide, felony, injuring the King, filial impiety, familial homicide, injustice (mainly disobeying social order), and incest. These crimes were punished more severely on the grounds that crimes involving a lower-status person disobeying or harming a higher-status person could disrupt social order.

The five traditional punishments ranked in the Joseon Dynasty, in ascending order of severity: taehyeong(笞刑), janghyeong(杖刑), dohyeong(徒刑), yuhyeong(流刑), and sahyeong(死刑). Taehyeong is lightly flogging a person who committed light crimes, and janghyeong refers to beating those who committed more severe crimes with a heavy stick. Dohyeong is subjecting relatively serious criminals to penal servitude or forced labor. Yuhyeong is banishing a felon who narrowly escaped capital punishment to a distant area, never allowing him to return to his hometown until he died. Dohyeong and yuhyeong are always accompanied by janghyeong. Saheyong, the severest punishment, is hanging or beheading.

The investigative agency responsible for arresting and punishing criminals during the Joseon Dynasty was Podocheong (similar to police) in the capital area and provincial governors. In the case of murder, the police had to hold at least three inquests over a corpse to locate evidence. They held multiple inquests because a single examination was insufficient to find the cause of death. But they had to carry out only an external examination of the body to avoid damaging it since it was taboo to alter the body inherited from the parents. An inquest was initially conducted by officers of the province where the body was found and then by an officer from other provinces. The officers could not disclose their diagnoses to each other, thereby submitting a separate autopsy report to a supervisor.

A criminal trial was overseen by Hyeongjo Panseo (today's Minister of Justice), Uigeumbu's judge (Justice), Hanseongbu Yun (Seoul mayor), provincial governors, and chief magistrates. The law placed a limit on the punishment level to prevent punishment abuse. An officer could sentence according to the officer's rank. The magistrate or 'won-nim' could only sentence taehyeong, and the provincial governor could only sentence up to yuhyeong. Only the King could sentence sahyeong.

The most important principle in executing criminal trials lies in 'the fairness of the judgment.' Joseon's code of law required the witness's testimony to be clear and coherent to be admissible and required evidence to convict someone to prevent misjudgments. Also, a penalty could be reduced if the prior order seemed unfair or excessive.

The Trial System

The Joseon Kingdom did not distinguish between administrative and judicial affairs. Consequently, the administrator assumed the role of a judge and adjudicated both criminal and civil cases (Ok-song and Sa-song, respectively). The governor's role as a judge was so crucial that it was one of the 'Seven Major Tasks of a Governor (수령칠사).'

In early Joseon, precluding any possibility of a lawsuit was considered a virtue because litigations were viewed as disrupting the peaceful order of a community under Confucianism. But soon, the rulers could not help but admit that it was merely an ideal goal, as they saw increasing civil litigations about land, enslaved people, and debt. Subsequently, they invested more time and effort in polishing the procedure, review, and fairness of trials. Establishing the code of law was a key part of the effort. Starting from 'Gyeonggukdaejeon' in early Joseon, the rulers kept updating and improving the legal code system, which cumulated with the compilation of 'Sokdaejeon' during the reign of King Yeongjo (31 October 1694 – 22 April 1776).

In the Joseon Dynasty, litigation was rampant despite a strict class system consisting mainly of yangban (nobility), middle class, and cheonmin (outcasts). During mid-Joseon, in particular, people filed various complaints and lawsuits at the government office and voiced their opinions through written and oral statements during the trial procedures. There was extreme criticism that lawsuits would cause problems, including summoning and investigating those involved and the costs of long-term litigation. Still, litigation was the surest way to settle issues of land, slavery, and debt.

Joseon's judicial system consisted of three trials. Normally, the litigant brought a case to the chief magistrate of the region where she or he resides and could appeal to the provincial governor if the litigant objected to the first trial's order. If the litigant is again dissatisfied with the order, she or he could appeal to Hyeongjo or Saheonbu. It was also possible to appeal directly to the King. Especially in the case of sahyeong (capital punishment), the King made a final order after a three-stage review process. In civil cases, 'Gyunggukdaejeon' disallowed the losing party from appealing if she or he lost three times to limit the number of litigations.

With regard to the trial procedures, the trial opened with the judge inquiring about what happened and asking both parties to submit evidence. After inspecting the evidence and claims made by both parties, he passed judgment and returned the written decision to the winning party. During the busy harvest season, trials other than those concerning the ten most serious crimes, robbery, murders, and stealing other people's slaves, were suspended. Since the magistrate or the governor had to sentence within fifty days since the trial started, abusing the position of authority, including torturing suspects to get a confession, was said to be somewhat common.

Nevertheless, several litigation laws regulated the proceedings to improve the legitimacy and objectivity of the decision. For example, on the day the defendant appeared in court, one of the plaintiffs had to be present to defend themselves against the claims. Also, if there was a conflict of interests between the litigants and the judge, another jurisdiction had to take the case.

Contracts

During the latter half of the 17th century, property rights and contract systems started to be developed. Joseon people had to write contracts for the sale of essential assets like land, slaves, and supplier rights. These sales contracts were called 'Myung-mun,' 'Mun-ki,' or 'Mun-kwon.' As Joseon became a contract-based society, litigations and legal disputes greatly increased. Most disputes pertained to economic interests and sometimes about protecting the dignity of an individual or a family.

The civil trials during the Joseon Dynasty were characterized as an adversarial system. The litigants had a burden of proof, and the trial revolved around the litigant. The doctrine of disposition right was also observed: the litigant had at his or her disposal whether to start a new trial and whether to close the ongoing procedures, as well as determining who should be subject to the judgment. Meanwhile, hearings proceeded based on oral statements produced by the litigants. Both parties had to appear in court to prevent a one-sided hearing and had equal opportunities to advocate their side.

In the court, the plaintiff and defendant could freely attack or defend against the opponent's claims. Also, they submitted evidence to support their claims. In the decision, every piece of evidence was listed in chronological order and available in full text, so anyone could read them and evaluate the objectivity and legitimacy of the decision.

Once both parties finished pleading and submitting evidence, they could request the judge to pass a formal judgment. The judgment could be notarized at a fee and given to the case winner after all the legal procedures ended, and the order was finalized.

Joseon's Lawyers

According to the book "조선의 일상, 법정에 서다 [Daily life in Chosŏn, stand in court]" by the Society of Korean Historical Manuscripts, Joseon considered a society devoid of litigations ideal and denied the existence of lawyers that contributed to the spread of litigations. Although it is unclear whether lawyers existed precisely, it seems 'Whey-ji-bu (외지부)' or 'Jeng-song-wii-up-ja (쟁송위업자)' appearing in historical documents carried out similar tasks to those of the lawyers. 'The Veritable Records of King Jungjong (중종실록)' mentioned the existence of "rogues who fabricate Mun-kwons (a type of sales contracts that endorses the property rights of a land or house) and recite laws, so that they could instigate litigations and profit from winning,' and that 'these were previously called 'Do-gwan-ji-bu (도관지부)' but are now called 'Whey-ji-bu.'"

If punishments were unavoidable, 'Whey-ji-bu' helped find the lightest charge possible and gave directions to win in civil cases on economic interests. They also led lawsuits on the litigant's behalf and provided legal advice. Since people usually became overwhelmed in court and unable to elaborate their claims, the 'Whey-ji-bu,' who were good at speaking and texts, sometimes pretended to be their relatives and represented them in courts.

'Jeng-song-wii-up-ja' was considered a group of people who abetted disputes and expanded the litigation. They not only fabricated Mun-ki but formed a group and meddled with litigations alternately to circumvent the regulation that one person cannot send a representative to the court more than twice. If they won, they shared profits among themselves. Most of them had no permanent residence and wandered about places where litigations were likely to occur. They sometimes found clients where litigations were ongoing or partook in filing petitions to the King.

The Decision

The decisions from trials by Hyeongjo were mostly determined by mutual consent, while finding at trials by chief magistrates were conducted independently. The decision was expressed in written documents and called 'Gyul-song-ip-aan (결송입안(決訟立安)).' It consisted of all the relevant documents, evidence arranged in the submission order, the tenor of the decision, and its rationale. According to recent research findings, 778 decisions made during the Joseon Dynasty remain today, with the oldest one originating in 1571 by Andongbu.

As we have looked at, Joseon's judicial system mirrored the modern judicial system in many ways. They tried to make fair trials, prevent abuse of punishments, and respect human life even if a person committed a crime. Korean judicial system has continued to evolve and endeavors to become a trusted institution that delivers transparent, fair, and accessible justice.

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://jrti.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/
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http://www.mofa.go.kr/eng/index.do
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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
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Ministry of Unification
https://www.unikorea.go.kr/eng_unikorea/
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National Assembly Library
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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
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Ministry of Justice

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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