

Recent Trends of Law & Regulation in Korea

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Recent Events

- **Ministry of Justice Holds the 1st Asian and Pacific Probation Conference**
- **Ministry of Justice Hosts 16th <Together Day> Commemorative Ceremony**

Case Law

- **Privacy vs. Public Health: Assessing the Ethical and Legal Grounds for Epidemiological Investigation and Disclosure in the COVID-19 Era**

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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 FOSTERING OF SELF-EMPLOYED CREATIVE ENTERPRISES

Act No.18961, jun. 10, 2022



CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the growth of the national economy by fostering self-employed creative enterprises through the promotion of the establishment of self-employed creative enterprises by the people who have creativity and specialty and through the creation of the foundation for the growth thereof.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Mar. 22, 2013; Feb. 3, 2015; Jun. 10, 2022>

1. The term "self-employed creative enterprise" means one person or a joint business entity comprised of less than five people that has creativity and expertise, who conducts business without employing regular workers (excluding a person who operates a type of business

prescribed by Presidential Decree, such as real estate business);
2. The "young self-employed creative enterprise" means a self-employed creative enterprise owned or managed by a young person aged 39 years or under that meets the standards prescribed by Presidential Decree.

Article 3 (Special Cases concerning Recognition of Self-Employed Creative Enterprises)

Where a self-employed creative enterprise no longer remains a self-employed creative enterprise by reason of the expansion of its size, notwithstanding Article 2, it shall be deemed a self-employed creative enterprise for three years from the year following the year when such reason arises: Provided, That this shall not apply where it merges with an enterprise other than a self-employed creative enterprise or no longer remains a self-employed creative enterprise for other grounds prescribed by Presidential Decree.

Article 4 (Relationship to Other Acts)

Except as otherwise provided for in other Acts, this Act shall apply to the fostering of self-employed creative enterprises.

Article 5 (Formulation, etc. of Plans for Fostering Self-Employed Creative Enterprises)

- (1) The Minister of SMEs and Startups shall formulate and execute a plan for the fostering of self-employed creative enterprises (hereinafter referred to as "plan for fostering") every three years in consultation with the heads of the central administrative agencies concerned, such as the Minister of Culture, Sports and Tourism, etc. to foster self-employed creative enterprises. <Amended on Jul. 26, 2017>
- (2) A plan for fostering shall include the following matters: <Amended on Jun. 10, 2022>
1. Basic direction-setting for policies for the fostering of self-employed creative enterprises;
 2. Matters concerning support of startup of self-employed creative enterprises;
 3. Matters concerning creating the foundation for self-employed creative enterprises, young self-employed creative enterprises, etc.;
 4. Matters concerning statistical surveys and management related to self-employed creative enterprises;
 5. Other matters necessary for the fostering of self-employed creative enterprises.
- (3) If necessary for the formulation and execution of a plan for fostering, the Minister of SMEs and Startups may request the heads of the central administrative agencies concerned and institutions or organizations related to the fostering of self-employed creative enterprises to submit materials or state opinions. In such cases, the heads of the central administrative agencies concerned, etc. requested to submit materials or state their opinions shall comply therewith, unless extenuating circumstances exist. <Amended on Jul. 26, 2017>

Article 6 (Research on Actual Conditions)

- (1) In order to foster self-employed creative enterprises systematically and formulate and promote a plan for fostering efficiently, the Minister of SMEs and Startups shall conduct research on the current status of activities and the actual conditions of self-employed creative enterprises every year and publish the result thereof. <Amended on Jul. 26, 2017>
- (2) If necessary to conduct research on the actual conditions under paragraph (1), the Minister of SMEs and Startups may request public institutions under the Act on the Management of Public Institutions, self-employed creative enterprises, or related organizations to submit materials or state their opinions. In such cases, public institutions, etc. requested to submit materials or state opinions shall comply therewith, unless extenuating circumstances exist. <Amended on Jul. 26, 2017>

Article 7 (Establishment and Operation of Integrated Management System)

The Minister of SMEs and Startups may establish and operate an integrated management system to comprehensively manage information related to self-employed creative enterprises, to establish the foundation for cooperation among self-employed creative enterprises, and to provide information useful to activities of self-employed creative enterprises. <Amended on Jul. 26, 2017>

Article 8 (Designation, etc. of Support Centers for Self-Employed Creative Enterprises)

- (1) The Government may designate an institution or organization which has specialized human resources and facilities necessary to support self-employed creative enterprises and those who intend to start a self-employed creative enterprise as a support center for self-employed creative enterprises (hereinafter referred to as "support center").
- (2) A support center shall perform the following services: <Amended on Jul. 26, 2017>
1. Provision of workspace and conference rooms to self-employed creative enterprises;
 2. Consultation with self-employed creative enterprises about management, legal affairs, taxation matters, etc.;
 3. Other services entrusted by the Minister of SMEs and Startups.
- (3) The Government may bear all or some of expenses incurred in the performance of services under the subparagraphs of paragraph (2) to support centers designated pursuant to paragraph (1) within the budget.
- (4) Where a support center falls under any of the following, the Government may cancel its designation or suspend its business affairs wholly or partially for a fixed period not exceeding six months: Provided, That where it falls under subparagraph 1, the Government shall cancel its designation:
1. Where it is designated by fraud or other improper means;
 2. Where it conducts business affairs in violation of matters designated;
 3. Where it fails to meet the standards for designation under paragraph (5).
- (5) Matters necessary for designation, standards and procedures for the cancellation of designation, and the operation of a support center shall be prescribed by Presidential Decree.

Article 9 (Support for Transactions of Knowledge Services)

- (1) The Minister of SMEs and Startups may conduct business to support self-employed creative enterprises that provide knowledge services, those who are provided with knowledge services by self-employed creative enterprises, etc. to facilitate transactions of knowledge services between self-employed creative enterprises. <Amended on Mar. 22, 2013; Jul. 26, 2017>
- (2) Necessary matters concerning business eligible for support,

methods, etc. of support under paragraph (1) shall be prescribed by Presidential Decree.

Article 10 (Support for Education and Training)

- (1) The Government may support education and training in strengthening the specialty and competence of self-employed creative enterprises and those who intend to start a self-employed creative enterprise.
- (2) The Government may entrust a government-designated institution or organization, which is a corporation that has human resources and facilities, etc. prescribed by Presidential Decree (hereinafter referred to as "educational institution") with business affairs concerning education and training under paragraph (1).
- (3) The Government may bear all or some of expenses incurred in conducting business by educational institutions entrusted with business affairs concerning education and training pursuant to paragraph (2), as prescribed by Presidential Decree.
- (4) Where an educational institution fails to conduct business affairs concerning education and training under paragraph (1) conscientiously or fails to meet the standards for designation under paragraph (5), the Government may suspend business affairs wholly or partially for a fixed period not exceeding six months.
- (5) Matters necessary for designation, standards and procedures for the cancellation of designation, etc. of an educational institution shall be prescribed by Presidential Decree.

Article 11 (Support for Technological Development)

- (1) The Minister of SMEs and Startups may provide the following support for self-employed creative enterprises that have an excellent idea and technological capability: <Amended on Mar. 22, 2013; Jul. 26, 2017>
 - 1. Single or joint technological development of self-employed creative enterprises;
 - 2. Joint technological development of self-employed creative enterprises in collaboration with small and medium enterprises under the Framework Act on Small and Medium Enterprises;
 - 3. Other matters necessary for promoting technological development of self-employed creative enterprises.
- (2) Matters necessary for procedures for and the extent of support under paragraph (1) shall be prescribed by Presidential Decree. [Title Amended on Mar. 22, 2013]

Article 12 (Support for Commercialization of Ideas)

- (1) The Government may select self-employed creative enterprises that have an idea with a high possibility of success in commercialization and support them in their commercialization of such idea.
- (2) Where a self-employed creative enterprise selected as an enterprise eligible for support in the commercialization of an idea pursuant to paragraph (1) falls under any of the following, the Government may cancel the selection thereof: Provided, That in the case of

subparagraph 1, the Government shall cancel its selection: <Amended on Feb. 3, 2015>

- 1. Where the self-employed creative enterprise selected has been selected by fraud or other improper means, such as stealing the idea;
 - 2. Where the self-employed creative enterprise selected has relinquished the commercialization of the idea;
 - 3. Where it is impracticable for the self-employed creative enterprise selected to obtain the result anticipated at the beginning because the commercialization is delayed due to a reason imputable to it or it is deemed incapable of accomplishing the commercialization;
 - 4. Where it is impossible for the self-employed creative enterprise selected to continuously perform the commercialization due to reasons, such as insolvency or the closure of its business, or it is deemed unnecessary for such enterprise to continuously perform the commercialization.
- (3) Necessary matters concerning criteria and procedures for selection under paragraph (1), procedures for the cancellation of selection under paragraph (2), and the extent of support, etc. shall be prescribed by Presidential Decree. <Amended on Feb. 3, 2015>

Article 13 (Support for Overseas Expansion)

In order to promote the expansion of self-employed creative enterprises into overseas markets, the Government may support activities, such as the international exchange of related technologies and human resources, participation in international events, etc.

Article 14 (Public Relations, etc.)

The Government may push for the following activities to raise people's awareness about self-employed creative enterprises and foster self-employed creative enterprises: <Amended on Jul. 26, 2017>

- 1. Finding, rewarding and publicizing successful cases of self-employed creative enterprises;
- 2. Holding forums and seminars to vitalize self-employed creative enterprises;
- 3. Other activities announced publicly as shall be deemed necessary by the Minister of SMEs and Startups.

Article 15 (Financial Support)

- (1) The Government may loan or invest necessary funds to or in self-employed creative enterprises and provide other necessary support. <Newly Inserted on Mar. 22, 2013>
- (2) The Government may have the Credit Guarantee Fund under the Credit Guarantee Fund Act, the Korea Technology Finance Corporation under the Korea Technology Finance Corporation Act, and credit guarantee foundations established pursuant to Article 9 of the Regional Credit Guarantee Foundation Act establish and operate a guarantee system intended for self-employed creative enterprises to facilitate financing for the establishment of self-



employed creative enterprises and their activities. <Amended on Mar. 22, 2013; Mar. 29, 2016>
[Title Amended on Mar. 22, 2013]

Article 15-2 (Preferential Treatment for Young Self-Employed Creative Enterprises)

The Government may give preferential treatment to young self-employed creative enterprises with regard to the matters prescribed in Articles 9 through 15.
[This Article Newly Inserted on Jun. 10, 2022]

Article 16 (Designation, etc. of Institutions Solely in Charge)

- (1) The Minister of SMEs and Startups may designate an institution solely in charge of business affairs on self-employed creative enterprises (hereinafter referred to as "institution solely in charge") to effectively perform policies on the fostering of self-employed creative enterprises. <Amended on Jul. 26, 2017>
- (2) The Government may bear some of the expenses incurred in the operation of an institution solely in charge within the budget.
- (3) No institutions, other than institutions solely in charge that are designated pursuant to paragraph (1), shall use any similar name.
- (4) Matters necessary for designation, operation, etc. of an institution solely in charge shall be prescribed by Presidential Decree.

Article 17 (Special Cases concerning Taxes)

The State and a local government may grant tax reductions or exemptions to self-employed creative enterprises, including income tax, corporate tax, acquisition tax, property tax and registration and license tax, as prescribed by the Restriction of Special Taxation Act, the Restriction of Special Local Taxation Act and other Acts related to taxes, in order to foster self-employed creative enterprises.

Article 18 (Special Cases concerning the Food Industry Promotion Act and the Seafood Industry Promotion and Support Act)

Notwithstanding Article 22 of the Food Industry Promotion Act and Article 29 of the Seafood Industry Promotion and Support Act, relaxed standards for quality certification of traditional food and traditional seafood may be otherwise prescribed regarding self-employed creative enterprises manufacturing traditional food under subparagraph 4 of Article 2 of the Food Industry Promotion Act or traditional seafood under subparagraph 7 of Article 2 of the Seafood Industry Promotion and Support Act, as prescribed by Presidential Decree. <Amended on Feb. 18, 2020>
[Title Amended on Feb. 18, 2020]

Article 19 (Report and Examination)

- (1) Where the Government deems it necessary for supervision, it may

request a support center to make a report or submit materials on its business affairs and property, or have a public official belonging thereto take necessary measures, such as causing him/her to access the actual site or examine documents, etc.

(2) Where the Minister of SMEs and Startups deems it necessary for supervision, he/she may request an institution solely in charge to make a report or submit materials on its business affairs and property, or have a public official under his/her jurisdiction take necessary measures, such as causing him/her to access the actual site or examine documents, etc. <Amended on Jul. 26, 2017>

(3) A person who has access or makes an examination pursuant to paragraphs (1) and (2) shall carry an identification card showing his/ her authority and present it to interested persons.

Article 20 (Hearings)

Where the Government intends to make a disposition falling under any of the following subparagraphs, it shall hold a hearing:

1. The cancellation of designation and the suspension of business affairs of a support center under Article 8 (4);

2. The cancellation of designation and the suspension of business affairs of an educational institution under Article 10 (4);

3. The cancellation of selection of business eligible for support in the commercialization of an idea of a self-employed creative enterprise under Article 12 (2).

Article 21 (Delegation or Entrustment of Authority, etc.)

(1) Part of the authority of the head of a central administrative agency vested under this Act may be delegated to the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu), as prescribed by Presidential Decree. <Amended on Feb. 3, 2015>

(2) The head of a central administrative agency may entrust part of his/ her business affairs under this Act to an institution solely in charge, etc., as prescribed by Presidential Decree.

Article 22 (Legal Fiction as Public Official in Application of Penalty Provisions)

Executive officers and employees of an institution solely in charge, etc. engaged in business affairs entrusted by the head of a central administrative agency pursuant to Article 21 shall be deemed public officials when the penalty provisions under Articles 129 through 132 of the Criminal Act are applied.

Article 23 (Administrative Fines)

(1) An administrative fine not exceeding one million won shall be imposed on a person who uses any similar name, in violation of Article 16 (3).

(2) The Minister of SMEs and Startups shall impose and collect

administrative fines under paragraph (1). <Amended on Jul. 26, 2017>

ADDENDA <Act No. 10531, Apr. 4, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures)

(1) An institution or organization which conducts business affairs of a support center for self-employed creative enterprises after being entrusted therewith by the SME Minister of the SMBA as at the time this Act enters into force shall be deemed a support center for self-employed creative enterprises designated under this Act.

(2) An institution or organization which conducts business affairs concerning education and training after being entrusted therewith by the SME Minister of the SMBA as at the time this Act enters into force shall be deemed an educational institution designated according to this Act.

ADDENDUM <Act No. 11657, Mar. 22, 2013>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 13148, Feb. 3, 2015>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 14122, Mar. 29, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

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

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended under Article 5 of the Addenda, amendments to an Act, which was promulgated before this Act enters into force but the date on which it enters into force has yet to arrive, shall enter into force on the enforcement date of the relevant Act.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 17037, Feb. 18, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 18961, Jun. 10, 2022>

This Act shall enter into force six months after the date of its promulgation.

Recent Events



Ministry of Justice Holds the 1st Asian and Pacific Probation Conference

The Ministry of Justice jointly hosted the first Asian and Pacific Probation Conference with the Korean Association of Probation Parole Services for four days starting May 30th. The conference was attended by government officials from nine countries in the Asia-Pacific, as well as by numerous Korean and foreign academics.

Jeff Mellow, a professor in the Criminal Justice Department and on the faculty of the Criminal Justice Doctoral Program at the Graduate Center, CUNY, gave a keynote speech on the topic of "Reflections on the Power of Workplace and Technological Synergy in Community Correction" on the first day. The three-day conference was comprised of five sessions, and participants from each nation gave 21 presentations.

Vice Minister of Justice Lee Noh Kong proposed in his welcoming speech that "constructive development be made through profound discussions and information sharing at the conference regarding criminal recidivism and measures to facilitate social adaptation."

Vice Minister added, "Various measures are discussed to establish a sustainable cooperative system, including the swift and accurate exchange of information among respective nations."

The Ministry of Justice will continue cooperating with government authorities in Asia-Pacific to 'strengthen social safety through the rehabilitation of offenders.'

<Summary of Keynote Speech by Jeff Mellow>



Jeff Mellow

Education

- Ph.D., University at Albany of the State University of New York (2001, Criminal Justice)
- M.A., University at Albany of the State University of New York (1994, Criminal Justice)
- B.A., American University (1989, International Studies)

Career

- Professor of Criminal Justice at the John Jay College of Criminal Justice
- Professional Member of American Society of Criminology, International Corrections and Prisons Association

"Summing up more than two decades of working with correctional and community correctional agencies, I will discuss my thoughts on how "synergy" and "technological synergy" can improve the successful outcomes of those under community correctional supervision. I start by addressing three key realities of community corrections and why working collaboratively with other stakeholders is vital for success. Next, I discuss how my research and that of my colleagues of community correctional supervision during the COVID pandemic can inform us on the benefits and challenges of moving to remote supervision. Finally, I address the inter-agency synergy that community correctional agencies can generate through data collection, data utilization, and data sharing and what advance technology is needed to facilitate inter-agency collaboration."

Ministry of Justice Hosts 16th <Together Day> Commemorative Ceremony



MOJ outlines a vision for "Korea's hope-filled future, together with Koreans and foreigners."

The Ministry of Justice, on May 19th, hosted the 16th <Together Day> commemorative ceremony under the slogan "With Empathy and Respect, We Stand Together" at Gwacheon Citizens Hall.

<Together Day> 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.

More than five hundred Koreans and foreigners attended this year's



ceremony. Prominent guests included representatives from seven embassies, including Germany, Sweden, the Philippines, Thailand, and Ghana, and the Director of the International Organization for Migration Seoul Office.

The ceremony started with a commemorative speech by the Minister of Justice, followed by congratulatory speeches by diplomats stationed in Korea, congratulatory videos from directors of immigration agencies of various countries, an awards ceremony, and ended with a celebratory performance.

The Justice Minister, Han Dong Hoon, in his speech, voiced high hopes for a future Korea that leads the world in immigration policies, a nation that breeds mutual understanding and co-prosperity between Koreans and foreigners while underlining the importance of securing the future growth engine of our economy through attracting top talents from around the world.

The event was also an opportunity to recognize and honor those who have significantly contributed to the settlement and integration of immigrants. A total of sixteen awards were presented at the ceremony in appreciation of those endeavors.

The Presidential Commendation in the individual category was presented to Ms. Kim Chu-ri, founder of Central Catholic Kindergarten, for her steadfast commitment to early childhood and women's education and the promotion of welfare for socially marginalized groups and the disabled; and to Ms. Han Mi-young, Director of the Dongdaemun-gu Multicultural Family Support Center, for her contributions to the settlement of immigrant and multicultural families.

The Presidential Commendation in the group category was awarded to the Siheung Migrant Welfare Center for its work in supporting the social adaptation of foreign workers, promoting awareness and understanding of foreign cultures, and conducting Korean language education programs.

To mark the occasion, many celebratory performances, including taekwondo performances by the Kukkiwon team, were held to liven the mood.

The event was live-streamed on YouTube and through the official website of Together Day.

The Ministry of Justice will strive to create a society based on understanding, where we thrive together through communication and engagement.

Policies of the Ministry of Justice

Government Joins All Forces to Combat Drug Crimes



The government discussed the results and follow-up plan of the Comprehensive Plans for Drug Safety at a Cabinet meeting on April 18th, 2023.

Since the announcement of the Plans, the government has been devoted to combatting drug crimes in Korea. However, as a series of drug crimes, such as the distribution of drug-laced drinks among high-school students in Gangnam and celebrity drug scandals occurred, government agencies gathered together again to establish follow-up plans so that Korea can completely root out drug crimes that now pose a great threat to citizens' daily lives.

According to the figures released by the government, since the launch of the plans, 5,809 drug offenders were arrested, up 24% from a year earlier, and the total amount of seized drugs surged by 55% to 306.8kg compared to the last year. During the same period, the number of people who entered drug rehabilitation programs increased by 150%, and drug treatment increased by 50% compared to last year. In addition, as a part of the plan, the government mandated all elementary, middle, and high schools to conduct annual 10-hour education programs for drug prevention.

The follow-up plan is categorized by influx monitoring, distribution control,

judicial enforcement, treatment and rehabilitation, and education and promotion. The major contents of the plan are as follows:

Drug Influx Monitoring

To block drug smuggling across the border, we will expand our monitoring system by forming international mail drug control TF an express cargo screening system, and adopting cutting-edge drug detection equipment. Moreover, we will maintain domestic and international cooperation systems by holding Korea Customs Week 2023 in April, signing MOU with Columbia in June, and holding Anti-Drug Liaison Officials' Meeting for International Cooperation (ADLOMICO) in November while focusing on expanding new cooperation networks.

Distribution Control

We will gather pan-governmental capabilities for investigation by operating the Special Drug Crime Investigation Headquarters, which will serve as a control tower for drug crime investigation with 840 officers from the Prosecutor's Office, Police, and customs agents. From an investigation to a trial, those responsible for the investigation from each agency will jointly respond to drug crimes across the country. We will focus on drug distribution through online platforms, large-scale smuggling, and drug crimes targeting adolescents. We will also track and completely confiscate criminal proceeds. We will establish a drug information database covering the accumulated information on drug smuggling cases and international criminal organizations. We will establish the Narcotics and Organized Crimes Division (tentative name) within the Supreme Prosecutors' Office as soon as possible to restore the prosecution's drug investigation function.

We will monitor illegal websites for drug deals and advertisements for 24 hours using e-robots that automatically detect drug-related keywords. And we will block them within a day after they are detected by introducing written deliberation by the Korea Communications Standards Commission.

We will strengthen our ability to examine new drugs by introducing advanced equipment to detect all drug components. Also, we will strengthen the monitoring of the illegal distribution of medical drugs by analyzing the prescription and administration information of about 600 million cases of the

integrated drug management system. It will be mandatory for doctors to check the patient's past administration history when prescribing medical drugs to prevent duplicate prescriptions of medical drugs. Tracking past prescriptions will be conducted step by step, starting with drugs that are highly likely to be abused, such as fentanyl.

Lastly, we will encourage the public to actively report for illegal activities such as drug distribution and administration with thorough confidentiality by operating an intensive reporting period from April 24th, 2023, to May 31st, 2023.

Judicial Processing

Previously, in the case of suspension of prosecution for drug administration offenders, treatment and rehabilitation conditions were given according to the prosecution's internal regulations, such as drug intensity and dose. However, from now on, we will evaluate the level of addiction of those subject to suspension or prosecution through a committee of doctors and other drug experts as a pilot project. Reflecting that opinion, we will suspend prosecution with conditions for treatment and rehabilitation.

To strengthen punishment for habitual drug use and mass smuggling offenders, we will push for strengthening the sentencing standards for drug crimes to the Supreme Court's Sentencing Commission.

Policies of the Ministry of Justice

The Ministry of Justice Expands the Scope of Employment for Overseas Koreans to Resolve Labor Shortages



The Ministry of Justice expanded the scope of employment for overseas Koreans from May 1st by revising the "Notification of the Restriction of Employment Activities in Overseas Koreans (F-4)" to resolve labor shortages in Korea. Before the revision, F-4 Visa holders were allowed to work in Korea, but there were some restrictions on the job field, such as simple labor, to protect domestic jobs. However, as the labor shortage is becoming a serious problem in Korea, especially in depopulated areas, expanding the scope of overseas Koreans' employment will help to ease the labor shortage and attract people to rural areas.

Major Revisions

Before the revision, overseas Koreans (F-4) were banned from engaging in 41 unskilled jobs (e.g., moving helpers, building cleaners, etc.), conducts contrary

to good morals or other social order, and 12 occupations restricted for the public interest or maintenance of order in employment (e.g., bath attendants, caddies, street stall salespersons, etc.).

(1) National level

Overseas Koreans (F-4) are permitted to work in 6 types of jobs in the restaurant and hotel businesses to secure jobs for Korean nationals. However, according to statistics, the restaurant and hotel industries experience a higher labor shortage rate than other industries. To tackle this problem, relevant government agencies, such as the Ministry of Agriculture, Food and Rural Affairs, and the Ministry of Culture, Sports, and Tourism, have constantly discussed relaxing the restrictions and decided to allow F-4 Visa holders to have jobs in the hospitality sector, including kitchen helpers, fast-food restaurant workers, hotel service workers, lodging facilities service workers, catering service workers, and beverage service workers.

(2) Depopulation Regions

Through the "Regional-specialized Visa Program," overseas Koreans (F-4) living in depopulated regions are allowed to engage in all employment activities except for conducts disturbing good morals or other social order. The conducts disturbing good morals, and other social orders include wheel-spinning businesses, lottery businesses, gift-giving businesses, entertainment bar businesses, and businesses prohibited from allowing youth access and employing youth. This revision to drastically expand the scope of employment resulted from profound concerns that the risk of a demographic cliff and regional extinction is severe in some depopulated rural areas in Korea.

Privacy vs. Public Health:

Assessing the Ethical and Legal Grounds for Epidemiological Investigation and Disclosure in the COVID-19 Era

Background information

A. Government’s Protocol

In efforts to curb the transmission of COVID-19, disease control authorities such as the Korea Disease Control and Prevention Agency (KDCA) and local governments have implemented various measures, including the investigation and disclosure of personal information such as name, gender, age, address, occupation, contact details, movement patterns, duration of stay, exposure history, mask usage, symptoms, and more.

While the primary approach involves directly collecting information from individuals, additional methods such as surveys, mobile phone location tracking, closed-circuit television (CCTV) footage, transportation and credit card usage surveys, immigration information, and National Health Insurance data analysis are also employed.

The measures undertaken by disease control authorities aim to expedite the treatment of infectious diseases and prevent their further spread. Despite their potential infringement on the personal information self-control rights of certain individuals, these actions were deemed necessary emergency measures to safeguard the lives and physical well-being of a larger population.

However, some individuals, media outlets, and political circles have highlighted the potential risks associated with privacy breaches. To mitigate these concerns and respect privacy rights, disease control authorities strive to collect and disclose only the essential information required to prevent infectious disease transmission. Nevertheless, individuals closely associated with confirmed patients, such as their family members, relatives, neighbors, and colleagues, have experienced psychological distress resulting from disclosing their connection to the cases.

B. Applicable Law

[Infectious Disease Control and Prevention Act]

Article 6 (Rights and Obligations of Citizens)

(2) Each citizen shall have the right to know information on the situation

of the outbreak of infectious diseases and the prevention and control of infectious diseases and how to cope therewith, and the State and local governments shall promptly disclose the relevant information.

Article 18 (Epidemiological Investigations)

(3) No one shall commit any of the following acts in the course of an epidemiological investigation conducted by the Commissioner of the Korea Disease Control and Prevention Agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu:

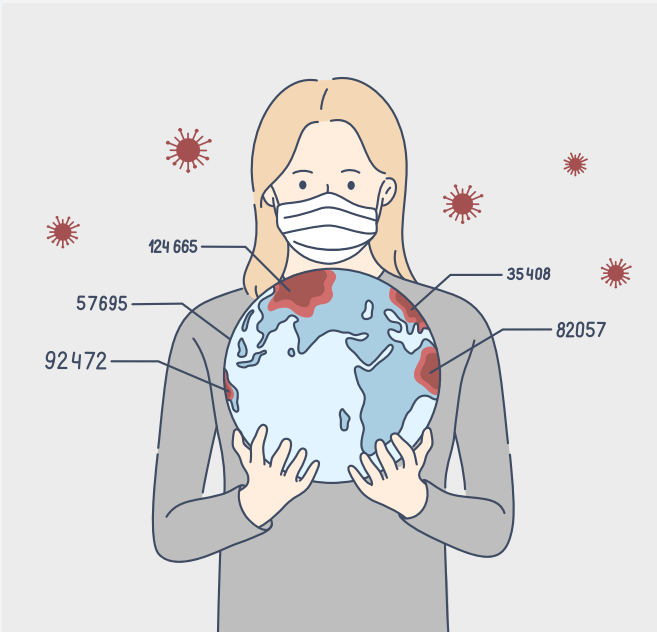
- 1.Refusing, obstructing, or evading the epidemiological investigation without good cause;
- 2.Making a false statement or presenting false materials;
- 3.Intentionally omitting or concealing any fact

Article 34-2 (Disclosure of Information during Infectious Disease Emergency)

(1) Where the spread of an infectious disease harmful to citizens' health triggers the issuance of a crisis alert of the caution level or higher prescribed in Article 38 (2) of the Framework Act on the Management of Disasters and Safety, the Commissioner of the Korea Disease Control and Prevention Agency, a Mayor/Do Governor, and the head of a Si/Gun/Gu shall promptly disclose information that citizens need to know to prevent the infectious disease, such as the movement paths, transportation means, medical treatment institutions, and contacts of patients of the infectious disease, the current status of the outbreak and testing of the disease infectious by region and by age group, using such means as posting the information on information and communications networks and distributing a press release

C. Case Study: Reality of Information Disclosure

[1] On February 2020, a church in Daegu inadvertently became the epicenter of a nationwide COVID-19 outbreak, triggering what has been referred to as the "First wave of COVID-19" in South Korea. In response, disease control authorities decided to disclose



information about individuals associated with the affected religious group as a preventive measure to contain the virus's spread. Subsequently, the church reported approximately 4,000 cases of adverse consequences, including persecution, harassment, family disintegration, stigma, and defamation, with instances of members receiving notices of dismissal from their workplaces.

[2] John Doe, an individual associated with a renowned club in the Gangnam-gu district of Seoul, has realized he had been in contact with a confirmed COVID-19 patient. However, he deliberately provided false information during the COVID-19 epidemiological investigation conducted by the Gangnam-gu jurisdiction, failing to disclose his actual occupation as a club employee. Consequently, his actions have drawn criticism from the public, who accused him of concealing vital information from the Gangnam-gu Office.

The Supreme Court’s Decision 2022Do7290 Decided November 17, 2022

A. Case Facts

X Center is operated by religious organization Y and serves as a training facility. Defendant 1, a missionary affiliated with religious organization Y, is responsible for organizing educational activities and managing the center's facilities. Defendant 2, as the chairman of the education executive committee, oversees the planning of missionary training programs, education, and sponsorship at the center. During the period of November 27, 2020, to November 28, 2020, the center hosted an event known as the "Global Leadership Competency Development Event" (referred to as the "Event in this case"). Unfortunately, it was later discovered that an attendee named Kim ○ had tested positive for COVID-19 at the Suseong-gu Health Center in

Daegu Metropolitan City on December 3, 2020. Consequently, on December 3, 2020, the resident epidemiological investigator requested Defendant 1, the center manager, to provide a list of individuals who had entered the facility during the aforementioned event and a separate list of personnel involved in the facility's operations. Official letters were subsequently sent to the center on December 4, 2020, and December 16, 2020, requesting the submission of the required lists in relation to this case.

B. Offense Charged

[1] On August 24, 2020, the Mayor of Sangju issued an order to restrict church gatherings and related events, imposing a limit of no more than 50 people indoors and 100 people outdoors. Subsequently, the center involved in this case received a restriction order from the Sangju Mayor on August 25, 2020. Despite this, the Defendants disregarded the restriction order by organizing an event involving more than 50 people indoors and more than 100 outdoors. The event took place at the center in question from October 9, 2020, to October 10, 2020.

[2] The Defendants engaged in a conspiracy to obstruct the epidemiological investigation conducted by the Mayor of Sangju by willfully refusing to submit the requested list related to this case on two separate occasions, namely, December 3, 2020, and December 4, 2020.

[3] Defendant 1, out of concern that the list of nationwide church members attending the event would be exposed to the health authorities, deliberately omitted certain individuals who attended the event and included the residence and contact information of 96 individuals who did not attend. In total, a list of 543 attendees was submitted to the Sangju-si authorities. As a result, Defendant 1, without proper justification, submitted false information during the epidemiological investigation conducted by the Mayor of Sang-si, thus obstructing the proper execution of duties in relation to the epidemiological investigation.

[4] Defendant 2, the chairman of the center in this case, instructed the center's secretary to tamper with an official notice of order issued by the mayor. This Act involved removing the notice displayed near the center's entrance on December 26, 2020, thereby undermining the authority of the compulsory measure indicated in the notice.

Of the four offenses charged, the lower court decided the Defendants were not guilty on offense [3] and guilty on offense [1], [2], [4]. To this decision, the Defendants have presented an argument in their appeal to the Supreme Court, contending that the lower court's judgment, which convicted them based on offense [2], misinterpreted the legal principles pertaining to the definition of "epidemiological investigation" as stipulated in Article 18(3) of the Infectious Disease Control and Prevention Act. The Defendants have chosen not to contest the remaining charges against them as grounds for their appeal.

C. Main Issues and Holdings

- [1] Principle of the interpretation of penal statutes in conformity with the principle of no punishment without law
- [2] Meaning of “epidemiological investigation” in Article 18(3) of the Infectious Disease Control and Prevention Act
- Whether the accomplishment of the Act of "refusing the epidemiological investigation" under Article 18(3)1 must be preceded by the conduct of "epidemiological investigation," as stipulated in the same paragraph, on either the actor or his or her accomplice (affirmative).

D. Ruling

The Supreme Court remanded the case to the lower courts.

E. Summary of Decision

- [1] The Constitution stipulates that crimes and penalties must be set by law in order to protect an individual's freedom and rights from the arbitrary exercise of the state's penal authority (Article 13(1) of the Constitution of the Republic of Korea). Any law that restricts the people's fundamental rights or imposes duties thereon, in particular, laws on punishment, should be coherent to prevent the state institution from arbitrarily exercising its power. In other words, penal laws must be clearly worded in terms of constituent elements so that they can provide predictability for the general public regarding what acts are subject to punishment and enable them to adjust their behaviors accordingly. Penal laws that are considered to be deficient in the meaning and substance that can serve as an adequate standard for a person with sound common sense and standard legal sensibility to decide on one's conduct may be found to violate the clarity rule of the principle of no punishment without law and thus unconstitutional; this must be considered to interpret ambivalent provisions in conformity with the Constitution. In addition, penal laws must be strictly interpreted, and the interpretation of penal laws to the disadvantage of the Defendant beyond the permissible bounds of the meaning of the text is prohibited in accordance with the rules prohibiting expanded interpretation under the principle of no punishment without law.
- [2] The Infectious Disease Control and Prevention Act (hereinafter “Infectious Disease Prevention Act”) states, under Article 18(3), that the acts of “refusing, obstructing, or evading the epidemiological investigation without good cause” (Subparag. 1), “making a false statement or presenting false materials” (Subparag. 2), and “intentionally omitting or concealing any fact” (Subparag. 3) are prohibited and stipulates in Article 79 Subparag. 1 that a person who violates Article 18(3) shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding KRW 20 million.
- The Infectious Disease Prevention Act stipulates that "[t]he term 'epidemiological investigation' means the activities of investigating the number of cases involving patients of an infectious disease, etc.

and of tracing the sources of their infection, etc., if such cases occur, in order to contain such infectious diseases and to prevent their spread, and the activities of examining the causes of adverse reactions if such cases occur after vaccinations have been taken against infectious diseases or if it is unclear whether a disease is infectious but it is necessary to investigate the cause thereof" under Article 2 Subparag. 17. The said Act prescribes the entity in charge of the epidemiological investigation and the time, elements, and method of the epidemiological investigation under Article 18(1) and (2) and Article 29 and states under Article 18(4) that the matters regarding the elements, time, and method of epidemiological investigation shall be stipulated by presidential decree.

Comprehensively considering the statutory text and system as examined above, the “epidemiological investigation” under the Infectious Disease Prevention Act generally refers to the activities defined in Article 2 Subparag. 17 of the said Act, which can include diverse and ingenious activities conducted with the voluntary cooperation of the parties concerned.

However, penal laws must be strictly interpreted, and the scope of the acts subject to punishment must be strictly determined to ensure predictability from the point of view of the subjects of law. Therefore, it would be reasonable to conclude that the “epidemiological investigation” under Article 18(3) of the Infectious Disease Prevention Act, which constitutes a constituent element of the penal law, refers to only the activities that not only conform to the definition under Article 2 Subparag. 17 of the Infectious Diseases Prevention Act but also satisfy the requirements prescribed in Article 18(1) and (2) and Article 29 of the Infectious Diseases Prevention Act and the Enforcement Decree of the Infectious Diseases Prevention Act, which was enacted under authority delegated from Article 18(4) of the Infectious Diseases Prevention Act, with regard to the entity in charge, time, object, and method of the investigation.

Furthermore, considering the dictionary definition of "refusal," which means "to decline to accept a demand or proposal and to deny," the establishment of the Act of "refusing the epidemiological investigation," as stipulated in Article 18(3)1 of the Infectious Diseases Prevention Act, should be preceded by the conduct of the “epidemiological investigation” on the actor or his or her accomplice.

F. Implications

This is the first judgment that deliberates on the meaning and extent of "epidemiological investigation" as defined in Article 18(3) of the Infectious Disease Prevention Act. As Article 2 of the Infectious Disease Prevention Act outlines, "epidemiological investigations" encompass a broad range of activities. However, this case emphasizes that although these activities may involve diverse and innovative approaches that rely on the voluntary cooperation of relevant parties, an epidemiological investigation must meet the specific requirements established by the Enforcement Decree and should be subject to strict scrutiny.

Hold Your Tongue - Defamation in Korea

Imagine you run a coffee shop in the trendy streets of Hongdae. Your business is soaring, with long queues full of patrons yearning to taste your sumptuous lemon merengue pie stretching for hundreds of feet. You thought all was going well until a negative review is posted on Yelp, falsely alleging that you use prebaked goods and strongly recommending to potential customers never to visit your humble shop. What a preposterous and unfounded accusation! You are infuriated; your sugary goodies are hand baked every morning at 6 am to ensure their everlasting mouthwatering tartness. You try explaining that the reviewer is mistaken, but to no avail. The long-stretching queues are no more. Business begins to falter. You are exasperated. You spent thousands of hours perfecting recipes, only to go down the drain just because of a false review. What shall you do in this situation?



Defamation in Korea

In Korea, defamation charges can be brought against any action that incurs reputational damage to a specific person, even when the statements are true, which is contrary to libel or slander in other countries in that even statements of truth can constitute a crime if deemed to damage the reputation of another person. Furthermore, it's important to note that in Korea, defamation carries both civil and criminal liabilities. There are three main types of defamation: general defamation, defamation through printed materials, and online defamation.

Defamation Laws

The three types of defamation are codified separately in different laws. General defamation can be prosecuted under the Criminal Act. Article 307(1) covers defamation cases where the allegation is true, and 307(2) covers false statements. Even defaming a dead person is prosecutable, but only in cases where the claim is false.

Criminal Act

Article 307 (Defamation)

- (1) A person who defames another by publicly alleging facts shall be punished by imprisonment with or without labor for not more than two years or by a fine not exceeding five million won.
- (2) A person who defames another by publicly alleging false facts shall be punished by imprisonment with labor for not more than five years, suspension of qualifications for not more than ten years, or a fine not exceeding ten million won.

Defamation, when spread in the form of published or printed materials, carries heavier sentencing due to the nature of its dissemination and the ease of storage, potentially resulting in a larger infringement on reputation.

Article 309 (Defamation through Printed Materials)

- (1) A person who commits the crime of Article 307 (1) by means of newspaper, magazine, radio, or other publication with intent to defame another shall be punished by imprisonment with or without labor for not more than three years or by a fine not exceeding seven million won.
- (2) A person who commits the crime of Article 307 (2), by the method described in paragraph (1), shall be punished by imprisonment with labor for not more than seven years or suspension of qualifications for not more than ten years, or a fine not exceeding 15 million won.

Another form of defamation that can be prosecuted is online defamation. The Act on Promotion of Information and Communications Network Utilization and Information provides the grounds for prosecuting online defamation.

Act on Promotion of Information and Communications Network Utilization and Information

Article 70 (Penalty Provisions)

- (1) A person who commits defamation of another person by disclosing a fact to the public through an information and communications network purposely to disparage the reputation of such person shall be punished by imprisonment with labor for up to three years or by a fine not exceeding 30 million won.
- (2) A person who commits defamation of another person by disclosing

a false fact to the public through an information and communications network purposely to disparage the reputation of such person shall be punished by imprisonment with labor for up to seven years, by suspension of qualification for up to 10 years, or by a fine not exceeding 50 million won.

It's worth noting that although defamation through alleging facts is a prosecutable offense, alleging false facts carries a heavier sentence.

Defamation also entails civil liabilities according to the Civil Act. That means a defendant can be subject to criminal prosecution and a civil lawsuit.

Civil Act

Article 764 (Special Rules Applicable to Defamation)

The court may, on the application of the injured party, order the person who has defamed another's reputation to take measures appropriate for repairing the injured party's reputation, either instead of or together with the provision of compensation.

Defamation Requirements

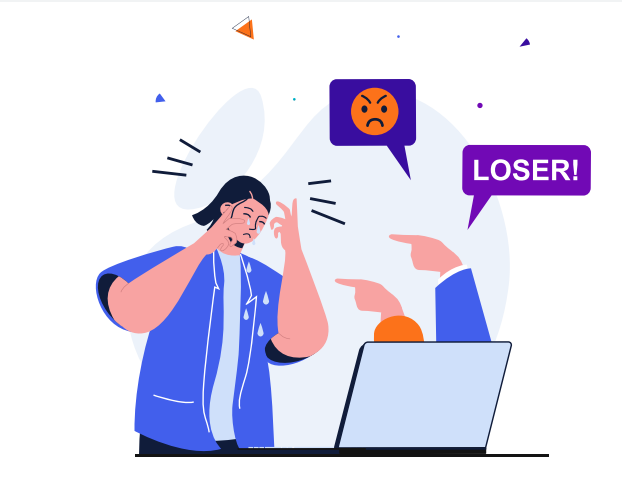
The following requirements must be met to establish a crime of defamation.

1. PUBLICITY.

The allegation must be made public to many people. However, numerous Supreme Court rulings dictate that even if a statement was made to a single person, it could still constitute defamation if there was a probability that the allegation would spread to many people. Yet, because there is a lack of objective criteria by which the Supreme Court determines publicity, this requirement is judged on a rather arbitrary case-by-case basis.

2. SPECIFICITY

The subject of defamation must be specified. Even using a collective noun to defame a group of persons can constitute defamation if used to refer to a specific individual in that group. However, a vague reference to a group does not establish defamation (e.g., Seoul citizens, Busan residents).



3. FACTUALITY

Facts or false facts must be alleged. Simply hurling insults at one another cannot be construed as defamation.⁴ The allegation should be "a report or statement on past or present facts that are...specific with evidentiary support for its expressive content."⁵ The ruling ensures that only detailed statements with supportive evidence are prosecuted, as opposed to a 'declaration of opinion,' which consists of value judgment or assessment of a person. Once again, even publishing facts about someone is prosecutable if it is deemed to have significantly tarnished the person's reputation.

4. INTENT

For a statement to be considered defamation, it must be an intentional act to defame another.⁶ Thus, the speaker must have alleged facts knowing to do so would sully another's reputation. The requirements for defamation through printed materials and online defamation takes this even further, citing specific intent to disparage a person's reputation as prerequisites.⁷ This case is judged in a holistic matter, considering the surrounding circumstances of the allegation and the degree of occurred or potential reputational damage, such as the content and nature of the alleged fact, the scope of the subject, and the method of expression, among others.⁸

Nevertheless, not all allegations that satisfy the criteria are punished, as the Criminal Act provides justifications for defamation "if the facts alleged under Article 307(1) are true and solely for the public interest." However, only general defamation – not through printed materials or

online defamation - can be justified as being done for the public interest. This is due to the “specific intent to disparage a person’s reputation” being required to establish defamation through printed materials or online defamation. The Supreme Court views public interest and the intent to disparage as incompatible. Hence there is no justification on the grounds of public interest for defamation through printed materials and online defamation.⁹

Examples of Defamation Cases



- A and B are close friends and coworkers. Their colleague C spreads false rumors about A and B having an affair on the company’s online message board. – Prosecutable as online defamation under the Information and Communications Act.
- A and B are sitting in a café, far away from other customers. A ridicules C, a mutual acquaintance, to B. Then B immediately admonishes A, saying, "You shouldn’t say stuff like that." – Not guilty of general defamation. No one was sitting within hearing distance, and as such, the court ruled no possibility for the propagation of the statement.
- A, whose son died in a medical accident, distributes fliers decrying the negligence of the operating doctor – not guilty of general defamation and defamation through printed materials. Supreme Court ruled such information was for the public good and thus could not establish ‘intent to defame another,’ hence throwing out charges against defamation through printed materials. Establishing that the allegations were made for the public interest led to charges against general defamation being dismissed as well under the justification clause of the Criminal Act.

- Defendant A falsely boasts to his friend B that he had sexual intercourse with C, a mutual friend. B tells C of this, and C, shocked, sues A for defamation. – A is proven guilty of general defamation under the Criminal Act.

Conclusion

It is important to understand that whatever we say can have real consequences. A carelessly spoken statement, regardless of its truth, can be hurtful not just to another person but also to yourself. The advent of social media and the Internet has created a human race that is ever more connected to one another. In a world where nothing you say is ever completely private, it would do wonders for everyone if we could think twice before speaking.

9_ Supreme Court Decision 1997Do158, Oct. 9, 1998

Summer Festivals in Korea

Summer is the best season to enjoy outdoor festivals in Korea. You can forget the intense summer heat during the daytime by listening to music and splashing water. You can chill out in the evening, grabbing a canned beer and feeling the fresh breeze. However, because of COVID-19, many summer festivals could not be held in 2020-2021. Since 2022, as the South Korean government downgraded COVID-19's infectious disease status from Class 1 to Class 2, some festivals have started to be held again. This year, as mask mandates in both outdoors and indoors are completely lifted, except for large hospitals and long-term care facilities, summer festivals are expected to be held on a larger scale. Let me introduce upcoming summer festivals and some tips you should check before enjoying the festivals.

Upcoming Summer Festivals

- Incheon Pentaport Rock Festival
 - Period: August 4th, 2023 ~ August 6th, 2023
 - Address: 350, Central-ro, Yeonsu-gu, Incheon
 - Website: <https://pentaport.co.kr/>
- PSY's Summer Swag 2023
 - Period: June 30th, 2023 ~ August 27th, 2023
 - Location: Major cities in Korea (Seoul, Wonju, Yeosu, Suwon, Boryeong, Iksan, Incheon, Daegu, Busan)

PSY's Summer Swag is a famous concert that has occurred every year between July and August since 2011, except for three years during the COVID-19 pandemic. PSY is a famous Korean singer who owns global hit songs such as "Gangnam Style" and "Gentleman." PSY's Summer Swag is also called "Soaking Wet Show (Heumppeok Show in Korean)" because visitors get soaked in all the water blasted out from the special equipment installed in the concert hall. Combined with PSY's upbeat songs and enthusiastic performance, the Summer Swag became one culture that makes people wait for the summer in Korea.



- Water Bomb 2023
 - Period: June 23th, 2023 ~ August 26th, 2023
 - Location: Major cities in Korea (Seoul, Gwangju, Incheon, Daegu, Busan, Daejeon, Suwon, Sokcho, Jeju)
 - Website: <http://waterbombfestival.com/>

Water Bomb is one of South Korea's most popular water music festivals. Water Bomb has been taking place annually since 2015, except for the COVID-19 period. Water Bomb's signature feature is a dynamic water-fighting and icy water blast. Visitors and musicians are divided into two teams so that they water-fight with their water guns. The overwhelming scale of water bombs and cannons makes music festivals far more exciting.



Tips for enjoying the festivals

- 1. Try to book an early-bird ticket**

If you are interested in festivals, try to book an early bird ticket to enjoy the festivals cheaper than a regular ticket. An early bird ticket means an opportunity to buy a ticket before it goes on sale to the public. The early bird ticket helps festival organizers secure certain amounts of visitors, so it is offered at a discounted price. One defect is that the early bird ticket is usually open before the venue or the line-ups, making visitors uncertain about the festival. However, waiting for subsequent announcements about the information of the festival and predicting where it will be held or which musicians will appear can also be an exciting experience. So never lose the chance to book the early bird ticket.
- 2. Choose an outfit that is appropriate for the festivals**

Cool outfit of the visitors is one of the most important parts of the summer festivals. Almost all summer festivals use a lot of water to beat the heat, so prepare clothes that dry quickly and wear non-slippery shoes. Also, you should check ahead if there is a dress code for the festival. For example, PSY's Summer Swag has its dress code, which is blue, and that's why the spectator seats are stained in all hues of blue. So remember to prepare an outfit for the festival in advance.

- 3. Check the timetable of public transportation before leaving the festivals**

To arrive at the festival venue, you can take public transportation or go by car. However, the parking lot is usually not enough to accommodate all visitors' cars, and you may want to drink a can of beer during the festival. Therefore, public transportation is the best way to the festival venue. One thing to note is that public transportation operates according to a set timetable. If you miss the last bus or subway, you should wait until tomorrow morning. So check the timetable of public transportation in advance and leave the festival before the public transportation service ends.

Legal Codes in Ancient Korea: Goguryeo, Baekje, and Silla



The legal codes of Goguryeo, Baekje, and Silla reflected the complexities and nuances of ancient Korean society. These codes covered a wide range of legal matters, including criminal offenses, property rights, contracts, family relationships, and administrative regulations. They provided a framework for governance and justice, guiding the actions of rulers, officials, and ordinary citizens alike. Each kingdom developed its own legal code set, influenced by cultural practices, societal norms, and historical events. By studying these ancient legal codes, we can unravel the intricate tapestry of ancient Korean law, gaining insights into the values, priorities, and challenges these early Korean societies face. Moreover, these legal codes serve as invaluable historical documents, offering glimpses into the daily lives, customs, and aspirations of those who lived during that time.

The Legal Codes of Goguryeo

Goguryeo, one of the prominent ancient Korean kingdoms, developed its own legal codes that reflected its unique political and social landscape. These legal codes provided a framework for governance and justice within the kingdom. Goguryeo's legal codes covered various aspects, including criminal offenses, administrative regulations, and the rights and obligations of its citizens. Examining key provisions of Goguryeo's

legal codes reveals the penalties for crimes such as theft, murder, and treason, as well as regulations related to taxation, land management, and the operation of government offices. The legal codes of Goguryeo aimed to maintain social order, protect the state's interests, and ensure its citizens' rights and well-being.

While Goguryeo's legal codes shared some common features with the other kingdoms, such as the categorization of crimes and corresponding penalties, there were also distinct variations that reflected the specific characteristics of Goguryeo society. Although similar in form, Goguryeo adhered to more severe forms of punishment than other kingdoms. In terms of criminal types in Goguryeo's legal system, they included treason, crimes of defeat, homicide, theft, robbery, burglary, the crime of killing horses and cattle, and more. A unique aspect of these criminal types is that killing horses and cattle was treated as a crime. In Goguryeo, horses and cattle were essential resources for farming and warfare, so causing harm to them was considered an offense against valuable property and treated as a crime. For such crimes, Goguryeo's legal codes imposed punishments such as the death penalty, flogging, collective punishment of a family, enslavement, indemnification, and more.

Moreover, the legal codes of Goguryeo played a significant role in shaping subsequent Korean dynasties' governance and legal traditions. In Goguryeo, the concept of law encompassed not only punishments but also various criteria for the state. Therefore, the organization of government offices, standardized measurement, and other societal standards could be determined by law. The principles and practices established within Goguryeo's legal system laid the groundwork for developing a distinct Korean legal tradition that persisted throughout the centuries. The legal codes of Goguryeo influenced subsequent dynasties, such as the Goryeo and Joseon periods, shaping their legal institutions, administrative systems, and overall approach to law and governance.

The Legal Codes of Baekje

Baekje, one of the ancient Korean kingdoms, had its legal system reflecting its unique social and political context. To fully comprehend the legal codes of Baekje, it is essential to understand the kingdom's legal system and its historical background. Baekje's legal system was influenced by neighboring kingdoms and legal traditions, particularly those of China. Baekje had early and active exchanges with the Kingdom of Nanzhao in China, which is believed to be influenced by the

legal system of the Northern Wei Dynasty in particular. Consequently, Baekje adopted Chinese-style institutions, and its public authority enforced punishments, emphasizing the rule of law. The historical background of Baekje, including its interactions with other kingdoms and the social dynamics within the kingdom, contributed to shaping its legal codes.

In the early stages of Baekje, judicial enforcement was exercised primarily at the regional level but later became centralized. While trials were conducted in various regions, cases involving overlapping jurisdictions, significant events, or conflicts among the nobility were handled by central institutions. One such group was the Committee of Jeongsaam (정사암회의). Similar assemblies existed in Goguryeo, known as the Committee of Jaega (제가회의), and in Silla, known as the Committee of Hwabaek (화백회의). However, in Silla's case, the judicial procedures were later centralized, and various central judicial institutions took on different roles, creating a more specialized division.

Baekje's criminal justice system was relatively milder compared to Goguryeo. The governing bodies responsible for punishments in Baekje included the Sagu-bu (Office of Judicial Affairs; 사구부) and Jojeongjwapyeong (조정좌평). Among them, the Sagu-bu was a system influenced by the Rites of Zhou, indicating the influence of China on Baekje's legal system. In the regional areas of Baekje, Bangryeong (방령) handled judicial affairs such as investigations and trials. In other words, similar to Goguryeo, Baekje also divided judicial responsibilities between local and central authorities. The crimes recognized in Baekje's legal system included treason, homicide, desertion, adultery, bribery, theft, and more. As punishments for these crimes, the legal codes of Baekje imposed penalties such as execution by beheading, exile, pecuniary punishment, enslavement, imprisonment for life, and more.

The Legal Codes of Silla

The legal codes of Silla, one of the Three Kingdoms of ancient Korea, evolved throughout its history, reflecting changes in political systems and societal needs. The legal codes of Silla were established through interactions with neighboring kingdoms and their legal systems. They adopted legal practices and principles from neighboring regions, such as Goguryeo and the Tang Dynasty, which influenced the development of Silla's legal codes. For example, with the influence of Goguryeo and the Tang Dynasty, Silla introduced the "three systems of punishment," including flagellation, exile, and the death penalty. However, Silla did not entirely rely on the Goguryeo and Tang Dynasty legal systems. Its geographical characteristics and conservative nature centered on indigenous tribes enabled Silla to sustain its social norms and reinforce unity among tribes. In light of this, King Beopheung (법흥) issued a decree that possessed distinctive qualities rather than being a mere imitation of the legal codes of Goguryeo and the Tang Dynasty. One notable aspect of Silla's legal codes was their strong influence from religious principles, especially those of Confucianism and Buddhism.

Confucianism, a philosophical and ethical system emphasizing hierarchical relationships, social order, and filial piety, significantly impacted the legal norms and values of ancient Korean society. The legal codes of Silla reflected this influence by incorporating Confucian teachings into matters of family law, social hierarchy, and moral obligations. The emphasis on filial piety, for example, was evident in regulations governing the rights and responsibilities of family members. On the other hand, Buddhism had an equally valuable impact on the legal codes of Silla. Buddhism influenced legal philosophy by emphasizing compassion and karma, shaped legal institutions with monks serving as advisors, and influenced the content of the legal codes. Buddhism also influenced the approach to punishment and rehabilitation, favoring reformation and protecting Buddhist interests such as temples and assets. Overall, Buddhism played a significant role in shaping the legal system of Silla, promoting fairness, harmony, and the well-being of society.

The legal codes of Silla severely punished traitors and runaway soldiers and executed murderers. Such legal codes were relatively more relaxed than those of Goguryeo and closer to Baekje's. According to the legal codes of Silla, types of crime included treason, deception, dereliction, abuse of official authority, false charge, not advancing in front of the enemy, homicide, mayhem, theft, and more. Silla applied flagellation, exile, and the death penalty for such crimes as punishments. Compared to Goguryeo and Baekje, these punishments can be considered relatively light.

The Lasting Impact of the Ancient Legal Codes

The ancient legal codes of Goguryeo, Baekje, and Silla have left a profound and enduring legacy on developing law and governance in Korea. These legal codes not only served as practical guidelines for resolving disputes and maintaining social order within their respective kingdoms but also laid the foundation for subsequent legal systems and institutions throughout Korean history. The principles and practices established within these codes shaped the evolution of Korean legal traditions, influencing the understanding of justice and social order that persisted through the centuries.

The legal codes of Goguryeo, Baekje, and Silla not only formed the basis for the legal systems of later dynasties such as Goryeo and Joseon but also had a significant impact on the cultural and philosophical fabric of Korean society. These ancient legal codes were deeply intertwined with the broader social, political, and religious contexts of their time, reflecting the core values and beliefs of ancient Korean civilizations. By studying and analyzing these legal codes, researchers and historians gain valuable insights into the societal norms, values, and aspirations of these ancient Korean kingdoms, along with the unique cultural, political, and philosophical underpinnings of each kingdom, influenced by religious principles, regional interactions, and historical circumstances.

The rediscovery and analysis of these legal codes in modern times serve as a testament to the enduring significance of Korea's historical legal heritage. Thus, the ancient legal codes of Goguryeo, Baekje, and Silla serve as important windows into ancient Korea's legal, social, and cultural landscapes. Their influence resonates through the corridors of time, shaping Korean legal traditions and providing valuable insights into the evolution of law and governance. By studying and appreciating these legal codes, we gain a deeper understanding of the rich historical tapestry that underlies the legal systems of present-day Korea.

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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/>
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 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.



Ministry of Justice, Republic of Korea



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