

Introduction to Korean Legal Materials

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Abstract

The purpose of this paper is to provide an introduction to Korean legal materials for researchers in the English language. It is worth noting, however, that a command of the Korean language would still be required to do the most thorough research, as many legal materials are simply not available in the English language. As of today, the most abundant source of Korean legal materials is the Internet, and this is especially so as the Korean government has developed legal databases in furtherance of its drive to promote a national information network. When researching on Korean law, therefore, it is recommendable to make use of the official legal sites of Korea such as the ones maintained by the Supreme Court and the Ministry of Legislation. Foreign researchers should be additionally aware that internationally recognized legal websites do not provide much of substantial information on Korean law.

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All of the information contained herein has been verified as of February 2002. At present, the author is preparing a special guide to Korean Antitrust Law and will contain additional information such as directories and news items which have been omitted from this paper. The author wishes to thank Seung Ho CHOI for reviewing this article thoroughly and making it more readable.

Table of Contents

I. Prefatory Remarks	127
<i>A. Purpose of this Paper</i>	127
<i>B. Romanization of Korean</i>	127
<i>C. Individual's Name as a Keyword</i>	129
<i>D. Citation Rules for this Paper</i>	131
<i>E. Korea as a Keyword</i>	132
<i>F. Using Korean in an English-based Computer Environment</i>	133
<i>G. Dictionaries</i>	136
II. Basic Information	137
<i>A. Previous Guides</i>	137
<i>B. Korean Legal System</i>	139
<i>C. Korean Law Collections in United States Libraries</i>	142
<i>D. The Harvard Korean Studies Bibliography</i>	145
III. Acts	145
<i>A. Government Resources</i>	146
<i>B. National Assembly Resources</i>	149
<i>C. Korean Acts in English</i>	150
IV. Cases	151
<i>A. Supreme Court Resources</i>	152
<i>B. Constitutional Court Resources</i>	156
<i>C. Korean Cases in English</i>	158
V. Unofficial Legal Information Providers	158
<i>A. In Print</i>	158
<i>B. Electronic Databases</i>	159
VI. Legal Books & Periodicals in Korean	162
<i>A. General Indexes</i>	162
<i>B. Korean Legal Indexes</i>	162
<i>C. Practical Materials</i>	164
VII. Summary	165

I. Prefatory Remarks

A. Purpose of this Paper

This bibliographical article introduces Korean legal materials to English speakers wishing to undertake the study of Korean law. Accordingly, basic materials available on the Korean law were surveyed for this paper. Because of the vast numbers of legal resources on the Internet today, legal resources have become much more accessible to scholars around the world. In line with this trend, the number of Korean legal texts written both in English and Korean has also been steadily growing. However, one should keep in mind that many of the materials reviewed, especially primary materials, are still only available in the Korean language. Many Korean Internet sites do provide an English language option, but the English pages usually only provide for introductory descriptions of materials or a translation of the table of contents. Also, Korean-English translation software programs currently available on the market are not sophisticated enough to accurately translate legal documents.

As such, this paper cannot solve the fundamental problem of the scarcity of English language Korean legal materials. In addition, this paper does not seek to establish a model rule for citation of Korean legal materials or a new rule for the Romanization of the Korean language.

B. Romanization of Korean

Outside Korea, legal materials written in Korean can be searched by entering search words in romanized Korean, that is, Korean words spelled out using the English alphabet. There are many ways to romanize Korean. Among them, the North American Standard for Library Catalogs uses the McCune-Reischauer system which is more or less different from the Korean government's official system.

George McAfee McCune [and] Edwin Oldfather Reischauer, *Romanization of the Korean Language*, based upon its phonetic structure, Seoul, Y.M.C.A. Press: The Transactions of the Korea Branch of the Royal Asiatic Society, 1939, 55 pages.¹⁾

1) Harvard-Yenching: (W) PL918.M3; Harvard-Widener: 1277.105. This paper was not prepared exclusively for

The original book for Romanization was quite dated and difficult to get, so the U.S. Library of Congress has modified it as follows:

Randall K. Barry (comp.&ed.), ALA-LC Romanization Tables: Transliteration Schemes for Non-Roman Scripts/approved by the Library of Congress and the American Library Association, Cataloging Distribution Service: Library of Congress, Washington, D.C. 1997, 239 pages.²⁾

This book discusses transliteration in general and the cataloging of foreign language publications. The Korean appears at pages 99-113 and basically same to the original McCune-Reischauer Romanization system. The McCune-Reischauer Romanization table also can be found at http://www.library.ucla.edu/libraries/eastasian/korean_table/krntable.htm or <http://koreaweb.ws>.

Although the McCune-Reischauer system is widely used between Koreanists especially outside Korea, a researcher should be aware of the fact that various methods of romanizing Korean words exist. For example, the word “law(),” depending on the context and the romanization methods, could be romanized as “pop,” “pob,” “bop,” “bob,” “pub,” “pup,” “bub,” “bup,” “peob,” “peop,” “beob,” “beop,” or even “bom.” This complexity has been aggravated by various efforts to produce a combination that reflects the actual pronunciation. Using the Romanization table can be somewhat difficult (especially in reading romanized Korean) if the person is not familiar with the Korean alphabet system.

The Korean government has frequently changed the official Romanization rule. The current official Korean Romanization Rule was enacted on July 7, 2000 by the Decree of the Ministry of Culture and Tourism of Republic of Korea No.2000-8 The Revised Romanization of Korean³⁾ (Kuk-o-ui No-ma-ja Pyo-gi-bop).⁴⁾ This rule can be found at the Ministry of Culture and Tourism website http://www.mct.go.kr/e_mct/sub2_01.htm, at the Korean Information Service website

researchers located in the Northeast region of the United States. Nonetheless, Harvard call numbers have been provided for convenience to those using the Interlibrary Loan System (<http://lib.harvard.edu>).

2) Harvard-ILS Ref Desk P226.A4 1997.

3) Harvard-Yenching: (W)PL918.R48 2000x: The revised romanization of Korean, Seoul: National Academy of the Korean Language, Ministry of Culture & Tourism, 2000, 33 pages.

4) According to the new rule, it will be romanized into “Guk-eo-ui Ro-ma-ja Pyo-gi-beop.” The Rule 3 (2): When there is the possibility of confusion in pronunciation, a hyphen ‘-’ may be used.

<http://www.korea.net/learnaboutkorea/aboutkorea.html>, or by clicking the Regulation button at the National Academy of the Korean Language (NAKL) website <http://www.korean.go.kr/eng/index.html>. The purpose of this new version was to make it as close as possible to the actual pronunciation of Korean words and to make it easy to adapt to the computer environment by eliminating diacritics. Despite the newly-established official rule, the above-mentioned McCune-Reischauer system is still widely used in the United States for Korean studies, and American libraries and researchers are reluctant to change the system unless urgently needed. Although the newly-established Romanization system purportedly is very compatible with the Korean language, it will bring transitional confusion to those who have studied Korean.

The following discussion uses a modified McCune-Reischauer system, which is actually similar to the original but without the diacritics.⁵⁾ If a source material is written in English, its English title is used, even when a Korean version exists. If a source is written in Korean, the official English title or a commonly used English title is written first, and then the original Korean title and its romanization in parenthesis are added. When the officially romanized individual's name cannot be obtained, the name is unofficially romanized, with the Korean name provided in parenthesis.

C. Individual's Name as a Keyword

George McAfee McCune [and] Edwin Oldfather Reischauer, *Alphabetical Index to Korean Surnames in McCune-Reischauer Romanization with Cross-references from Alternate Korean Forms, Chinese and Japanese*, [Seoul(?), 1939(?)], 16 pages.⁶⁾

Mary Jean Gates (comp.), *Chinese-Korean Readings of Selected Chinese Family Names from Giles Chinese-English Dictionary in McCune-Reischauer Romanization*, [Washington, D.C.(?), 1945(?)], 11pages.⁷⁾

5) The author's modified system is almost the same as that used by many on-line library catalogs in the United States. From time to time, the author's system was not strictly followed in this paper when an officially romanized title did not follow the McCune-Reischauer Romanization rule.

6) Harvard-Yenching: (W) PL939.M3.

7) Harvard-Yenching: (W) PL1483.C45x.

The above two books provide examples of various romanized Korean names and can be used as references.

Searching for a Korean individual's name in English requires some care as the name may have been romanized by the individual or by a cataloger at the library where the source was received. Catalogers romanize names when the individual's preferred romanized name is not available. The latter, however, is easy to differentiate from the former, because Koreans often do not follow the official Romanization rule in relation to their names.⁸⁾

Moreover, the order of a romanized name can be confusing for foreigners. Korean names traditionally consist of a one-syllable last name (e.g. 김),⁹⁾ a two-syllable first name (e.g. 영희),¹⁰⁾ and no middle name. In Korean, the last name always comes first without a comma, and the first name follows with or without a space (e.g. 김영희 or 김 영희). With a romanized name, however, individuals usually follow the western order, that is, either the first name before the last name (e.g. Younghee Kim) or the last name followed by a comma before the first name (e.g. Kim, Younghee). Also, many Koreans add a hyphen or a space in between the two syllables of the first name to indicate separate syllables and to thereby facilitate accurate pronunciation (e.g. Young-Hee Kim, Young-hee Kim, or Young Hee Kim).¹¹⁾ The above-mentioned official Korean Romanization Rule of 2000, however, puts the last name before the first name without a comma and with or without hyphenating the two-syllable first name (e.g. Kim Young-hee or Kim Younghee). In recent times, moreover, major foreign presses and broadcasting stations (e.g., The New York Times, or The BBC) tend to put the last name before the first name and to add a space between the two syllables of the first name (e.g. Kim Young Hee), thereby reflecting the Korean pronouncing order of the name. To lessen the

8) As well as the names of the Korean publishing companies. For example, Korean publishing companies such as "Bakyongsa" and "Chongrim" have romanized their names into "Pakyoungsa" and "Chungrim."

Like the former official rule, the new official Romanization rule of 2000 has not been adopted for Korean individuals' names. It rather allows personal romanizations as an exception to the rules. For example, a Korean last name "이" can be romanized as Lee, Rhee, Yi, Ri, Li, Rhie, or Lie, depending on personal preference.

9) Very few Koreans have two-syllable last names. Married women do not change their last names in Korea.

10) Some Koreans have a one-syllable first name.

11) Some individuals prefer to capitalize the first letter of second syllable and to remove the space between the two syllables, for example YoungHee.

potential for confusion in this paper, the American style and the French style have been combined, i.e., the last names have been capitalized (e.g. Young-Hee KIM).

When searching for Korean legal materials by the individual's name, one should not search by use of the last name alone, as there are too many people in Korea sharing the same last names. For example, there are over ten million Koreans who have "Kim (김)" as their last name.¹²⁾ One would be advised to search with the full name, or at least with the last name followed by one of the syllables of the first name.¹³⁾

D. Citation Rules for this Paper

The Korea Law Professors Association Inc., Nonmunjaksong mit Munhoninyong-e kwanhan Pyojun() Seoul, 2000, 138 pages, [not for sale].

This rulebook is the so-called Korean Bluebook, and has been developed as an effort to unify the use of citations in Korea. Pages 112-138 of the book explain the citation methods for Korean materials in English manuscripts. The rules in this book, however, are not universally followed even in Korea. Moreover, it requires corrections and improvements.¹⁴⁾ Although the new citation rules provide assistance for Koreans, it is uncertain whether it will provide much assistance to foreign researchers, at least for the time being.

Although the author has tried to follow the rulebook as much as possible, the author's preference is given to the providing of full citations or to the use of one of the

12) For example, the author's name, " 김 ," is one of the most common names in Korea. So some individuals use Chinese characters in parallel " (金榮喜) to distinguish themselves from those that might have the same Korean name (e.g. (金英熙) (金映希)etc).

13) When locating sources written in English by Korean individuals, searching by the individual's last name might still work because of the scarcity of materials written in the English language.

14) First, the rulebook does not fully consider English titles which foreign researchers commonly use. For example, regarding the Supreme Court's Pallye Kongbo (), a general expression such as "court report" might be a more appropriate translation than "gazette," although the Korean title has the word "Kongbo ()" which is literally translated as "gazette." The word "gazette" is more suitable for the Supreme Court's Pobwon Kongbo (). Second, the rulebook often does not use official English titles. For example, the expression "Supreme Court Full Bench" is suggested as a new rule in this book, but the official Supreme Court website refers to it as "Supreme Court Grand Bench." Third, it omits some important primary materials, even such official materials as Kwanbo (the Official Gazette).

citation methods conventionally followed by Korean academics in the social sciences.¹⁵⁾

The author also has not followed the Bluebook¹⁶⁾ rules for citations for two main reasons, even where Korean source materials were available in English. First, the Bluebook Table 2 does not have a “Korea” section. So only the basic principles of the Bluebook Rule 19 were consulted.¹⁷⁾ Second, most scholars in Korea writing articles in English do not strictly follow the Bluebook rules for citations.

E. Korea as a Keyword

The official name for Korea is the “Republic of Korea (ROK),” although “South Korea” or “Korea South” is also commonly used. However, Korea is referred to as “Han-guk” in short or “Tae-han-min-guk (Dae-han-min-guk)” in full in the Korean language. Further, “Korean” refers to the people and the language of Korea, whereas “Han-geul” or “Han-gul” is its Korean equivalent as referred to in many sources.

A researcher should be aware that there is another half of Korea, “North Korea” (also known as “the Democratic People’s Republic of Korea (DPRK)”). Using a subject heading with only the word “Korea” can retrieve materials related to both South Korea and North Korea, although it is more likely that materials are related to South Korea. Including the word “South” before or after the word “Korea” is a good search method, especially when there are many research materials. In most cases, however, using the word “Korea” is better than using the word “Korea South,” because some foreign catalogers will not discriminate between the two.

General information on Korea can be obtained¹⁸⁾ at <http://www.cia.gov/cia/>

15) This citation method is merely a conventional method, so it does not have its official title.

16) The Bluebook: A Uniform System of Citation, 16th ed., The Harvard Law Review Association, 1997, 365 pages.

17) Rule 19: Citation to foreign materials should conform as closely as possible to local citation practice, as modified by rule 19 (the related rules of the Bluebook at the pages 133-137 are omitted here).

18) Andrea Matles Savada [and] William Shaw (ed.), South Korea: A Country Study, 4th ed., Federal Research Division: Library of Congress: Washington, D.C., 1992, 408 pages.

This book is the Korea volume of the Library Congress’ country report series. It provides some basic information on Korean history, politics, and statistics, and each chapter has bibliographical references. Although the publication date is 1992, the actual research was completed in 1990, and the book contains even older contents than those suggested by the publication date. Moreover, the political viewpoints reflected in this book are somewhat unclear.

publications/factbook/geos/ks.html (CIA World Fact Book: Korea, South), and <http://www.state.gov/r/pa/ei/bgn/2800.htm> (State of Government Country Background Notes: Korea South), although these sites are not comprehensive. Instead, the Korean Information Service (KOIS) website, Korea Net at <http://www.korea.net>, is a better source. This site has a comprehensive collection of general information on Korea, including such topics as presidential diplomacy, important government policy, libraries, press, economy, news, etc. Although established by an institution of the government, it is not propagandistic.

F. Using Korean in an English-based Computer Environment

1. Displaying, Inputting, and Printing Korean Characters

In current times, the Internet has become one of the most important means of research of Korean law. This is not to suggest that information available on the Internet has any special authority, but rather that the Internet has become the first source for many researchers today. It would be very useful to have a Korean Language Operating System in order to use Korean characters on the Internet, although this would be difficult to do for a foreigner for many reasons.

At http://koreaweb.ws/4_computing.html, one can find important and extensive helping support auxiliary documents on using Korean characters on a personal computer. This site provides a number of resources for various systems. Especially “Jungshik’s Frequently Asked Questions about Korean on the Internet” is recommendable, although the site was last updated in April 2000. If one can follow up on a later revision, this site can still be regarded as a good starting point.

Assuming most researchers use Microsoft(“MS”)-based programs, the problems that normally arise in using Korean in an English-based computer environment have mainly been resolved. One can freely use Korean in English-based Windows, Internet Explorer, MS Word, and MS Outlook. With Windows 9x/NT/Me, one can use Korean text by downloading and installing GIME (Global Input Method Editor) for Korean with the Language Pack. From Windows 2000, one can do this by choosing “Korean” under Regional Options in the Control Panel. The same steps can be taken with

Therefore, this resource is not recommended.

Korean IME in the MS Office Plus Pack or Multilingual User Interface Pack of upgraded versions. On the latest version, ‘using English version Windows plus Korean language option’ and ‘using Korean version Windows plus English language option’ serve the same purpose. With the minimum installation of Internet Explorer 5.x, users can switch to different user interface languages regardless of the code page. For MS users using mixed versions of each program, visit the Product Support Service site for customized information.¹⁹⁾

With regards to e-mail, problems are often encountered, because people do not predominantly use a specific program. Before the Unicode, most programs used 8-bit code to depict Korean and 7-bit code for English. This difference did not cause many problems in Web browsing, but does in e-mail applications. Thus, one should be careful in choosing an e-mail program and an e-mail server to communicate in Korean. When using an e-mail server that does not provide for the Korean language, it usually cuts the additional 1-bit. In that case, people should use the CVT 8 program to recover the e-mail. Nowadays, most e-mail programs provide the Unicode system for multiple languages, so one can easily read or input Korean. Such being the case, the sender and the receiver should use the system to get unbroken e-mails in Korean.

2. HWP File

In Korea, “Haangul (Arae-Ah Hangul, Hangul)” is the most popular multi-language word processing program (<http://www.haansoft.com/english>). Many Korean websites, therefore, usually provide for full text layouts by using this word processing file format. The program uses “HWP” as the extension name.

As above-mentioned, one can freely use Korean with MS Office 2000. However, this does not mean that it is possible to read HWP files with MS office directly. The MS Office 2000 Korean version can convert HWP files to DOC files by clicking the conversion option from the installation CD. Through a similar process, if necessary, one might be able to convert HWP files with the use of the MS Office English

19) With some lower versions, one can definitely use Korean. The detailed explanation has been omitted, because, in the very near future, the explanation will become outdated due to rapid changes in the user environment, and because information needed can be found at the aforementioned site.

20) For details, please consult with the Computing section of <http://koreaweb.ws>.

version.²⁰⁾

Reading HWP files on a non-Korean version web browser is a problem of a different nature. In order to read and print HWP files, one needs to acquire additionally a viewer program such as “Namo HWP Viewer” (<http://deepsearch.co.kr/products/viewer>, <http://www.namo.co.kr/support/index.html>).

Whenever printing HWP files, one must check the paper size, as Korea maintains A4 as the basic document size. Thus, HWP files ordinarily use A4 instead of letter size, requiring a change through the paper size option and a check of the completeness of graphics. Otherwise some lines or page numbers may be lost.

3. Korean Search Engines

If just searching Korean legal materials in English through English-based websites, it is unlikely that any special problems would be encountered. Thus, any combination of English keywords may be used in English search engines. This method, however, does not always work well when surfing Korean websites with mixed source materials in English and in Korean. Although a Korean site will contain English sources, it would be more efficient to use Korean terms. In such case, using a Korean search engine would be more appropriate.²¹⁾

A website, <http://www.searchenginecolossus.com>, provides an international directory of search engines. Various search engines are arranged by country name and category. Under South Korea, some Korean search engines are linked in alphabetical order, although the list is not comprehensive.

21) For example, a Korean search engine MoChanni(=Ms.Dachanni) at <http://www.mochanni.com> offers means for comprehensive web and news searches by using multiple Korean and English search engines simultaneously. This can be done in either English or Korean. When entering a keyword in English, the search engine will automatically search by using English search engines. Therefore, if searching for English materials produced within Korea, the Korean search engine page should be selected first, and with input of a keyword in English.

G. Dictionaries

1. Korean-English/English-Korean Dictionary on the Web

Han-Com Dictionary is the bundled electronic dictionary for the Haangul (Arae-ah Hangul) word processing program. The dictionary is also very popular because of the extensiveness of its contents and the easiness of use both for processing a file and surfing on the Internet. On the Internet, Naver Dictionary (<http://dic.naver.com>) is the most popular as of today. The Internet dictionary has the automatic spelling checker and the proximate word search function. One can even search by using Koreanized English. Lycos Dictionary (<http://dic.lycos.co.kr>) is also popular. When choosing “dictionaries” and inputting a Korean word, it will simultaneously display the results in Korean-Korean, Korean-English, and Korean-Japanese.

It is hard to say that these electronic dictionaries are very suitable for legal research purposes as they contain only a few legal terms. For general use, however, they are adequate.

2. Comparative Law Dictionary in Print

Myoung-Sun YOON() et al. (ed.), *Dictionary of Comparative Legal Terms* (Pi-gyo Bomnyul Yong-o Sajon), Seoul, Chong-rim Publishing Co., 2001, 1501 pages.

This is a Korean- Multi Foreign Languages dictionary of legal terms. Each Korean legal term is followed by Japanese, English, German, and French translations and explanations.

Seong-Yong PARK() (ed.), *Korean-English Dictionary of Legal Terms and Phrases* (Hanyong Taejo Hanguk Pomnyong Yong-o Yong-rye Sajon), Seoul, Kum-ha Publishing Co., 1990, 633 pages.

This is a Korean-English dictionary of legal terms and phrases found in Korean laws and decrees with English examples.

II. Basic Information

A. Previous Guides

1. Internet Guides

(1) Korean Legal Research Resources on the Internet

The site, <http://www.siu.edu/offices/lawlib/koreanlaw>, is maintained by web-master Heija B. Ryoo, Associate Professor, Director of Library Systems and Technical Services, Southern Illinois University School of Law Library. This is the most efficient, useful, and steadily updated guide²²⁾ to Korean legal research that assists researchers in locating Korean legal resources on the Internet. It also includes an introduction to the Korean Legal System. The Korean Law Publication section provides detailed explanations regarding important legal materials. The section on Korean Law Resources on the Internet is organized as follows: Government, Laws and Regulations, Legal databases, Law Firms, Law Schools, Libraries and Library Catalogs, and News, Economy and General Information.

(2) Korean Legal Research at the University of Washington

This guide²³⁾ is located at <http://lib.law.washington.edu/eald/kres.html> and is maintained by Bill McCloy, Assistant Librarian for East Asian Law Department, University of Washington, Gallagher Law Library. It is prepared primarily for those doing research on Korean law by utilizing resources and the reference services of the East Asian Law Department at the University of Washington. Nevertheless, it includes many useful sources of information for non-UW researchers such as “Organizing a Research Strategy” and “Bibliography of Selected Sources for Korean Legal Research.”

22) Last updated on April 9, 2001.

23) Last updated on February 18, 2000.

2. Guides in Print

Sang-Hyun SONG (ed.), *Korean Law in the Global Economy*, Seoul, Pakyongsa, 1996, 1500 pages.²⁴⁾

This book may be the most appropriate beginner's handbook on Korean law available today. It provides not only a collection of various articles on the Korean economy and trade laws, but also includes general Korean law and research information, including an overview of the study of Korean law. On the topic of the difficulty of researching Korean law, "Chapter 3: The Structure and Approach of Korean Legal Scholarship" includes an article entitled "Special Problems in Studying Korean Law." This article, especially "D. Research in Korean legal materials" and "E. Translation and citation of Korean legal materials," provides basic information on Korean legal materials.

Chin KIM, *Korean Law Study Guide*, 2nd ed., San Diego: CA, Cross-Cultural Associates, 1995, 64 pages.²⁵⁾

This guide is designed to provide a basic introduction to the laws of both South and North Korean and the respective legal systems. It provides information on the history of Korean law, Sources, Korea Branches, Juridical administration, etc. It also has a selected bibliography of Korean law materials published in English and an author index. Although it was published in 1995, the information in the guide is out-dated.

The George Washington University Journal of International Law and Economics, *Guide to International Legal Research*, 3rd ed., Charlottesville: VA, LEXIS Law Pub., 1998, 784 pages & 2001 Supp.²⁶⁾

A guide to Korean law is found at pages 600-604, in the Supplement at page 126 and pages 280-284. Although the guide was published recently, its bibliography contains mostly sources published in the 1970s and 1980s.

Gloria Westfall (ed.), *Guide to Official Publications of Foreign Countries*,

24) Harvard-ILS KOR 903 KOR43 1996.

25) Harvard-ILS KOR 020 KIM23 1995.

26) Harvard-Langdell KZ 1234 .G85 1998x.

American Library Association, Government Documents Round Table, 2nd ed., Bethesda: MD, CIS, 1997, 494 pages.²⁷⁾

The information on Korea is under “Korea (South) (KO).” Although this book is referred to as a “Guide,” it is more in the form of a bibliography. The book provides a list of legal and non-legal official publications with English transliterations for titles and the names of publishing institution. It also provides a brief description of the contents in English, but the Korean legal materials are not very current or comprehensive.

B. Korean Legal System

Kenneth Robert Redden (ed.) Modern Legal Systems Cyclopedia, Buffalo: NY, W.S. Hein, 1984-.²⁸⁾

This is a loose-leaf service, which is organized by country name. Korea is not included in “Vol.9 & 9A: Asia,” but in “Vol.2 & 2A: Pacific Basin, Chapter 11, 2A, 10.” This source provides information on the Background and History, Government, Judicial System, Law Reporting, etc. This resource, however, should not be used for research but as a resource of last resort, since the Korean section was written as far back as 1975.

1. Civil Law System

Korea is a civil law country with a codified legal system. Statutes are the primary source of law for practicing lawyers in Korea. The Constitution (헌법 Honpop) is the basic law of the country and articulates the law-making powers and procedures related to such powers. Both the National Assembly and the Executive Branches can make a bill (법안 Poban), but only the National Assembly can make a law (법 Pop). Furthermore, the President and the Ministries of the Executive Branch can promulgate secondary laws. These laws are referred to as decrees or ordinances (령 Nyong). Regulations (규칙 Kyuchik) replenish decrees or ordinances. Local governments also have the authority to enact their own ordinances, subject to the limits of the higher laws. Further administrative organizations or agencies may issue administrative rules

27) Harvard-ILS RR J 9. 5. Z 99 G 74 x 1997.

28) Harvard-ILS RR K583 .M62x 1984.

for the purpose of conducting their assigned duties. These rules are issued in the form of directives, established rules, guidelines, and public notices. In broader terms, all of the aforementioned types of laws can be referred to as laws. The laws generally enter into force 20 days after their promulgation. The Constitutional Court has the power to review and repeal higher laws (Bop), and the Supreme Court to review and repeal lower laws (Nyong, Kyuchik, etc).

2. Judiciary System

There are three tiers of courts in Korea: the District Courts (15) including the special Family Court (1) and Administrative Court (1), the courts of original jurisdiction; the High Courts (5) and the Patent Court (1), the intermediate appellate courts; and the Supreme Court (1). The High Courts and the District Courts are divided into geographic districts. Under each District Court, there are Branch Courts (43) and Municipal Courts (103).²⁹⁾

The President appoints the Chief Justice of the Supreme Court with the consent of the National Assembly. The Supreme Court Justices (13) are appointed by the President on the recommendation of the Chief Justice with the consent of the National Assembly. All other judges are appointed by the Chief Justice with the consent of the Conference of Supreme Court Justices.

The Constitutional Court is an independent court system and makes decisions on the constitutionality of laws, ruling on such matters as the competence of disputes between governmental entities, adjudication of constitutional complaints filed by individuals, giving of final decisions on impeachments, and making of judgments on the dissolution of political parties. The Constitutional Court Justices (9) are formally appointed by the President, but in reality, three are selected by the President, three by the National Assembly, and three by the Chief Justice of the Supreme Court. The President appoints the president of the Constitutional Court among the nine justices.

29) A short description of the judiciary system and the organization chart of the Korean courts can be found at the Supreme Court website <http://www.scourt.go.kr/english/courts.html>. About the organization of the Constitutional Court, visit <http://www.ccourt.go.kr/english/ec.html>.

3. Legal Education System

Sang-Hyun SONG (ed.), *Korean Law in the Global Economy*, Seoul, Pakyongsa, 1996, 1500 pages.

In particular, “Chapter 4: Legal Education in Korea” at pages 353-433 includes two articles on Korean legal education from the Korean perspective and from the foreigner, and a research article related to legal education reform.³⁰⁾

In Korea, legal education starts at the undergraduate level. “Legal science” is simply a major like economics or physics, and the “college of law” or “law school” is not a separate institution for professional education. Thus, legal education can be completed during the four years of undergraduate education.³¹⁾ In particular, law schools require approximately 140-150 credits for graduation and the average class hours per term is approximately 20. Law students usually take 80-100 credits of law courses. Some law schools will require non-credit written requirements or a graduation exam during a student’s last semester. The LL.B. degree is conferred on graduates.

Additionally, there are graduate programs for those wishing to continue with the study of law by earning an LL.M. or S.J.D. degree.³²⁾ For the LL.M program, students must choose a major (e.g. civil law).³³⁾ Currently the LL.M. program is simply a route to obtaining a more specialized form of legal education,³⁴⁾ whereas the S.J.D. program is focused primarily on the training of future professors. An LL.M. degree is required to apply for the S.J.D. program. The LL.M. degree is conferred on those completing approximately 24 credits of coursework and an LL.M. thesis,³⁵⁾ whereas the S.J.D. degree requires an additional 36 credits of coursework and an S.J.D. dissertation.

30) The 7-year-model in the third article is nothing but a model and not officially approved by the majority.

31) An academic year in Korea usually begins in March and ends in February. It consists of a four-month spring semester, a two-month summer recess, a four-month fall semester, and a two-month winter recess. There is a non-compulsory summer or winter semester. One credit requires one hour of class per week for 15 weeks.

32) Ph.D in Law, LLD, and JSD refer to the same degree as SJD.

33) The word “civil law” refers to a substantial law subject that includes contracts, property, torts, and family law.

34) Further, although the LL.M. program is open to foreign students, in contrast to the United States, the LL.M. program in Korea is not designed especially for foreign students.

35) To earn the LL.M. degree, it takes at least 2 years. To complete the SJD coursework, it takes at least 2 or 3 years.

The only “practical” institution of legal education in Korea is the Judicial Research and Training Institute (JRTI). It is a sub-institution of the Supreme Court, and is responsible for training individuals who have just passed the Korean bar exam. In Korea, those who pass the bar exam are not qualified to practice law until they complete the JRTI, which takes two years. During the course of training, trainees are given the status of a civil servant. Incumbent judges, prosecutors, and attorneys serve as faculty-members of JRTI.³⁶⁾

C. Korean Law Collections in United States Libraries

Ellen G. Schaffer [and] Thomas R. Bruce (ed.), *Directory of Foreign Law Collections in Selected Law Libraries*, Littleton: CO, F. B. Rothman & Co., 1991, 273 pages.³⁷⁾

This directory is arranged by country name and library name, and should be consulted to determine the law library holding a particular collection. Korean collections are at pages 107-109. According to the directory, the Columbia Law School Library, the Law Library of the University of Washington, the Harvard University Law Library, and the Law Library of Congress are those which contain relatively modest volumes of Korean legal materials. Most of these libraries provide information on their collections through the Internet.

1. Center for Korean Legal Studies (Columbia Law School)

The center was established at Columbia Law School in November 1994 to encourage research and teaching on Korean law and the Korean legal system. The center’s website, <http://www.columbia.edu/cu/korealaw>, provides a listing of all materials on Korean law currently available at the library of Columbia Law School. The books in the collection are usually in the Korean language, whereas the listed articles are written in English (<http://www.columbia.edu/cu/korealaw/CKLS.htm>). There is no search engine available for the collection, requiring that researchers simply browse the collection through use of the web. The materials are classified by subject,

36) The curriculum can be found at <http://jrti.scourt.go.kr/english/curriculum/training.asp>.

37) Harvard-ILS Ref Desk K 68 .D565 1991.

and only a few of the materials contain abstracts.³⁸⁾

2. East Asian Law Department (Marian Gould Gallagher Law Library, University of Washington School of Law)

According to the declaration of its mission, the East Asian Law Department has as its primary goal the support of the curricular and research needs of the faculty and students of the Asian Law Program at the University. The site, <http://lib.law.washington.edu/eald/eald.html>, provides information on the Department Collections and Legal Research Guides. The Department on Condon Hall has over 1500 volumes related to Korean law.³⁹⁾ The Marian web catalog (the Gallagher Law Library Catalog) at <http://marian.law.washington.edu> supports the input and display of Korean scripts, but it frequently retrieves irrelevant items. Therefore, as of today, it would be still better to search by using romanized Korean language.

3. International Legal Studies Library (ILS of the Harvard Law School Library)

To search for Korean legal materials, HU (the Union Catalog of the Harvard University Libraries) on Hollis at <http://lib.harvard.edu> can be used since the library does not provide any independent list of materials. The HU uses the LC subject headings system, but it is not very helpful in locating Korean materials.⁴⁰⁾ If one is familiar with written Korean, going through the stacks in person would be a better than

38) The formation of this site can bring some confusion. The "Contemporary Issues in Korean Business Law" at the center's initial page is not being linked to a database, but is merely the name of a course which has been opened at the school.

39) The East Asia Library at the UW also has some general materials, but many of them are more or less outdated. A card catalog, located in the East Asia Library Reading Room, contains records for most materials received by the library before 1987.

40) Concrete keywords with romanized Korean or with accurate LC subject headings in the place of a general word are not recommended. In the author's experience, Keyword (KW) search is better than Subject (SU) search for unfamiliar jurisdictions. If a catalog retrieves nothing or a very small number of items, it might be better to do just a general search such as "law-korea" or "law & korea," and then examine the results individually. These methods are not appropriate when researching a large or well-known jurisdiction, as this may retrieve non-relevant listings.

using the catalog system, since the collection is not very large. The Korean Law Collection is located in the basement of the ILS building of the law school. Further, the law library uses the Moody system in call numbering for foreign materials, so one can find Korea-related materials under KOR *** on the far left corner in the basements.⁴¹⁾

4. Library of Congress

(1) Korean Bibliography

(Asian Reading Room: The Library of Congress Reading Room)

The Korean Section of the Library of Congress has prepared a bibliography of approximately 4,800 records of books on Korea in the English language, which were written before 1995 and are currently held by the Library of Congress. The Korean Section added local subject terms to these records in order to provide value-added to researchers and to improve the quality of service of the library. It does not, however, contain many recent titles as one might expect (<http://lcweb2.loc.gov/asian/korbibhome.html>).⁴²⁾

(2) Global Legal Information Network (GLIN)

The Global Legal Information Network (<http://lcweb2.loc.gov/law/GLINv1/GLIN.html>) maintains a database of laws, regulations, and other complementary legal sources. The documents included in the database are deposited by the governments of member nations. The server was initially maintained at the Library of Congress in the United States.⁴³⁾ The basic features of this database include both full texts of documents in the official language of the country of origin and their summaries or abstracts in

41) The Harvard-Yenching library also has some general materials such as Korean bibliographies. One should keep in mind that many of the ILS and Yenching materials are out-dated, and some of them have little value.

42) One might want to use the Library of Congress Online Catalog (<http://catalog.loc.gov>) rather than the bibliography. As people already know, the Library has so many records that sometimes it retrieves irrelevant listings. Therefore, using this catalog might be a good last resort.

43) About the process of the GLIN project in Korea, see the Korean article, Jeong-Ran KIM (), A Study on the GLIN Project (), National Assembly Library Review (), Vol.34, No.1, Seoul, 1997, or at <http://www.nanet.go.kr/nal/3/3-1-4/nal97022.htm>.

English. Access to this database can be gained by a guest login. To perform a search, the country name (Korea) and GLIN subject term should be provided. By clicking the “Law on-line” button on the GLIN Homepage, followed by “Guide to Law on-line,” “Guide: Nations,” and “Korea South,” important links on Korean Law will be provided.

*D. The Harvard Korean Studies Bibliography*⁴⁴⁾

Frank Hoffmann with Matthew J. Christensen, Kirk W. Larsen (comp.), *The Harvard Korean Studies Bibliography on CD-ROM*, The Korea Institute, Harvard University, 1998.

This represents the largest and most comprehensive bibliography ever published for books, edited books, book sections, journal articles, theses, and book reviews written in western languages on topics related to Korea. It contains references to more than 80,000 publications in all. The database is divided into four separate files, i.e., Theses, Books, Articles 1786-1991, and Articles 1992-1997. Both simple searches and various combined searches can be performed, and the data fields consist of author, keywords, location, call number, language, etc. This database is not exclusively related to legal materials but it does contain many bibliographical references to Korean law written in English both by foreign and Korean authors.

III. Acts

Thomas H. Reynolds [and] Arturo A. Flores, *Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World*, loose-leaf, Littleton, CO: F. B. Rothman & Co., 1989-.⁴⁵⁾

Korean law sources are in “Vol. III-A,” under the “Asia & Middle East tap J-L” heading. It also includes an introduction to Korean law. The sources section is organized into Major Codifications, Official Gazette, Compilations or Official Codifications, and Court Reports. There is also an extensive Subject Arrangement

44) Following are excerpts from the User’s Guide. One can obtain detailed information at <http://www.fas.harvard.edu/~korbib>.

45) Harvard-ILS Ref Desk K38 .R49 1989-.

section, which was last updated in December 1998.

While the common law system places much more emphasis on case holdings, the Korean legal system emphasizes interpretations of codified statutes rather than judicial decisions due to its civil law tradition. When researching Korean legal materials, therefore, Korean statutes should first be consulted. In reality, however, Supreme Court cases do exert a strong influence on lower court decisions. Thus, court decisions should not be readily ignored. It should be noted, however, that Supreme Court cases do not have any binding effect apart from being derived from and being subject to the statutes. Thus, cases are frequently reorganized to follow the order of statutes so that statutes can be better understood. Accordingly, statutory analysis has become the focal point of law school lectures.

Although Korean law sources consist of various codes, advance services, and comprehensive statutes, it is difficult to say that there is any complete annotated code series or a full digest series as there are in the United States.

A. Government Resources

1. Official Gazette of the Government (*Kwanbo*)⁴⁶⁾

(1) In Print⁴⁷⁾

The Ministry of Government Administration and Home Affairs is responsible for publishing and distributing the Official Gazette. The Official Gazette began publication in 1948, and includes official notices on all new laws, presidential decrees, treaties, regulations, public awards, the budget, the National Assembly, courts, elections, public notices, local government administration, and appointments. All new laws must be printed in the Official Gazette; therefore, this resource should always be consulted for an update on the most recent legislation. The Official Gazette is

46) Most official gazettes have the name “Kong-bo (),” but the Official Gazette of the Government is historically called “Kwan-bo ().”

47) Harvard-Yenching: Harvard Depository K 4787 3244.2: Kwanbo, Seoul: Ministry of Government Administration and Home Affairs (MOGAHA), 1948-.

published daily, and maintains two bound volumes per month. The Official Gazette also has the annual index which is arranged by date and the category of legislation.

(2) Electronic Official Gazette

The Electronic Official Gazette can be found on a daily basis at the Electronic Official Gazette site (<http://gwanbo.korea.go.kr>) or the e-Government Portal site (<http://www.egov.go.kr>). The date search function is a relatively useful tool, while the title search function is also effective, but somewhat impractical as the exact keyword is required for retrieval.

2. Current Statutes of the Republic of Korea

(Taehanminguk Hyonhaeng Pomnyongjip)

(1) In Print⁴⁸⁾

Although a bill becomes law by way of the National Assembly, the Ministry of Legislation is responsible for the compilation, publication and dissemination of laws. The Korean Legislation Research Institute (KLRI), a sub-organization of the Ministry of the Legislation, performs a substantial portion of the work.

The loose-leaf service of the KLRI is the only complete collection of major and subordinate acts, including treaties, and is supplemented monthly. The entire set of laws consists of 50 volumes, but actually contains 59 volumes because of some double volumes. The 50th volume is the Index volume, and the 47th to the 49th volumes include current treaties. The entire set of volumes is organized by broader subject categories. The red cover of each volume contains the keywords of collected laws.

48) Harvard-ILS KOR 203 F89: Taehan Minguk Hyonhaeng Pomnyongjip, 50 V., loose-leaf, Seoul: Popchecho, 1989-. One should be careful not to cite the useless older versions with the same title as Harvard-ILS KOR 203 F74, F63 or F53.

(2) Comprehensive Legal Information Service System⁴⁹⁾

The Ministry of Legislation maintains a full text, comprehensive Korean law database, and the search site can be found at <http://www.moleg.go.kr>. Its legal resources include sections on Comprehensive Korean Laws and Regulations, Amended and Revised Laws and Regulations, Administrative Decisions, Proposed Legislation, Recent Presidential Decrees and Ordinances of the Prime Minister, and Public Notices.⁵⁰⁾ Searches can be performed by reference to the acts, keywords, phrases, subjects, Korean alphabetical order, and the date by using typical boolean connectors.

3. History of the Enactments, Amendments, and Repeals of Statutes (Taehanminguk Pomnyul Yonhyokchip)

(1) In Print⁵¹⁾

In compiling and publishing statutory amendments, Korea adheres to absorbing and revising the laws. Revising of laws facilitates maintaining a complete collection of current laws, since the above-mentioned Current Statutes of the Republic of Korea collection includes only those laws currently enforced. Therefore, compilations of legal developments should be searched through separately in order to understand the historical development of the laws concerned. This points to the importance of consulting the History series for particular laws.

49) Whereas the English version web page refers to it as the “Comprehensive Legal Information Service,” the actual name of the database is the “Korean Law Database (KOLD)” Some commercial on-line services still use this name as a command word (e.g. go kold).

50) One can search regional acts which local governments have given at the Local Administration Information Bank site (<http://laib.mogaha.go.kr>). Alternatively, it would be better to check each local government’s homepages for up-to-date information (http://www.egov.go.kr/organ/AA120_city.jsp).

51) Taehanminguk Pomnyul Yonhyokchip, 32 V. loose-leaf, Seoul, Hanguk Popche Yonguwon (=Korea Legislation Research Institute), 1994-.

One should not cite the old versions such as Harvard-ILS KOR 203 F65: Taehan Minguk Pomnyong Yonhyokchip (=Collection of the history of the laws and regulations of the Republic of Korea), 12 V., loose-leaf, Taehan Minguk Pomnyong Pyonchanhoe, 1965-.

This 32-volume loose-leaf service was first offered by the KLRI in 1994. The entire 32 volume (actually 36 volumes) set is subdivided into 41 sections by category. The blue cover of each volume contains the keywords of collected laws, and the 32nd volume contains the Index.

(2) Law History Database ()

At the Ministry of Legislation website, <http://www.moleg.go.kr>, the online version of the above-mentioned History of the Enactments, Amendments, and Repeals of Statutes can be found under the name of “Law History Database.” Searches can be performed by the Korean alphabetical order, organization, legal subject, name of the particular acts, article number, or date. It also maintains a three-column-collation layout.

B. National Assembly Resources

1. Index to Korean Acts ()⁵²⁾

The National Assembly Library contains an index to all Korean acts. The first index came out in 1969, and covered retrospectively the years from 1948 to 1968. After the first volume in 1969, all of the new volumes are printed as “Supplements” every two years.

2. National Assembly Legislative Information Service ()

As an advance service, the National Assembly website <http://www.assembly.go.kr>, provides extensive legislative information on proposed bills and the current status of bills.⁵³⁾ Searches can be performed by Assembly session number, bill category, name of the institution presenting the bill, and keywords.

52) Harvard Law School: Harvard Depository KOR 200 KOR: An Index to the Laws and Ordinances of the Republic of Korea, Seoul, Kukhoe Tosogwan: Ippop Chosaguk, 1948-.

53) Following are short-cuts to the web addresses.

The National Assembly English page---<http://www.assembly.go.kr/english/index.html>

Bill---<http://search.assembly.go.kr/bill>

*C. Korean Acts in English*⁵⁴⁾

1. Statutes of the Republic of Korea

(1) In Print⁵⁵⁾

This is the English version loose-leaf service () of the above-mentioned Current Statutes of the Republic of Korea (). The English version was first published in 1997,⁵⁶⁾ and is supplemented four times annually by the KLRI. The loose-leaf service is contained in 20 volumes, as opposed to 54 volumes, which means that the entire set of Korean statutes are not covered. The green cover of each volume contains the keywords of collected laws, and the latter half of the 20th volume is the Index for the entire series.⁵⁷⁾

(2) Statutes of the Republic of Korea Web Service

The Ministry of Legislation website, <http://www.moleg.go.kr>, is the counterpart to the print version and is provided by the KLRI. Searches can be performed by alphabetical order, subject, name of the act, keyword, and promulgation date and number. One can

Recently reviewed bill---<http://www.assembly.go.kr/latest/index.html>

Recently passed law---<http://search.assembly.go.kr/law>

The National Assembly Schedule--- <http://www.assembly.go.kr/schedule/index.html>

Assembly Record Service---<http://node3.assembly.go.kr:5006>

54) One must remember that, in a strict sense, there is no “official” Korean statute in English, although the following English versions are published by government institutions. The official version is solely written in Korean.

55) Harvard-ILS KOR 203 F97: Statutes of the Republic of Korea, 20 V., loose-leaf, Korea Legislation Research Institute, Seoul, 1997-.

56) The former English versions of “Statutes of the Republic of Korea” were the “Current Laws of the Republic of Korea ()” by Statutes Compilation and Dissemination Foundation of Korea (Harvard-ILS KOR 203 F84/AE) and “Laws of the Republic of Korea” by Korean Legal Center (Harvard-ILS KOR 203 F83/AE). Both old versions are in the Harvard’s ILS Basement, but these should not be cited, if retrospective research is not involved. In addition, confusingly enough, the latest Korean version has the title “Current Statutes of the Republic of Korea,” and the former Korean version’s title was translated as “Collection of Current Laws and Regulations of the Republic of Korea.” Be sure that all of the loose-leaf services have similar titles, and that only the latest versions are in effect.

57) It has the term “Table of Contents” not “Index.”

also browse by taking advantage of the table of contents. This web service requires a fee-based annual membership, which can be purchased by credit card.⁵⁸⁾

2. Economic Laws on Foreign Investment in Korea⁵⁹⁾

“Economic laws on foreign investment in Korea” refers to many of the corporate and trade-related acts, but also includes basic acts such as the Constitution. This can be downloaded in HWP file format at the Ministry of Legislation website, <http://www.moleg.go.kr/mlawinfo/english/htms/list01.html>, free of charge.

3. Laws & Regulations

The Koreanet website compiles some of the Korean laws and regulations available in English which are scattered throughout the individual government sites. It provides various economic laws by courtesy of the KLRI. These laws can be located at <http://www.korea.net/government/government.html> free of charge.⁶⁰⁾

IV. Cases

Official court reports are of course more authoritative than any privately-published reporters. In fact, most of the important court materials are published by the Supreme Court Library. In relation to constitutional cases, the Constitutional Court publishes legal materials pertaining to its cases.

The Korean legal market has traditionally been so small that publication and distribution of court reports were restricted among interrelated institutions. Developing an information network, however, is now a national goal and the government is leading the digitization and the distribution of legal documents. As a result, government

58) One can take a look at the table of contents without fee at http://www.klri.re.kr/ENGLISH_VERSION/publication_e_02.html.

59) Harvard-ILS KOR 329G00: Economic Laws on Foreign Investment in Korea, Ministry of Legislation: Korea Legislation Research Institute, 2000, 1360 pages.

60) Besides, some official Internet sites provide a few acts in English that are related to the government institutions. For example, the National Assembly site has a few constitution-related acts, and the Ministry of Government Administration and Home Affairs offers some related acts at its English version web page.

organizations such as the Supreme Court Library and the Ministry of Legislation are further focusing on their publishing efforts. Private publishing companies, therefore, are reluctant to compete with the government and do not actually publish comprehensive court reporters, although certain special reporters are published by topic or by act.

In Korea, cases are usually not cited by reference to the names of parties, but by reference to the date of decision and the case number with a description of the category. If a particular case is well-publicized, the reference to its popular name may be added in the citation. As mentioned, however, cases are not treated as precedent as under the common law system, although legal professionals like to use the expression “the attitude of the Supreme Court (;)” when referring to a particular case’s influence over a legal issue.⁶¹⁾

A. Supreme Court Resources

1. Advance Court Reports

(1) Supreme Court Decisions Flash (Pallye Sokpo)

The Supreme Court website, http://www.scourt.go.kr/kc_p.html, provides important case abstracts as PDF files under the “Court News (/)” section within one to ten days after the date of decision.

(2) Supreme Court Decisions Report (Pallye Kongbo)⁶²⁾

This resource is published by the Supreme Court Library and includes selected cases of the Supreme Court decided within the past month (sometimes within the past two months). The Korean name for this report has changed twice, starting with the name “Sabop Kongbo ()” during the period from 1953 to 1961, followed by the name “Pobwon Kongbo ()” during the period from 1962 to 1995. It is now

61) When citing the official court reports, one should always “shepardize,” as court reports do not provide any indication of whether the case is still good law.

62) Harvard-ILS KOR 503 PBL: Pallye Kongbo, Seoul, Pobwon Tosogwan, 1996-.

known as “Pallye Kongbo ()” as of 1996. The former version, Pobwon Kongbo, consisted of a section on Cases and a section on Court Administration,⁶³⁾ and was published by the Ministry of Court Administration (Pobwon Haengjongcho). In 1996, the responsibility for publication of the case section was transferred to the Supreme Court Library (Pobwon Tosogwan). At that time, the name of the report was changed to Pallye Kongbo, with the issue number being restarted from 1. This report is published twice a month (on the 1st and 15th of each month) 24 times per year. Six months’ worth of volumes are bound together, and the half-year bound volume is sorted by the year and Sang/Ha (/) (covers January-June, and July-December). The volumes are paginated consecutively throughout the period of one year, and an asterisk (*) is noted on important cases that are referred to the Case Review Committee for publication in the following Supreme Court Report (Taebobwon Pallyejip). Further, a star () indicates that the case is a grand bench case.

The report maintains two important types of print indexes. The half-year index is published twice a year, on June 15th and December 15th, and the cumulative index is published every 10 years. The cases are indexed in two different ways, first by Korean alphabetical order of related laws, and second by the decision date and case number.

2. Supreme Court Report (Taebobwon Pallyejip)⁶⁴⁾

Beginning in 1947, this report included a collection of selected cases from the Supreme Court. Before 1980, the report was known as Taebobwon Panyolchip (). Again, although Korea does not adhere to the concept of stare-decisis, the Supreme Court’s interpretations have had de facto binding effect on lower court decisions, adding to the importance of this report series. In proportion to the amount of selected cases, three or four volumes are published each year. Each volume contains a Table of Contents, and the cases are arranged by date and case number. The year on the cover of the report is not the year the report was published but the decisions were made. Each volume has three sections, i.e., Civil, Administrative, and Criminal. The

63) The separated Court Administration part is still important and includes a list of new acts and court rules, personnel changes, and a list of newly-arrived legal materials. Harvard-ILS KOR 503: Pobwon Kongbo, Seoul, Pobwon Haengjongcho, 1953-.

64) Harvard-ILS KOR 503: Taebobwon Pallyejip, Seoul, Pobwon Haengjongcho, 1980-.

cases contained in the report, however, are also published in the above-mentioned Supreme Court Decisions Report, allowing citation to the cases by reference to either the Supreme Court Decisions Report or the Supreme Court Report.

3. Supreme Court Grand Bench Report (Taebobwon Chonwonhabuiche Pallyejip)⁶⁵⁾

This resource has been published since 1978 by the Ministry of Court Administration, and now by the Supreme Court Library. It includes all of the Supreme Courts Grand Bench cases with important reference materials, such as the Statement of the Grounds for Final Appeal () and the Lower Decision (). Each volume contains a Table of Contents, and the cases are arranged by decision date and case number.

4. Supreme Court Abstract Report (Taebobwon Pangyol Yojjijip)⁶⁶⁾

This loose-leaf service includes abstracts of all Supreme Court cases, and is supplemented annually. It was first published in 1976 by the Ministry of Court Administration, but is currently published by the Supreme Court Library. The cases are arranged by name and by the particular article number of the related acts. The order of acts follows the order of the Current Statutes of the Republic of Korea. The Civil/Commercial section is comprised of 5 volumes, the Special section, 7 volumes, and the Criminal/Military section, 2 volumes. If a particular article of a related act is referred to in more than one case, such cases are arranged by the decision date and case number. Volumes pertaining to three of the significant areas of law, i.e. Civil law, Criminal law, and Procedural law, have their own Table of Articles, and volumes pertaining to other relatively minor areas of law contain Table of Chapters and Table of Categories.

Although abstracts are provided by the Supreme Court Library, references must be

65) Taebobwon Chonwonhabuiche Pallyejip, Seoul, Pobwon Tosogwan, 1978-. The Vol. 1 is published in 1978 and covers 1948-1978; Vol.2 1978-1987 (1990); and Vol.3 1988-1996/7 (1998/99). Some important Supreme Court Grand Bench cases in English can be seen at the Supreme Court English web page, <http://www.scourt.go.kr/english/information.html>.

66) Harvard-ILS KOR 503 KOT: Taebobwon pangyol yojjijip, Seoul, Pobwon Haengjongcho, 1976-.

made to the Supreme Court Decisions Report or the Supreme Court Report. These abstracts should be used for checking legal trends but not for citations purposes, as abstracts can be incomplete and only generalizations of the particular legal issues at hand.

5. Index to Supreme Court Report (Taebobwon Panyol Saegin)⁶⁷⁾

This resource indexes all of the published Supreme Court cases found in the Supreme Court Report, Supreme Court Decisions Report, Supreme Court Grand Bench Report, Supreme Court Abstract Report, and Supreme Court Case Card. The cases are arranged in order of the decision date and case number. The first volume was published in 1988 and covers the years from 1946-1986. At present, the Supreme Court Internet Service provides the function of this print index.

6. Lower Court Report (Hagupsim Panyolchip)⁶⁸⁾

The Supreme Court Library also collects and publishes lower court decisions, i.e., the High Court decisions and the District Court decisions. Lower courts decisions have been published under the name “High Court Report ()” or the “High Court and District Court Report ().” In spite of all of the variations in the report names, lower court decisions covered date back to 1948.

Lower Court Report is currently published twice annually, and includes selected cases having the weight of precedent. Each volume contains a Table of Contents, and the entire format is the same as that of the Supreme Court Report (). An index to the Lower Court Report is published every five years.⁶⁹⁾

7. Judicial Information Service (Sabopchongbo Kwangjang)

The Supreme Court’s official website, <http://www.scourt.go.kr>, provides a comprehensive legal information service for searching cases and laws, and also

67) Taebobwon Panyol Saegin, Seoul, Pobwon Haengjongcho, 1988.

68) Hagupsim Panyolchip, Seoul, Pobwon Haengjongcho, 1984-.

69) The latest version covers 1994-1998. Currently, to search the lower courts’ cases, people generally use the Supreme Court Internet Service (=Judicial Information Service).

provides additional services such as legal forms, real estate register, etc. The main service system was released in February 1996, and is linked to the Supreme Court's electronic publishing system. This information system includes all cases to be printed on the aforementioned court reports. Currently, the search program provides a substitute for the print version indexes. The database also includes acts and information on secondary materials maintained by the Supreme Court. All of the data are hyperlinked between cases, acts, and periodicals.⁷⁰⁾

The database is also released in CD-Rom version, Popkoul () LX. It provides a summary of cases, full text of judgments, and cross-references. The database also includes information on acts, books, and periodicals, and supports hyperlinks between these materials. Moreover, the cases are "shepardized" in a basic format. The CD-Rom version (LX) does contain more text information than the Internet version.⁷¹⁾ The LX allows the user's HWP files to be converted automatically to the specific LX database files, so that a personal database can be maintained.

B. Constitutional Court Resources

1. Korean Constitutional Court Decisions Flash (Honpopchaepanso Kyolchong Sokpo)

The Constitutional Court's official website, <http://www.ccourt.go.kr>, provides the fastest information on new and important decisions in abstract form. Information can be found under the "News ()" heading at the homepage. This page also contains a section on the waiting list, the argument list, and the decision list.

70) One can search by keyword, subject word, date, article number of acts, case number, author, title, and publisher by using boolean operators. However, using only one or two clues is the faster way to get results.

71) The CD-Rom version has been upgraded by the Supreme Court Library website, <http://library.scourt.go.kr> (LX).

2. Korean Constitutional Court Gazette
(Honpopchaepanso Kongbo)⁷²⁾

The Constitutional Court Gazette began publication in 1993, and has been published monthly since 1999, bimonthly from 1996 to 1999, and five volumes per year prior to 1996.

3. Korean Constitutional Court Report
(Honpopchaepanso Pallyejip)⁷³⁾

The Constitutional Court Report has published two volumes per year since 1993, and one volume per year prior to 1993. It includes the full text of selected decisions. Each volume contains a Table of Contents and a Table of Decisions. The volumes also contain Index to the Unconstitutionality of Cases, Index to Unconstitutional Acts, Index to Unconstitutional Articles, and General Index .

4. Korean Constitutional Court Abstract Report
(Honpopchaepanso Pallye Yojjijip)⁷⁴⁾

This resource was first published in 1999 in loose-leaf service format. It includes a summary of all Constitutional Court decisions according to the order of acts pertaining to the Constitution. It is supplemented annually.

5. Website of the Constitutional Court of Korea

Selected decisions rendered unconstitutional can be found at the Constitutional Court's official website, <http://www.ccourt.go.kr>.⁷⁵⁾ Searches can be performed by keyword, subject word, date, case number, name of case, or name of act by using

72) Honpopchaepanso Kongbo, Seoul, Honpopchaepanso Samucho, 1993-.

73) Harvard-ILS KOR 562.2 KOR: Honpopchaepanso Pallyejip, Seoul, Honpopchaepanso, 1989-.

74) Honpopchaepanso Pallye Yojjijip, loose-leaf, Seoul, Honpopchaepanso, 1999-.

75) Based on the Constitutional Court's decisions, the National Assembly Legislative Counseling Office publishes the "Analysis to Unconstitutional Acts (Wihonpomnyul Punsok)" annually.

various boolean operators. Information can be retrieved most efficiently by searching the keyword or the name of the act. The site provides the full text of selected decisions, which is referenced by a purple star paging mark. New decisions can be downloaded as HWP files, and the full text of cases from the period 1988 through 1998 can be downloaded as ZIP files (originally HWP files).

C. Korean Cases in English

Korean cases have rarely been translated into English, but some samples are provided at the following websites: <http://www.scourt.go.kr/english/information.html>, <http://www.ccourt.go.kr/download/DecisionEng.htm>.

V. Unofficial Legal Information Providers

A. In Print

1. Legal Newspaper

The Law Times ()⁷⁶⁾ by Pomnyulsinmunsa is the most popular unofficial legal newspaper, and it performs the function of an advance service for new laws and cases. This newspaper is published every Monday and Thursday, and maintains a bound volume each year. This newspaper provides summaries of all Supreme Court cases, full texts of major Supreme Court decisions and important lower court decisions and recently enacted legislation. It is also released regularly through the Internet at <http://www.lawtimes.co.kr>, which is not as useful as the print version. The site provides previous versions in PDF file format.

2. Codes

Popchon () by Hyonamsa,⁷⁷⁾ Tae Popchon () by Popchonchulpansa,⁷⁸⁾ and

⁷⁶⁾ Harvard-ILS KOR 800 P35: Pomnyul Sinmun, S(e)oul, Pomnyulsinmunsa, Semiweekly, 1950(1982)-.

⁷⁷⁾ Harvard-ILS KOR 204H F59: Popchon, S(e)oul, Hyonamsa, Annual, 1959-.

⁷⁸⁾ Tae Popchon, Seoul, Popchonchulpansa, Annual, 1981-.

Sin Popchon () by Pomnyulsinmunsa⁷⁹⁾ are the traditional favorites. These are unofficial code volumes published annually for personal use. Laws are arranged in conventional order and in broader categories. Table of Categories, Korean Alphabetical Index and Subject Index are usually contained in the front pages. Laws are classified by subject and are listed in order of a particular Act (), a relate Enforcement Decree (), and a related Enforcement Regulation (). A law will consist of its title, enactment number and date, amendment numbers and dates, provisions, and addenda. Editors of the codes treat major laws with cross-references to other acts and cases. These annual print versions are updated irregularly. Supplements can be downloaded at each company's websites. Alternatively, the companies will provide supplements in slip format for registered members. Companies also publish small codes for law school students, which are relatively smaller in size and are not as comprehensive.

There are also special codes organized by particular subject such as the Criminal Law Code, the Tax Code, the Labor Law Code, etc. Moreover, there are certain broader subject codes such as the Economic Law Code. An interesting hybrid related is a so-called "Pallye Popchon ()," which is basically a code, but contains a large number of related case summaries.

3. Court Reporters

Korean lawyers use official court reports. Further unofficial court reporters cannot compete with official reports, because the official reports have authority and are readily available. To assure their marketability, the unofficial reporters are divided into special topics or contain commentaries or annotations. For example, there are various topical reporters such as the Commercial Case Series by Pommunsa, the Copyright Case Series by Chinhungmunhwasa, the Torts Case Series by Sabophaengjonghakhoe, etc.

B. Electronic Databases

On the Internet, several unofficial service companies provide comprehensive information services on acts, cases, legal news, legal consultations, and lawyer

79) Harvard-ILS KOR 204PS F88: (Taehanminguk) Sin Popchon, S(e)oul, Pomnyulsinmunsa, Annual, 1988-.

directories. Since the Supreme Court site provides only summaries of cases, unofficial legal information services make a market by providing full texts of Supreme Court decisions on the Internet. At these unofficial legal sites, acts and summaries of cases are updated weekly, and full texts of court decisions are updated monthly at the same time as the printing of official court reports. The web-based providers operate these databases either for free (with advertisements) or with a fee. Most sites are open to the public, but few sites are restricted to lawyer members. The following services are the popular:⁸⁰⁾

1. NetLaw: <http://www.netlaw.co.kr>

This site provides comprehensive legal and law-related information free of charge, but requires user registration. This site is relatively user friendly. It allows natural language query, phrase search, keyword search, boolean search, proximity search, field(title) search, date search, and history search. It also supports hyperlinks, highlighting, and various sorting functions.

2. Korea Law Information Service (KOLIS): <http://www.kolis.co.kr>

A widely recognized legal book publisher in Korea operates this website. It contains relatively up-to-date information and provides a comprehensive database of acts and cases, corporate information, judicial organizational charts, and legal bytes for laypersons. Acts, cases in full text, directories, and legal form services are fee-based, whereas cases in summary format and legal news are provided free of charge. Searches can be performed by keyword, subject, case number, court, and article number of referenced acts. The site also supports hyperlink.

3. LawKorea (VOIN): <http://www.lawkorea.com>

This site provides comprehensive information, including free legal consultation services. All of the services are free of charge, but a member registration with a Korean

80) The criteria are fee, accessibility, and speed. Some sites are excluded because of the site's technical inconvenience, although they have good sources.

ID is required. Foreigners can become members by submitting an e-mail application to voin@voin.com. The company also releases Korean Statutes CD-Rom () and Korean Court Reporters CD-Rom ().⁸¹⁾ These resources can be searched by keyword, date, case number, and referenced acts. Boolean operators and hyperlinks are possible. The CD-Rom version additionally supports locator, tree-shaped array, bookmark, editing, and Internet browsing.

4. OSEO (Open Service for Equal Opportunity): <http://www.oseo.com>

This site is operated by a cyber-law firm, and contains various legal resources. Although the references are linked to the databases maintained by LawKorea and the Seoul National University College of Law, other information sources are very unique and easy to understand. The resource for finding lawyers is especially useful. Many services are provided free of charge, but the venture companies-related information and the detailed who's who service requires a fee.

5. LAWnB (Law and Business): <http://www.lawnb.co.kr>

This site is operated as a cyber law office,⁸²⁾ and contains sections organized by legal topic. Natural language or phrase searches can be performed by using boolean connectors. The data are hyperlinked to a widely recognized commentary series in Korea. It is also connected to a well-known Acts & Cases Web Master program in Japan, and provides for a simultaneous translation service. This site maintains a classified membership system, but many sections can be accessed with a free membership, although the full text, commentary, and the Japan information services require a monthly fee.

81) This company has constructed the National Assembly's legal databases.

82) The CEO of this website is well-known for creating a legal guide on the Internet (<http://www.sol-law.net>), which was made during his service as a judge.

VI. Legal Books & Periodicals in Korean

A. *General Indexes*⁸³⁾

1. Korean National Bibliography

(Taehanminguk Chulpanmul Chongmongnok)⁸⁴⁾

The National Library of Korea (<http://www.nl.go.kr>) publishes this bibliography annually in two volumes. Vol.1 Sec.1 includes governmental publications, and Vol.1 Sec.2 includes general monographs by subject category with author and title index. Vol.2 includes such resources as sound recordings, non-print materials, maps, textbooks, etc.

2. National Assembly Library's Bibliographical Information

(Kukhoedosogwan Munhonjongbo)

This resource contains the entire Index to Korean Books, Index to Korean Periodicals, Index to Korean Master & Doctoral Theses, and Index to non-print materials. The National Assembly Library publishes it four times per year in print form as well as in CD-Rom (<http://www.nanet.go.kr>).⁸⁵⁾

B. *Korean Legal Indexes*

When locating books and periodicals, Korean legal indexes can be time-saving tools. Korean legal indexes are published both in print and on the Internet.⁸⁶⁾ These resources, however, include only Korean legal materials, with a few foreign language

83) Researchers also can use general indexes at various mega-sites such as <http://www.dlibrary.go.kr> (National Digital Library) or <http://www.nl.go.kr/kolisnet> (Korean Library Information System Network).

84) Taehanminguk Chulpanmul Chongmongnok (Korean National Bibliography), Seoul, The National Library of Korea, 1965-.

85) The National Assembly Library site requires registration with Korean ID number or date of birth.

86) When using union-type general catalogs at the Internet sites such as <http://solarsnet.snu.ac.kr>, <http://riss.keris.or.kr>, <http://www.nanet.go.kr>, or <http://www.nl.go.kr>, one can get legal-index-like effects by limiting the search range to law library only.

legal materials published in Korea. Therefore, if searching Korea-related legal materials which are published outside Korea, general catalogs or legal indexes of outside Korea must be consulted.

1. Index to Korean Legal Materials by Seoul National University Law Library
(Pomnyul Munhon Saegin)⁸⁷⁾

This resource indexes domestic legal books, theses, research reports, festschrifts, and periodical articles by 19 general subjects, and includes related subjects such as policy and administrative practice. The items under the general subjects are listed in Korean alphabetical order, with an author's index included in the back pages.

The index is available through the Internet from the Seoul National University Library Network, <http://solarsnet.snu.ac.kr/law/law.htm>, or by selecting “ ” button at the Law Library website, <http://solarsnet.snu.ac.kr/lawlib>. The Internet version, known as the Law Material Index,⁸⁸⁾ permits a General search () and Subject search (). The general search makes it possible to search by title, author, periodical name, publisher, and keyword. Partial titles or names can be used without truncation mark. If a material is written in English, Japanese, or Chinese, the multi-language input function of the search box can be used to locate the relevant materials. The result screen shows the total number of hits, permits sorting, and is linked to the long display. The subject search screen is also organized into 19 general subjects in accordance with the print version. The subjects are divided into narrower subjects and again into subordinate subjects. This index, however, does not provide any abstracts or full texts.

87) Harvard-ILS KOR 020 SOU: S(e)oul Taehakkyo Tosogwan, Pomnyul Munhon Saegin, Seoul, S(e)oul Taehakkyo Chulpanbu, 1978-. The Vol.1 covers 1945-1976, Vol.2 1975-1985, Vol.3 1986-1992, Vol.4 1993-1995, and Vol.5 1996-1998.

88) At present, the author is illustrating the Law Material Index with the beta-test version that is due to be uploaded by June 2002 at the latest.

2. Index to Korean Legal Materials by the Supreme Court Library (Hanguk Pomnyul Munhon Saegin)⁸⁹⁾

This resource indexes domestic legal books, periodicals, articles, and case reviews that are available at the Supreme Court Library. Materials are arranged by general subjects.⁹⁰⁾

The Internet version can be found at http://www.scourt.go.kr/kg_p.html, which is on the same search screen as that used to search acts and court decisions. To perform the index search, “Books & Periodicals()” must be selected. Searches can be performed by inputting a relevant subject word, related act, docket number, author, or title. A few of the search results are linked to full-text, but the index database is not so recommendable for general use, as it only provides information on the library’s collection.

C. Practical Materials

The following are some of the examples of popular practical materials. Among them, case reviews are very important reference materials, although citations of these sources are not permitted before the courts.

Supreme Court Case Review series () are written by Research Judges of the Supreme Court, and two volumes published by the Supreme Court Library annually. Each volume contains a cumulative index from the volume number 1.

Case Review series () by research groups consisting of judges and law professors are collections of articles. These are classified into Civil, Commercial, and Criminal case review series according to subject. A private publishing company, Pakyongsa, publishes the series annually.

Court Reference Book series () by the Supreme Court Library are a series of monographs written by judges on court practices.⁹¹⁾ Two volumes are published annually, and each volume contains a cumulative index.

89) Harvard-Yenching: Ref (K) KPA5.H36 1989: Hanguk Pomnyul Munhon Saegin, Seoul, Pobwon Haengjongcho, 1989-. There are 5 volumes as of today, 1989 (I), 1990 (Supplement I-1), 1992 (Supp.I-2), 1994 (Supp.I-3), and 1997(II).

90) The Supreme Court uses its own thesaurus, Legal Thesaurus Version 2.0 (), Seoul, Supreme Court Library, 2000, 1723 pages.

91) In addition, there are more books in similar format such as and . These books are

Court Procedure Manuals () by the Supreme Court Library are court practice manuals, which are divided into the categories of civil court procedure and criminal court procedure.

Monthly Cases (Pallye-wolbo) is a law magazine which includes case reviews and practical articles. Since 1970, this resource has been published on a monthly basis by a private company, Pallye-wolbosa. The cumulative indexes were published irregularly. In 1986, this company published a comprehensive case review index for the period from 1953 to 1986 by using their own database.

Also worth mentioning is a popular commentary series published by Sabophaengjonghakhoe and Pakyongsa.

VII. Summary

Research on Korean law is not an easy task for a foreigner. The most pervasive problem is that there are few Korean legal resources that are available in the English language. The second problem is that accessing Korean legal materials from outside Korea is difficult. Even in the United States, there are only a few law libraries that have collections of current Korean acts and case decisions, and the delays posed in receiving materials from Korea make it more difficult to conduct adequate research. These day, however, Korean legal materials in English language are steadily growing, and the basic materials in Korean language are quite readily accessible due to the development of the Internet.

Advisable research methods on Korean law can be summarized as follows: when beginning a research project, the Internet is the recommended medium for Korean and Korea-related foreign materials. The Korean government has developed legal information databases on the Internet in furtherance of its drive to develop a national information network and technology infrastructure. As such, research should start by accessing official legal sites such as the ones maintained by the Supreme Court, the Ministry of Legislation, and the National Assembly.⁹²⁾ In any case, official print

published annually by the Supreme Court Library. Most of the secondary materials that are published by the Library have cumulative indexes in each volume.

92) As of today, Korean law school sites and the Korean Bar Association site are not good sources. Unlike in the United States, law schools or the bar associations do not build legal databases. Law schools do not have sufficient funds to do so, whereas the bar associations are not specialized enough to take on such a project.

versions of legal materials should always be consulted. Further, prior to visiting any Korean sites, preliminary information should be obtained from such useful resources as Frank's Korean Studies Portal site (<http://koreaweb.ws>) and Korea.net: Gateway to Korea (<http://korea.net>). A foreign researcher should be additionally aware that internationally recognized legal websites such as LII, Hieros Gamos, Findlaw, or Austlii do not provide substantial information on Korean law. These sites merely compile and link various Korean law-related sites from time to time, often with inaccurate results. Westlaw and Lexis are also not very useful resources for the researcher, because these services do not provide concrete information on Korean law.