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## COURT ORGANIZATION ACT

[Enforcement Date 01. Jan, 2021.] [Act No.17689, 22. Dec, 2020., Amendment by  
Other Act]

대법원 (법원행정처)02-3480-1100,1114



법제처 국가법령정보센터

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### PART I GENERAL PROVISIONS

**Article 1 (Purpose)** The purpose of this Act is to prescribe the organization of courts exercising the judicial power under the Constitution.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 2 (Competence of Courts)** (1) Except as otherwise prescribed by the Constitution, courts shall judge all legal disputes and litigations, and have the competence vested in them under this Act and other Acts.

(2) Paragraph (1) shall not prohibit any judgment as a previous trial by an administrative agency.

(3) Courts shall administer and supervise affairs concerning registration, registration of family relationship, deposits, execution officers and certified judicial scriveners.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 3 (Categories of Courts)** (1) Courts shall be classified into the following seven categories:

<Amended on Dec. 27, 2016>

1. Supreme court;
2. High court;
3. Patent court;
4. District court;
5. Family court;
6. Administrative court;
7. Bankruptcy court.

(2) In order to handle part of the affairs of district courts and family courts, there may be established a branch court, a family branch court, or a Si court or Gun court (hereinafter referred to as a "Si/Gun court"), and a registry under the jurisdiction of the district courts and family courts: Provided, That two branches of the district courts and family courts may be united into one branch court.

(3) The establishment, abolition, and territorial jurisdiction of a high court, patent court, district court, family court, administrative court, bankruptcy court and the branch court, family branch court, and Si/Gun court of a district court and family court shall be prescribed separately by Acts, and the establishment, abolition and

territorial jurisdiction of a registry shall be determined by the Supreme Court Regulations. <Amended on Dec. 27, 2016>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 4 (Justices of Supreme Court)** (1) Justices shall be assigned to the Supreme Court.

(2) The number of Justices of the Supreme Court shall be 14, including the Chief Justice.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 5 (Judges)** (1) Judicial officers, other than the Chief Justice and Justices of the Supreme Court, shall be judges.

(2) Judges shall be assigned to a high court, patent court, district court, family court, administrative court, and bankruptcy court. <Amended on Dec. 27, 2016>

(3) The number of judges shall be prescribed separately by Acts: Provided, That the number of judges to be assigned to each court referred to in paragraph (2) shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 6 (Acting Judges)** (1) The Chief Justice of the Supreme Court may have a judge to act on behalf of a judge of other high court, patent court, district court, family court, administrative court, or bankruptcy court.

<Amended on Dec. 27, 2016>

(2) The chief judge of a high or district court may have a judge to act on behalf of another judge under paragraph (1) only within his/her territorial jurisdiction: Provided, That if the period during which a judge acts on behalf of another judge exceeds six months, the approval of the Chief Justice of the Supreme Court shall be obtained.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 7 (Exercise of Judgment Authority)** (1) The judgment authority of the Supreme Court shall be exercised by the collegiate panel composed of not less than 2/3 of all the Justices of the Supreme Court with the Chief Justice of the Supreme Court presiding: Provided, That a case may be examined in advance by a panel which is composed of three or more Justices of the Supreme Court and only when their opinion is in agreement, the case shall be tried except in the following cases:

1. Where it is deemed that any administrative decree or regulation is in violation of the Constitution;
2. Where it is deemed that any administrative decree or regulation is contrary to Acts;
3. Where it is deemed necessary to modify such opinion on the application of the interpretation of the Constitution, Acts, administrative decrees, and regulations, as was formerly decided by the Supreme Court;

4. Where it is deemed that a trial by a panel is not proper.

(2) The Chief Justice of the Supreme Court may, if deemed necessary, ask a specified panel to judge exclusively the cases of public administration, taxes, labor, military affairs, patents, etc.

(3) The judgment authority of a high court, patent court, or administrative court shall be exercised by a collegiate panel of the court composed of three judges: Provided, That the jurisdiction of an administrative case decided by the collegiate panel of the relevant administrative court to be judged by a single judge shall be exercised by a single judge.

(4) The judgment authority of a district court, family court, bankruptcy court and the branch court of a district court and family court, family branch court, or Si/Gun court of such district or family court shall be exercised by a single judge. <Amended on Dec. 27, 2016>

(5) Where a collegiate judgment is required in a district court, family court, bankruptcy court, the branch court of a district court and family court, or a family branch court, it shall be performed by a collegiate panel composed of three judges. <Amended on Dec. 27, 2016>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 8 (Binding Force of Judgment of Higher Court)** Any decision made in a judgment of a higher court shall bind the court of lower instance with respect to the case in question.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 9 (Judicial Administrative Affairs)** (1) The Chief Justice of the Supreme Court shall exercise a general control and supervision over the judicial administrative affairs, and direct and control the related public officials with respect to the judicial administrative affairs.

(2) The Chief Justice of the Supreme Court may delegate part of his/her authority over the direction and supervision of judicial administrative affairs to the Minister of the National Court Administration, the heads of courts of various levels, the Director of the Judicial Research and Training Institute, the Director of the Court Officials Training Institute or the Director of the Court Library under the provisions of Acts or the Supreme Court Regulations, or under the order of the Chief Justice of the Supreme Court.

(3) If it is deemed necessary to enact or revise Acts related to the organization, personnel affairs, operation of courts, litigation procedures, registration, registration of family relationship, and other court affairs, the Chief Justice of the Supreme Court may present in writing his/her opinion to the National Assembly.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 9-2 (Judges' Council)** (1) A high court, patent court, district court, family court, administrative court, bankruptcy court and branch court prescribed by the Supreme Court Regulations shall establish a judges'

council as an advisory agency on the judicial administration. <Amended on Dec. 27, 2016>

(2) Each judges' council shall be comprised of judges, but matters necessary for the organization and operation thereof shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 10 (Secretariat of Each Court, etc.)** (1) A high court, patent court, district court, family court, administrative court, bankruptcy court, and branch court prescribed by the Supreme Court Regulations shall establish a secretariat, and a high court and district court prescribed by the Supreme Court Regulations may establish a bureau other than a secretariat. <Amended on Dec. 27, 2016>

(2) There shall be established sections in a branch court and family branch court in which no secretariat and bureau, or no secretariat is established as provided in paragraph (1), but the establishment and division of duties thereof shall be prescribed by the Supreme Court Regulations.

(3) The secretary-general of a high court, patent court, and district court having a bureau other than a secretariat provided in paragraph (1) shall be appointed from among the court officials of Grade II or III; the bureau chief of a high court, the bureau chief and secretary-general of a district court (excluding the secretary-general of a district court having a bureau other than a secretariat provided in paragraph (1)), the secretary-general of a family court, the secretary-general of an administrative court, the secretary-general of a bankruptcy court, and the secretary-general of a branch court prescribed by the Supreme Court Regulations, from among the court officials of Grade III or IV; and the chief of a section, from among the court officials of Grade III, IV or V, or the registry officials of Grade V. <Amended on Dec. 27, 2016>

(4) The secretary-general, the chief of a bureau, and the chief of a section shall be in charge of affairs of the secretariat, bureau or section under the order of senior officials, and direct and control the staff and personnel under his/her responsibility.

[This Article Wholly Amended on Dec. 30, 2014]

## PART II SUPREME COURT

**Article 11 (Highest Court)** The Supreme Court shall be the highest court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 12 (Seat)** The Supreme Court shall be located in Seoul Special Metropolitan City.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 13 (Chief Justice of Supreme Court)** (1) The Chief Justice shall be appointed for the Supreme Court.

(2) The Chief Justice shall be in charge of general affairs of the Supreme Court, direct and control personnel of the Supreme Court and those of courts of each instance and organizations under its control with respect to judicial administrative affairs.

(3) When the office of Chief Justice becomes vacant or he/she is unable to perform his/her duties due to any unavoidable reason, the senior Justice shall act on behalf of him/her.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 14 (Judgment Authority)** The Supreme Court shall judge as the court in the last instance the following cases:

1. The case of a final appeal against a judgment of a high court, appellate court, or patent court;
2. The case of a further complaint against a decision or order of a court of appeal, high court, appellate court, or patent court;
3. The cases falling under the jurisdiction of the Supreme Court pursuant to other Acts.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 15 (Indication of Justice's Opinion)** In the text of judgment rendered by the Supreme Court, opinions of all Justices of the Supreme Court who have participated in the judgment shall be indicated.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 16 (Composition and Decision-Making Method of Supreme Court Justices' Council) (1)**

The Supreme Court Justices' Council shall be composed of the Justices of the Supreme Court and the Chief Justice of the Supreme Court shall preside over it.

(2) The Supreme Court Justices' Council shall make a decision, by attendance of not less than 2/3 of all Justices of the Supreme Court and an affirmative vote of a majority of Justices present.

(3) The chairperson shall have a vote in a decision and in cases of an equal vote, he/she shall have a casting vote.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 17 (Matters to Be Decided by Supreme Court Justices' Council)** The following matters shall be decided by the Supreme Court Justices' Council:

1. Consent to the appointment and reappointment of a judge;
2. Matters concerning the enactment, revision, etc. of the Supreme Court Regulations;
3. Matters concerning the collection and publication of judicial precedents;
4. Matters concerning the request for the budget, expenditure of reserve fund, and settlement of accounts;

5. Matters falling under the competence of the Supreme Court Justices' Council pursuant to other statutes;
6. Matters deemed to be of particular importance and submitted to the Council by the Chief Justice of the Supreme Court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 18 (Delegated Matters)** Matters necessary for the operation of the Supreme Court Justices' Council shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 19 (The National Court Administration)** (1) In order to take charge of judicial administrative affairs, the National Court Administration shall be established in the Supreme Court.

(2) The National Court Administration shall perform functions and duties in relation to personnel affairs, budgets, accounting, facilities, statistics, litigation affairs, registration, registration of family relationship, deposits, enforcement officers, certified judicial scriveners, research of current legislations and study of judicial systems which are relevant to courts.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 20 (The Judicial Research and Training Institute)** In order to take charge of affairs concerning the study and training of judges and the training of judicial trainees, the Judicial Research and Training Institute shall be established in the Supreme Court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 20-2 (The Judicial Policy Research Institute)** In order to conduct research on improving the judicial and trial systems, the Judicial Policy Research Institute shall be established in the Supreme Court.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 21 (The Court Officials Training Institute)** In order to take charge of affairs concerning the training and education of court personnel, execution officers, etc., the Court Officials Training Institute shall be established in the Supreme Court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 22 (The Court Library)** The Court Library shall be attached to the Supreme Court and shall research, collect or compile judicial decisions, statutes, legal materials, historical data, and other information, to manage or make them available for the purpose of supporting judicial services and improving the legal environment.

[This Article Wholly Amended on Dec. 30, 2014]

- Article 23 (Secretariat of Chief Justice of Supreme Court, etc.)** (1) The secretariat of the Chief Justice of the Supreme Court shall be established in the Supreme Court.
- (2) The secretariat of the Chief Justice of the Supreme Court shall have a chief secretary, who is appointed from among judges or elected public officials and takes charge of affairs of the secretariat, and directs and controls public officials working in the secretariat, under the order of the Chief Justice of the Supreme Court.
- (3) Matters necessary for the organization and operation of the secretariat of the Chief Justice of the Supreme Court shall be prescribed by the Supreme Court Regulations.
- (4) The secretary of the Justice shall be appointed for the Supreme Court.
- (5) The secretary of the Justice shall be appointed from among the court officials of Grade IV or public officials in extraordinary civil service equivalent to Grade IV.

[This Article Wholly Amended on Dec. 30, 2014]

- Article 24 (Judicial Researchers)** (1) The Supreme Court shall appoint judicial researchers.
- (2) The judicial researchers shall be in charge of affairs concerning the research and study on the examination and trial of cases in the Supreme Court, under the order of the Chief Justice of the Supreme Court.
- (3) The judicial researchers shall be appointed from among judges, or may be appointed from among persons who are not judges to serve for a fixed term of not more than three years.
- (4) The judicial researchers who are not judges shall be appointed as public officials in extraordinary civil service equivalent to Grade II or III or as public officials in fixed term positions under Article 26-5 of the State Public Officials Act, and their organization of office and qualifications shall be provided by the Supreme Court Regulations.
- (5) The Chief Justice of the Supreme Court may request other state agencies, public organizations, educational institutions, research institutes, and other necessary agencies to dispatch their public officials and staff members in order to serve the dispatched service as the judicial researchers.
- (6) The allowances provided by the Supreme Court Regulations may be paid to the judicial researchers dispatched under paragraph (5).

[This Article Wholly Amended on Dec. 30, 2014]

- Article 25 (Judicial Policy Advisory Committee)** (1) The Chief Justice of the Supreme Court may, if deemed necessary, establish the Judicial Policy Advisory Committee as an advisory agency of the Chief Justice of the Supreme Court.



(2) The Judicial Policy Advisory Committee shall be composed of not more than seven members appointed by the Chief Justice of the Supreme Court from among those of high learning and reputation on judicial policies, and matters necessary for the organization and operation of the Committee shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 25-2 (Judges Personnel Committee)** (1) In order to deliberate important matters on the personnel affairs of judges, the Judges Personnel Committee (hereinafter referred to as the "Personnel Committee") shall be established within the Supreme Court.

(2) The Personnel Committee shall review the following matters:

1. Matters on establishment of basic plans concerning personnel affairs;
2. Matters on appointment of judges pursuant to Article 41 (3);
3. Matters on judges' serving consecutive terms pursuant to Article 45-2;
4. Matters on retirement of judges pursuant to Article 47;
5. Other matters deemed important and submitted to a meeting of the Personnel Committee by the Chief Justice of the Supreme Court.

(3) The Personnel Committee shall be composed of 11 members, including one chairperson.

(4) The following persons shall be appointed or commissioned as members of the Personnel Committee by the Chief Justice of the Supreme Court:

1. Three judges;
2. Two prosecutors recommended by the Minister of Justice: Provided, That they shall participate only in the deliberation on new appointment of judges prescribed in paragraph (2) 2;
3. Two attorneys-at-law recommended by the president of the Korea Bar Association;
4. Two professors of law recommended each by the president of the Korea Law Professors Association, an incorporated association, and the president of the Korean Association of Law Schools, an incorporated association;
5. Two revered persons of profound learning and experience in the area of their expertise, among those who are not admitted to the bar. In such cases, at least one of the two persons shall be female.

(5) The chairperson shall be appointed or commissioned by the Chief Justice from among the members of the Personnel Committee.

(6) Matters, other than those provided in paragraphs (1) through (5), necessary for organization and operation, etc. of the Personnel Committee shall be determined by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

## PART III COURTS

### CHAPTER I HIGH COURTS

**Article 26 (Chief Judges of High Courts)** (1) A chief judge shall be appointed for each high court.

(2) The chief judge of a high court shall be appointed from among judges.

(3) The chief judge of a high court shall be in charge of judicial administrative affairs of the court, and direct and supervise public officials under his/her control.

(4) When the office of chief judge of a high court becomes vacant, or he/she is unable to perform his/her duties by any inevitable reason, his/her competence shall be exercised by the chief judge or senior judge in the order of priority. <Amended on Mar. 24, 2020>

(5) The secretary to the chief judge of a high court shall be appointed for the high court.

(6) The secretary to the chief judge of a high court shall be appointed from among the court officials of Grade V or public officials in extraordinary civil service equivalent to those of Grade V.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 27 (Chambers)** (1) Chambers shall be established in a high court.

(2) Deleted. <Mar. 24, 2020>

(3) One of the members of a chamber shall serve as a president judge at a trial of the relevant chamber and shall supervise affairs of the chamber under the direction of the chief judge of a high court. <Amended on Mar. 24, 2020>

(4) If necessary for conducting the judicial affairs, a chamber of a high court may handle affairs at the seat of the district court in its jurisdiction, pursuant to the Supreme Court Regulations.

(5) When there are two or more chambers of the high court which handle affairs at the seat of a district court pursuant to paragraph (4), the Chief Justice of the Supreme Court may designate a judge who takes charge of judicial administrative affairs related to such chambers.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 28 (Judgment Authority)** The high court shall judge the following cases: Provided, That the cases falling under the jurisdiction of the patent court under subparagraph 2 of Article 28-4 shall be excluded:

<Amended on Dec. 1, 2015; Dec. 27, 2016>

1. Cases of appeal or complaint against a judgment, adjudication, decision, or order made in the first instance by the collegiate panel of a district court, family court, or bankruptcy court or by an administrative court;

2. Cases determined by the Supreme Court Regulations among cases excluding criminal cases, in terms of the cases of appeal or complaint against the judgment, adjudication, decision, or order made in the first instance by a single judge of a district court or family court;
3. Cases falling under the jurisdiction of the high court under other Acts.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER II PATENT COURT

**Article 28-2 (Chief Judge of Patent Court)** (1) A chief judge shall be appointed for the patent court.

(2) The chief judge of the patent court shall be appointed from among judges.

(3) The chief judge of the patent court shall be in charge of the judicial administrative affairs of the court and shall direct and supervise the public officials under his/her control.

(4) Article 26 (4) through (6) shall apply mutatis mutandis to the patent court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 28-3 (Divisions)** (1) Divisions shall be established in the patent court.

(2) Article 27 (3) shall apply mutatis mutandis to the patent court. <Amended on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 28-4 (Judgment Authority)** The patent court shall judge the following cases: <Amended by Dec. 1, 2015; Feb. 29, 2016>

1. Cases of the first instance provided in Article 186 (1) of the Patent Act, Article 33 of the Utility Model Act, Article 166 (1) of the Design Protection Act, and Article 162 of the Trademark Act;
2. Cases of appeal among cases under Article 24 (2) and (3) of the Civil Procedure Act;
3. Cases falling under the jurisdiction of the patent court under other Acts.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER III DISTRICT COURTS

**Article 29 (Chief Judges of District Courts)** (1) A chief judge shall be appointed for each district court.

(2) The chief judge of a district court shall be appointed from among judges.

(3) The chief judge of a district court shall be in charge of judicial administrative affairs of the court, its branch court, Si/Gun court, and registry, and shall direct and supervise public officials under his/her control.

(4) When the office of a chief judge of a district court becomes vacant, or he/she is unable to perform his/her duties by any inevitable reason, his/her competence shall be exercised by the chief presiding judge or

senior presiding judge in the order of priority. <Amended on Mar. 24, 2020>

(5) Article 26 (2) and (6) shall apply mutatis mutandis to a district court. <Newly Inserted on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 30 (Divisions)** (1) Divisions shall be established in each district court.

(2) A presiding judge may be appointed for each division. <Amended on Mar. 24, 2020>

(3) Article 27 (3) shall apply mutatis mutandis to a district court. <Newly Inserted on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 31 (Branch Courts)** (1) A chief shall be appointed for the branch court and family branch court of a district court.

(2) The chief of a branch court shall be appointed from among judges.

(3) The chief of a branch court shall be in charge of the judicial administrative affairs of a branch court and Si/Gun court located in its territorial jurisdiction under the direction of the chief judge of the district court to which the branch court belongs, and shall direct and supervise the public officials under his/her control.

(4) The chief of a branch court in which the secretariat is established shall be in charge of registry affairs located in its territorial jurisdiction, under the direction of the chief judge of the district court to which the branch court belongs, and shall direct and supervise the public officials under his/her control.

(5) Divisions may be established in the branch court and family branch court of a district court.

(6) Article 27 (3) and Article 30 (2) shall apply mutatis mutandis to the branch court and family branch court of a district court in which divisions are established under paragraph (5). <Amended on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 31-2 (Jurisdiction of Family Branch Courts)** A family branch court shall exercise jurisdiction over

the matters belonging to the authority of a family court in the area in which no family court is established:

Provided, That the matters falling under the adjudication of the cases of appeal or complaint against the judgment, adjudication, decision, or order rendered by a single judge of a family court shall be excluded.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 32 (Judgment Authority of Collegiate Panel)** (1) The collegiate panel of a district court and its branch court shall judge the following cases in the first instance: <Amended on Jan. 6, 2016; Dec. 24, 2018>

1. Cases that the collegiate panel itself decides to judge in the collegiate panel;

2. With respect to the civil cases, such cases as prescribed by the Supreme Court Regulations;

3. Cases subject to the capital punishment or imprisonment with or without labor for an indefinite term or for short term of not less than one year, excluding the following cases:
- (a) Cases falling under Articles 258-2, 331, and 332 (limited to habitual offenders committing a crime referred to in Article 331) and attempts thereof, Article 350-2 and an attempt thereof, and Article 363 of the Criminal Act;
  - (b) Cases falling under subparagraphs 2 and 3 of Article 2 (3), Article 6 (limited to the attempts referred to in subparagraphs 2 and 3 of Article 2 (3)), and Article 9 of the Punishment of Violences, etc. Act;
  - (c) Cases violating the Military Service Act;
  - (d) Cases falling under Article 5-3 (1), subparagraphs 1 and 3 of Article 5-4 (5), and Article 5-11 of the Act on the Aggravated Punishment, etc. of Specific Crimes;
  - (e) Cases falling under Article 5 of the Act on Special Measures for the Control of Public Health Crimes;
  - (f) Cases falling under Article 5 of the Illegal Check Control Act;
  - (g) Cases falling under Article 148-2 (1), (2), and (3) 1 and 2 of the Road Traffic Act;
4. Cases of complicity to be judged concurrently with those provided in subparagraph 3;
5. Cases of disqualification of or challenge against the judges of a district court;
6. Cases falling under the competence of the collegiate panel of a district court under other Acts.
- (2) The collegiate panel of a district court and of Gangneung Branch Court of Chuncheon District Court shall judge the cases not falling under subparagraph 2 of Article 28 in the second instance among cases of appeal or complaint against the judgment, decision, or order rendered by a single judge of the district court: Provided, That the cases falling under the competence of the patent court under subparagraph 2 of Article 28-4 shall be excluded. <Amended by Dec. 1, 2015>
- [This Article Wholly Amended on Dec. 30, 2014]

**Article 33 (Si/Gun Courts)** (1) The Chief Justice of the Supreme Court shall nominate a judge of a Si/Gun court located in its territorial jurisdiction, from among those belonging to a district court or its branch court, to judge cases under the jurisdiction of the Si/Gun court. In this case, he/she may nominate a judge as a judge of two or more Si/Gun courts.

(2) The judge of a Si/Gun court shall be in charge of the judicial administrative affairs of the Si/Gun court under the direction of the chief judge of the district court or the chief of the branch court to which he/she belongs, and shall direct and supervise the public officials under his/her control: Provided, That with respect to a family case, he/she shall be subject to the direction of the chief judge of the family court or its branch court having the jurisdiction over the area.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 34 (Jurisdiction of Si/Gun Courts)** (1) Each Si/Gun court shall have jurisdiction over the following cases:

1. Civil cases which are subject to the Trial of Small Claims Act;
2. Cases concerning reconciliation, reminding, and mediation;
3. Criminal cases punishable by a fine not exceeding 200,000 won, detention, or minor fine;
4. Confirmation of a divorce by agreement provided in Article 75 of the Act on the Registration, etc. of Family Relationships.

(2) If the cases provided in paragraph (1) 2 and 3 are pending to the court of the first instance, by an objection for dissatisfaction with the judgment, the cases shall be subject to the jurisdiction of the district court or its branch court having the jurisdiction over the area: Provided, That any case governed by the Trial of Small Claims Act shall be subject to the jurisdiction of the relevant Si/Gun court.

(3) Criminal cases provided in paragraph (1) 3 shall be decided in a summary trial.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 35 (Request for Formal Judgment against Summary Judgment)** The accused may request formal judgment against a summary judgment under Article 34, within seven days after he/she is notified of it.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 36 (Registry Offices)** (1) The registrar shall be appointed for each registry office.

(2) The registrar shall be appointed from among the court officials of Grade IV or V or the registry officials of Grade V.

(3) The registrar shall be in charge of affairs of the registry office under the direction of the chief judge of the district court to which he/she belongs, or the chief judge of the branch court in which the secretariat is established, and shall direct and supervise personnel under his/her control.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER IV FAMILY COURTS

**Article 37 (Chief Judges of Family Courts)** (1) A chief judge shall be appointed for each family court.

(2) The chief judge of a family court shall be appointed from among judges.

(3) The chief judge of a family court shall be in charge of judicial administrative affairs of the family court and its branch courts and shall direct and supervise public officials under his/her control: Provided, That if only one branch court is established under the proviso to Article 3 (2), the chief judge of the family court shall direct and supervise affairs concerning family cases, juvenile protection, and registration of family relationship of such branch court.

(4) Article 26 (5) and (6), and Article 29 (4) shall apply mutatis mutandis to a family court. <Amended on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 38 (Divisions)** (1) Divisions shall be established in a family court.

(2) Article 27 (3) and Article 30 (2) shall apply mutatis mutandis to a family court. <Amended on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 39 (Branch Courts)** (1) A chief judge shall be appointed for the branch court of a family court.

(2) The chief judge of a branch court shall be in charge of the judicial administrative affairs of the branch court under the direction of the chief judge of the family court to which he/she belongs, and shall direct and supervise the public officials under his/her control.

(3) Article 27 (3), Article 30 (2), and Article 31 (2) and (5) shall apply mutatis mutandis to the branch court of a family court. <Amended on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 40 (Judgment Authority of Collegiate Panel)** (1) The collegiate panel of a family court and its branch court shall judge the following cases in the first instance:

1. Family litigation and non-litigious family cases in E class prescribed by the Family Litigation Act, which are prescribed by the Supreme Court Regulations;
2. Cases of disqualification of or challenge against the judges of a family court;
3. Cases falling under the competence of the collegiate panel of a family court under other Acts.

(2) The collegiate panel of a family court and of Gangneung Branch Court of Chuncheon Family Branch Court shall judge cases not falling under subparagraph 2 of Article 28 in the second instance among cases of appeal or complaint against the judgment, adjudication, decision, or order rendered by a single judge of the family court.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER V ADMINISTRATIVE COURT

**Article 40-2 (Chief Judge of Administrative Court)** (1) A chief judge shall be appointed for the administrative court.

(2) The chief judge of the administrative court shall be appointed from among judges.

(3) The chief judge of the administrative court shall be in charge of the judicial administrative affairs of the court and shall direct and supervise public officials under his/her control.

(4) Article 26 (5) and (6), and Article 29 (4) shall apply mutatis mutandis to the administrative court.  
<Amended on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 40-3 (Divisions)** (1) Divisions shall be established in the administrative court.

(2) Article 27 (2) and (3) shall apply mutatis mutandis to the administrative court. <Amended by Dec. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 40-4 (Judgment Authority)** The administrative court shall judge in the first instance, such administrative cases as prescribed by the Administrative Litigation Act and those falling under the competence of the administrative court under other Acts.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER VI BANKRUPTCY COURT

**Article 40-5 (Chief Judge of Bankruptcy Court)** (1) A chief judge shall be appointed for the bankruptcy court.

(2) The chief judge of the bankruptcy court shall be appointed from among judges.

(3) The chief judge of the bankruptcy court shall be in charge of the judicial administrative affairs of the court and shall direct and supervise public officials under his/her control.

(4) Article 26 (5) and (6), and Article 29 (4) shall apply mutatis mutandis to the bankruptcy court. <Amended on Mar. 24, 2020>

[This Article Newly Inserted on Dec. 27, 2016]

**Article 40-6 (Divisions)** (1) Divisions shall be established in the bankruptcy court.



(2) Article 27 (3) and Article 30 (2) shall apply mutatis mutandis to the bankruptcy court. <Amended on Mar. 24, 2020>

[This Article Newly Inserted on Dec. 27, 2016]

**Article 40-7 (Judgment Authority of Collegiate Panel)** (1) The collegiate panel of the bankruptcy court shall judge the following cases in the first instance:

1. Cases falling under the competence of the collegiate panel of the bankruptcy court, as prescribed in the Debtor Rehabilitation and Bankruptcy Act;
2. Cases that the collegiate panel itself decides to judge in the collegiate panel;
3. Cases of disqualification of or challenge against the judges of the bankruptcy court and the cases of challenge against the members of the Custodial Committee under Article 16 of the Debtor Rehabilitation and Bankruptcy Act;
4. Cases falling under the competence of the collegiate panel of the bankruptcy court under other Acts.

(2) The collegiate panel of the bankruptcy court shall judge, in the second instance, the cases of appeal or complaint against the judgment, decision, or order rendered by a single judge of the bankruptcy court.

[This Article Newly Inserted on Dec. 27, 2016]

## PART IV JUDICIAL OFFICERS

**Article 41 (Appointment of Judicial Officers)** (1) The Chief Justice of the Supreme Court shall be appointed by the President with the consent of the National Assembly.

(2) The Justices of the Supreme Court shall be appointed by the President with the consent of the National Assembly upon recommendation by the Chief Justice of the Supreme Court.

(3) Judges shall be appointed by the Chief Justice of the Supreme Court with the consent of the Supreme Court Justices' Council, after deliberation thereof by the Personnel Committee.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 41-2 (Committee of Recommendation of Supreme Court Justice Candidates)** (1) In order to recommend candidates for Supreme Court Justices to be requested by the Chief Justice of the Supreme Court, a committee of recommendation of the Supreme Court Justice candidates (hereinafter referred to as the "Recommendation Committee") shall be established within the Supreme Court.

(2) Whenever the Chief Justice of the Supreme Court requests for appointment of candidates for Supreme Court Justices, the Recommendation Committee shall be formed and composed of 10 committee members, including one chairperson.

(3) The following persons shall be appointed or commissioned as members of the Recommendation Committee by the Chief Justice of the Supreme Court:

1. Senior Justices of the Supreme Court;
2. Minister of the National Court Administration;
3. Minister of Justice;
4. President of the Korean Bar Association;
5. President of the Korea Law Professors Association, an incorporated association;
6. President of the Korean Association of Law Schools, an incorporated association;
7. One judge who is not a Justice of the Supreme Court;
8. Three revered persons of profound learning and experience in the area of their expertise, among those who are not admitted to the bar. In such cases, at least one of them shall be female.

(4) The chairperson shall be appointed or commissioned by the Chief Justice of the Supreme Court from among the members of the Recommendation Committee.

(5) The Recommendation Committee shall be convoked by the chairperson if he/she deems it necessary to convoke the committee or if requested by the Chief Justice of the Supreme Court or by at least 1/3 of members of the committee, and make resolution with the majority of its incumbent members.

(6) The Recommendation Committee shall recommend candidates for Supreme Court Justices at least three times the number of Supreme Court Justices to be requested by the Chief Justice of the Supreme Court (where Supreme Court Justices to be requested are at least two persons, referring to each of the Supreme Court Justices).

(7) The Chief Justice of the Supreme Court shall, when he/she requests for appointment of candidates for Supreme Court Justices, respect the recommendations by the Recommendation Committee.

(8) Where the Recommendation Committee has recommended candidates for Supreme Court Justices in accordance with paragraph (6), the relevant Recommendation Committee shall be deemed dissolved.

(9) Matters, other than those provided in paragraphs (1) through (8), necessary for the organization, operation, etc. of the Recommendation Committee shall be determined by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 42 (Qualification for Appointment)** (1) The Chief Justice and Justices of the Supreme Court shall be appointed from among those who are at least 45 years of age and have been in any of the following offices for at least 20 years:

1. Judge, prosecutor, or attorney-at-law;

2. Person who is admitted to the bar and has been engaged in legal affairs at a government agency, local government, public organization under Article 4 of the Act on the Management of Public Institutions, or other corporations;

3. Person who is qualified as an attorney-at-law and has been in the office higher than the assistant professor in jurisprudence at an authorized college or university.

(2) Judges shall be appointed from among those persons who have served in the offices referred to in the subparagraphs of paragraph (1) for at least 10 years.

(3) For a person who has been in two or more offices provided in the subparagraphs of paragraph (1), the years of such service shall be summed up.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 42-2** Deleted. <May. 1, 2007>

**Article 42-3 (Restriction on Competence)** (1) No judge whose tenure of office is less than five years after summing up the tenure provided in the subparagraphs of Article 42 (1) may independently pass judgement on any case requiring oral proceedings for judgement.

(2) No judge provided in paragraph (1) may be a president judge of a collegiate court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 42-4** Deleted. <Dec. 31, 1999>

**Article 43 (Grounds for Disqualification)** None of the following persons shall be appointed as a judicial officer: <Amended on Feb. 4, 2020; Mar. 24, 2020>

1. A person who is disqualified as a public official under other statutes;

2. A person who has been sentenced to an imprisonment without labor or greater punishment;

3. A person for whom five years have not elapsed since he/she was removed from his/her office by impeachment.

4. A person who retired as a public official belonging to the Office of the President and for whom two years have not yet elapsed since his/her retirement from office.

5. A member of a political party under Article 22 of the Political Parties Act, or a person for whom three years have not passed after his/her status as member of a political party was lost under the same Act;

6. A person for whom five years have not passed since his/her registration as a candidate (including a preliminary candidate) for an election under Article 2 of the Public Official Election Act;

7. A person for whom three years have not passed after he/she served as an advisor or a consultant for a candidate to be elected in a presidential election under Article 2 of the Public Official Election Act;

(2) Detailed scope of persons who served as advisors or consultants under paragraph (1) 7 shall be prescribed by Supreme Court Regulations. <Newly Inserted on Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 44 (Assignment to Position)** (1) Appointment of judges shall be executed by the Chief Justice of the Supreme Court.

(2) The president of the Judicial Research and Training Institute, high court, and patent court, the Vice Minister of the National Court Administration, and the chief judge of a district court, a family court, an administrative court, and the bankruptcy court shall be appointed from among those who have served in the office provided in the subparagraphs of Article 42 (1) for at least 15 years. <Amended on Dec. 27, 2016; Mar. 24, 2020>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 44-2 (Rating of Service Record, etc.)** (1) The Chief Justice of the Supreme Court shall prepare an equitable standard of rating in order to evaluate judges' service record and qualification.

(2) The standard of rating under paragraph (1) shall include, as elements of the evaluation, percentage of cases handled and processed, period of handling cases, percentage of cases appealed, percentage of cases reversed with reasons of the reversal and other evaluation elements for the purpose of evaluating judges' service record; and sincerity, integrity and kindness, etc. for the purpose of evaluating judges' qualification.

(3) The Chief Justice of the Supreme Court shall evaluate judges in accordance with the standard of rating under paragraph (1) and shall reflect the results thereof in administering the personnel affairs such as serving consecutive terms, assignment and transference of positions, etc.

(4) Matters, other than those provided in paragraphs (1) through (3), necessary for rating of judges' service record and qualification, shall be determined by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 45 (Term of Office, Reappointment, and Age Limit)** (1) The Chief Justice of the Supreme Court shall be appointed for a six-year term of office, and may not be reappointed.

(2) The Justices of the Supreme Court shall be appointed for a six-year term of office, and the term may be renewed.

(3) The judges shall be appointed for a ten-year term of office, and the term may be renewed.

(4) The age limit of the Chief Justice and the Justices of the Supreme Court shall be 70 years of age, respectively; and the judges, 65 years of age.

(5) Any judge who reaches the retirement age between February and July shall, ipso facto, retire on July 31; and between August and January of the following year, on January 31 of the following year, respectively.

<Newly Inserted on Mar. 20, 2018>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 45-2 (Reappointment of Judges)** (1) Judges whose term has been expired may be reappointed, after deliberation thereof by the Personnel Committee, by an official order of reappointment of the Chief Justice of the Supreme Court with the consent of the Supreme Court Justices' Council.

(2) The Chief Justice of the Supreme Court shall not issue an official order of reappointment to the judges who are deemed to fall under any of the following:

1. Where it is impossible to perform the normal duties as a judge due to a physical or mental impediment;
2. Where it is impossible to perform the normal duties as a judge due to a substantial inferiority of service records;
3. Where it is substantially impracticable to keep the dignity of a judge.

(3) Matters necessary for the procedures for judges' reappointment shall be provided by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 46 (Guarantee of Judicial Officers' Status)** (1) No judicial officer shall be dismissed, unless there is a decision of impeachment or he/she is sentenced to imprisonment without labor or greater punishment, nor shall he/she be subject to a suspension from office, reduction of salary or other disadvantageous disposition without being submitted to disciplinary action.

(2) Remuneration of judicial officers shall be determined separately by Acts commensurate with the duties and dignity.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 47 (Retirement due to Mental and Physical Impediment)** When any judicial officer is unable to perform his/her duties due to a grave mental or physical impediment, the President may order him/her to resign from office upon the recommendation by the Chief Justice of the Supreme Court, in cases of a Justice of the Supreme Court, while the Chief Justice of the Supreme Court may order so, after deliberation thereof by the Personnel Committee, in cases of judges.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 48 (Discipline)** (1) The Judge Disciplinary Committee shall be established in the Supreme Court.

(2) Matters concerning the discipline of judicial officers shall be determined separately by Acts.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 49 (Prohibited Matters)** No judicial officer shall conduct the following acts during his/her term of office:

1. To be a member of the National Assembly or a local council;
2. To be a public official in any administrative agency;
3. To participate in a political movement;
4. To be engaged in a paid job without the permission of the Chief Justice of the Supreme Court;
5. To be engaged in a job for the purpose of any pecuniary profit;
6. To assume the post, regardless of its reward, as an advisor, officer, or employee of a corporation, organization, etc., other than government agencies, without the permission of the Chief Justice of the Supreme Court;
7. To perform other matters prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 50 (Dispatched Service)** When the Chief Justice of the Supreme Court is requested to dispatch a judicial officer by another government agency, if he/she deems it proper to dispatch a judicial officer by the nature of the affairs, and the relevant judicial officer agrees to it, he/she may permit it for a fixed period.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 50-2 (Prohibition, etc. of Dispatch of Judicial Officers)** (1) A judicial officer shall not be dispatched to the Office of the President and shall not concurrently take a position of the Office of the President.

(2) A person for whom two years have not elapsed since his/her retirement as a judicial officer may not be appointed to any position of the Office of the President.

[This Article Newly Inserted on Feb. 4, 2020]

**Article 51 (Leave of Absence)** (1) The Chief Justice of the Supreme Court may permit leave of absence for a fixed period not exceeding two years (in the case of subparagraph 1, until the period of service ends) in any of the following cases:

1. Where a judicial officer is conscripted or drafted for military service under the Military Service Act;
2. Where a judicial officer presents a petition for a leave of absence, for the purpose of legal research and study at a domestic or foreign legal institute, college, university, etc. or medical treatment of his/her disease, etc., if the petition is deemed well-grounded.

(2) In the case of paragraph (1), matters concerning the payment of remuneration during the leave of absence shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 52 (Concurrent Offices, etc.)** (1) The Chief Justice of the Supreme Court may assign a judicial officer to a position other than that of judging cases (including a judicial researcher), or direct him/her to hold such position concurrently.

(2) No judicial officer provided in paragraph (1) shall participate in the judgment of a case, or be included in the number of judges provided in Article 5 (3).

(3) The number of judicial officers provided in paragraph (1) shall be prescribed by the Supreme Court Regulations, and such judges shall receive remuneration either for a position of judging cases or other position, whichever is higher.

[This Article Wholly Amended on Dec. 30, 2014]

## PART V PERSONNEL OF COURTS

**Article 53 (Personnel of Courts)** Court officials, other than judicial officers shall be appointed by the Chief Justice of the Supreme Court, and the number of court officials shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 53-2 (Law Clerks)** (1) A court may appoint its law clerks.

(2) A law clerk shall conduct research and study and other necessary affairs on hearing and trial of cases, pursuant to the order of the chief judge of the court to which he/she belongs.

(3) A law clerk shall be appointed by the Chief Justice of the Supreme Court from among those persons admitted to the bar.

(4) A law clerk shall be appointed as public officials in fixed term positions under Article 26-5 of the State Public Officials Act.

(5) A law clerk shall be employed for a definite period up to three years.

(6) The maximum number of law clerks and their organization of office, and other necessary matters thereof shall be determined by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 54 (Judicial Assistant Officials)** (1) The judicial assistant officials may be assigned to the Supreme Court and each court.

(2) The judicial assistant officials may perform the duties provided by the Supreme Court Regulations among the following duties: <Amended on Mar. 29, 2016; Dec. 12, 2017>

1. Duties of the court in the procedures for final decision of the amount of litigation expenses and execution expenses, the procedures for urges and publicly-notified peremptory notice under the Civil Procedure Act (including the cases to which the aforementioned Act is applied mutatis mutandis) and the Act on Special Cases concerning Expedition, etc. of Legal Proceedings and the procedures for decision of performance recommendation under the Trial of Small Claims Act;
2. Duties of the court in the procedures for orders to render executory notices, those for registration on the register of debt nonfeasance persons, those for property inquiry, those for compulsory sale by auction for real estates, those for compulsory sale by auction for automobiles and construction machinery, those for compulsory sale by auction for movables, those for compulsory execution based on creditor's rights other than his/her monetary claim, those for auction for execution of security rights, those for litigation order, and those for application for cancellation of execution of provisional seizure and provisional disposition under the Civil Execution Act (including the cases to which the said Act is applied mutatis mutandis);
3. Duties of the court in the procedures for registration orders for lease rights under the Housing Lease Protection Act and the Commercial Building Lease Protection Act;
4. Duties of the family court in the procedures for accepting reports on qualified acceptance of inheritance, renunciation of inheritance, revocation of qualified acceptance, or revocation of renunciation of inheritance under the Family Litigation Act;
5. Duties of the family court in the procedures for divorces by agreement between parties without minor children under the Act on the Registration, etc. of Family Relationships.

(3) The judicial assistant officials shall perform their duties under the supervision of judicial officers, and any objections to the dispositions of judicial assistant officials may be raised against the judicial officers under the provisions of the Supreme Court Regulations.

(4) The judicial assistant officials shall be the persons provided by the Supreme Court Regulations from among the persons who have served for not less than 5 years in the post class of court's junior administrative officer or junior administrative officer for registration, and those who have served for not less



than 10 years in the post class of court's assistant junior official or the assistant junior official for registration.  
(5) The organization and the number of judicial assistant officials, and other necessary matters shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 54-2 (Technical Examiners)** (1) Technical examiners shall be assigned to the patent court.

(2) If it is deemed necessary, the court may decide to allow the technical examiner to participate in any examination of a lawsuit provided in Article 186 (1) of the Patent Act, Article 33 of the Utility Model Act, and Article 166 of the Design Protection Act.

(3) Any technical examiner who participates in the examination of a lawsuit under paragraph (2) may ask any question to the litigants on any technical matters with the permission of the president judge, and state his/her opinion at a collegiate judgment.

(4) The Chief Justice of the Supreme Court may request related government agencies, such as the Korean Intellectual Property Office, to dispatch public officials under their control so as to serve as technical examiners.

(5) The qualification, organization and number of the technical examiners and other necessary matters shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 54-3 (Investigation Officers)** (1) Investigation officers may be placed in the Supreme Court and each court.

(2) Investigation officers shall collect and investigate data necessary for the judgement on the cases provided by other Acts or the Supreme Court Regulations under the order of judicial officers and perform other necessary duties.

(3) The Chief Justice of the Supreme Court may request other government agencies to dispatch public officials under their control to the court to serve as investigation officers.

(4) The qualification, organization, and number of the investigation officers and other necessary matters shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 55 (Execution Officers)** (1) Execution officers shall be assigned to the district court and its branch court, and appointed and dismissed by the chief judge of the district court to which they belong, under the provisions of other Acts.

(2) Execution officers shall perform the execution of judgment, the service of documents, and other affairs under the provisions of statutes.

(3) In order to guarantee a faithful performance of duties, execution officers shall pay a guarantee money to the district court to which they belong.

(4) Matters concerning the guarantee money provided in paragraph (3) and the fees payable to the execution officers shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 55-2 (Court Security Management Unit)** (1) The court security management unit is established in the Supreme Court and each level court for maintaining the dignity and order of courts and the guard of court building, and the matters concerning its establishment, organization, and division of duties shall be provided by the Supreme Court Regulations.

(2) When a person in a court building falls under any of the following, members of a court security management unit may use physical force or security equipment such as security rods and gas sprayers to control him/her. In such cases, the use of force, etc. shall be restricted to the minimum extent necessary:

1. When he/she inflicts, or intends to inflict, harm on life, body, asset, etc. of other persons;
2. When he/she commits, or intends to commit, an act to harm the dignity and order of courts;
3. When he/she obstructs, or intends to obstruct, lawful duties of judicial officers or staff members of courts;
4. When he/she commits, or intends to commit, other acts to disrupt order within a court building.

(3) Members of a court security management unit may search persons to enter or leave a court building to check whether they carry any weapon or other dangerous articles or those likely to obstruct the maintenance of order within the court building.

(4) In taking measures pursuant to paragraph (2), a warning shall be given in advance to the relevant actors: Provided, That the same shall not apply when there exists no sufficient time to give such warning due to urgent situations.

[This Article Wholly Amended on Dec. 30, 2014]

## PART VI TRIALS

### CHAPTER I COURT SESSIONS

**Article 56 (Places of Sessions)** (1) Public trials shall be held at courts.

(2) The chief judge of a court may, if necessary, hold a session of court at a place outside the court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 57 (Opening of Trials to Public)** (1) Hearing and judgment of a trial shall be open to the public:

Provided, That if it might endanger the national security, public peace and order, or good public moral, it may be decided that the trial be closed to the public.

(2) The decision provided in paragraph (1) shall be announced with the reasons stated.

(3) Even where the president judge has made a decision provided in paragraph (1), if it is deemed proper, he/she may permit any person to stay in the court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 58 (Maintenance of Order in Court)** (1) Order in the court shall be maintained by the president judge.

(2) The president judge may prohibit any person who might endanger the dignity and order of the court from entering the court, or order him/her to leave the court and issue an order necessary for maintaining order in the court.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 59 (Prohibition of Videotape Recording, etc.)** No person shall record on a videotape, take a photograph, relay broadcasting, or do other similar acts in the court without permission of the president judge.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 60 (Request for Dispatch of Police Officials)** (1) When it is deemed necessary for keeping order in the court, the president judge may request the chief of the competent police to dispatch police officials, before or after the opening of a court. <Amended on Dec. 22, 2020>

(2) National police officials dispatched upon a request under paragraph (1) shall be subject to the direction of the president judge with respect to the maintenance of order in and out of the court.

[This Article Wholly Amended on Dec. 30, 2014]

[Title Amended on Dec. 22, 2020]

**Article 61 (Court-Ordered Confinement, etc.)** (1) If a person commits, inside or outside the court, an act violating an order issued under Article 58 (2) or the provisions of Article 59 or obstructs the trial of the court, by using harsh language or causing disturbance, etc. or considerably damages the prestige of judgment, the court may, by its decision, punish him/her by confinement for not more than 20 days or an administrative fine not exceeding one million won. In such cases, court-ordered confinement and an administrative fine may

be imposed concurrently.

(2) In order to order confinement under paragraph (1), a court may direct the court personnel, prison officers, or police officials to detain a violator immediately, and shall hold a trial to sentence him/her to confinement within 24 hours from the time of detention, and otherwise shall order them to release him/her immediately.

<Amended on Dec. 22, 2020>

(3) Court-ordered confinement shall be executed by detaining a violator at a detention room of a police station, correctional institution, or house of detention.

(4) Court-ordered confinement shall be executed in preference to restraint and punishment for other cases against a detainee, and the execution of restraint and punishment for other cases against a detainee shall be suspended during the court-ordered confinement while the procedure of the original case to which the detainee is a party shall be suspended: Provided, That if there is a valid reason, the court may order continuation of the legal proceedings.

(5) The judgment provided in paragraph (1) may be subject to any complaint or special complaint.

(6) The procedure for a judgment provided in paragraph (1) and other necessary matters shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 62 (Language in Court)** (1) In the court, Korean shall be used.

(2) When any person involved in the litigation does not understand Korean, an interpreter shall be employed.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 62-2 (Oral Proceedings in Foreign Languages and Establishment of Exclusive Panel of Judges)** (1) Notwithstanding Article 62, courts of the first instance handling cases over which the patent

court has the judgment authority and cases litigation for which was placed pursuant to Article 24 (2) and (3) of the Civil Procedure Act may permit parties to conduct oral proceedings in a foreign language with the consent of such parties. In such cases, Articles 143 (1) and 277 of the Civil Procedure Act shall not apply.

(2) The Chief Judge of the Patent Court and the Chief Judge of a district court specified by Article 24 (2) of the Civil Procedure Act may authorize a specific panel of judges (hereinafter referred to as "international judicial panel") to exclusively handle the cases permitted under paragraph (1) (hereinafter referred to as "international case").

(3) The procedures for permission prescribed in paragraph (1), scope of foreign languages allowed in international cases, and other matters necessary for trial of international cases and operation of international judicial panels shall be prescribed by the Supreme Court Regulations.

[This Article Newly Inserted on Dec. 12, 2017]

**Article 63 (Provisions Applicable Mutatis Mutandis)** @Articles 57 through 62 and Article 62-2 shall apply mutatis mutandis where a judicial officer performs his/her duties at a place other than the court.

<Amended on Dec. 12, 2017>

[This Article Wholly Amended on Dec. 30, 2014]

**Article 64 (Court Guards)** (1) Court guards shall be assigned to the Supreme Court and the court of each instance.

(2) Court guards shall perform duties ordered by a judicial officer in the court and other duties prescribed by the Chief Justice of the Supreme Court.

(3) A court may direct court guards to serve documents of litigation, if it is deemed impracticable to direct execution officers to do so.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER II CONFERENCES

**Article 65 (Non-Opening of Conferences to Public)** No conference of a collegiate court shall be open to the public.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 66 (Methods of Conference)** (1) Except as otherwise provided by the Constitution and Acts, any collegiate judgment shall be made by a majority.

(2) If the opinions in a conference are separated into three or more parts, and each part does not reach the majority, the following opinion shall prevail:

1. With regard to the amount: The opinion of the smallest amount, obtained by adding in sequence the number of the opinion of the smaller amount to that of the largest amount until it reaches the majority;
2. In a criminal case: The most favorable opinion for the defendant obtained by adding in sequence the number of the favorable opinions to that of the most unfavorable opinion, until it reaches the majority.

(3) When two opinions are divided with respect to matters to be decided by the majority as provided in Article 7 (1), and each opinion does not reach the majority, the original judgment may not be altered.

[This Article Wholly Amended on Dec. 30, 2014]

## PART VII ORGANS OF SUPREME COURT

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**CHAPTER I NATIONAL COURT ADMINISTRATION**

**Article 67 (Minister of the National Court Administration, etc.)** (1) The Minister and the Vice Minister shall be appointed for the National Court Administration.

(2) The Minister shall, under the direction of the Chief Justice of the Supreme Court, be in charge of affairs of the National Court Administration, and direct and control his/her subordinate officials, and supervise judicial administrative affairs and personnel of the courts.

(3) The Vice Minister shall assist the Minister, manage the affairs of the National Court Administration, and act on behalf of the Minister if the office of Minister becomes vacant or he/she is unable to perform his/her duties for any unavoidable reason.

(4) The Minister may delegate part of the affairs under his/her competence to the Vice Minister, chief of office or chief of bureau under the provisions of the Supreme Court Regulations or as prescribed by the Chief Justice of the Supreme Court.

(5) The secretaries to the Minister and the Vice Minister of the National Court Administration shall be assigned to the National Court Administration.

(6) The secretary to the Minister of the National Court Administration shall be appointed from among the court officials of Grade IV or public officials in extraordinary civil service equivalent to those of Grade IV, and the secretary to the Vice Minister of the National Court Administration, from among the court officials of Grade V or public officials in extraordinary civil service equivalent to those of Grade V.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 68 (Appointment)** (1) The Minister of the National Court Administration shall be appointed by the Chief Justice of the Supreme Court from among the Justices.

(2) The Vice Minister of the National Court Administration shall be appointed by the Chief Justice of the Supreme Court from among the judges.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 69 (Right to Attend National Assembly, etc.)** The Minister and the Vice Minister of the National Court Administration may attend the National Assembly or the State Council, and speak on the judicial administration.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 70 (Defendant of Administrative Litigation)** The defendant of an administrative litigation against a disposition made by the Chief Justice of the Supreme Court shall be the Minister of the National Court

Administration.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 71 (Organization)** (1) In the National Court Administration, the offices, bureaus, and sections shall be established, and the establishment and division of duties shall be prescribed by the Supreme Court Regulations.

(2) The chief of office shall be appointed in each office; the chief of bureau, in each bureau; and the chief of section, in each section, respectively.

(3) In order to assist planning of policies, drafting of plans, affairs concerning research, investigation, examination, evaluation, public information, etc., examiners or responsible officers may be assigned under the control of the Minister, the Vice Minister, office chiefs or bureau chiefs of the National Court Administration, and their official titles and division of duties shall be prescribed by the Supreme Court Regulations.

(4) The chief of the office shall be appointed from among judges or court administrators; the chief of the bureau, from among judges, court officials of Grade II, public officials of Grade II in equipment or industrial service; the examiners and responsible officers, from among judges, court officials of Grade II, III or IV, public officials of Grade II, III or IV in equipment or industrial service; and the chief of the section, from among the court officials of Grade III or IV, public officials of Grade III or IV in equipment or industrial service.

(5) The chiefs of offices, bureaus, and sections shall be in charge of affairs of the offices, bureaus, or sections under the order of their superior officers, and direct and supervise personnel under their control.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 71-2 (Inspector General for Judicial Ethics)** (1) The Supreme Court shall have the Inspector General for Judicial Ethics, and the assisting organ and responsibilities thereof shall be determined by the Supreme Court Regulations.

(2) The Inspector General for Judicial Ethics shall be a public official in political service.

(3) The Inspector General for Judicial Ethics shall be appointed through open recruitment procedures from among persons who do not fall under any ground for disqualification under Article 33 of the State Public Officials Act and who have held office in the following positions for at least 10 years in total:

1. Judge, prosecutor, attorney-at-law, or certified public accountant;
2. A person who has engaged in legal affairs or audit and inspection in State agencies, local governments, national or public enterprises, public institutions under Article 4 of the Act on the Management of Public Institutions, or other legal entities;

3. A person who has worked in a position of at least an assistant professor of jurisprudence at an accredited university;

(4) The term of office of the Inspector General for Judicial Ethics shall be two years and consecutive terms shall be permitted.

(5) Where the Chief Justice of the Supreme Court deems that the Inspector General for Judicial Ethics cannot perform his/her duties as he/she considerably lacks the ability to perform his/her duties, the Chief Justice of the Supreme Court may order him/her to retire through a resolution of the Supreme Court Justices' Council. In such cases, the relevant Inspector General for Judicial Ethics shall be given a full opportunity to make statements before the decision of the Supreme Court Justices' Council.

[This Article Newly Inserted on Mar. 24, 2020]

## CHAPTER II THE JUDICIAL RESEARCH AND TRAINING INSTITUTE

**Article 72 (Judicial Trainees)** (1) Judicial trainees shall be appointed by the Chief Justice of the Supreme Court from among those who have passed the Judicial Examination, and treated as public officials in extraordinary civil service.

(2) The training period of judicial trainees shall be two years: Provided, That if it is necessary, the training period may be changed as prescribed by the Supreme Court Regulations.

(3) If a judicial trainee falls under any of the following, he/she may be dismissed from his/her office:

1. Where he/she falls under any subparagraph of Article 33 of the State Public Officials Act;
2. Where he/she has committed an act to impair the dignity;
3. Where his/her attitude of training is so unfaithful that the result of training is not good;
4. Where it is impossible for him/her to receive any further training due to a disease.

(4) The court may nominate ex officio a judicial trainee as a counsel.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 72-2 (Purposes of Legal Training of Judicial Trainees)** Legal training of judicial trainees are designed to educate judges, prosecutors, and attorneys-at-law who may contribute to the establishment of the principle of rules of law and to the development of democracy by means of providing the trainees with knowledge of law and practice suitable to the profession of practicing law and cultivating the awareness of high morality in the profession and the attitude of responsibility of service to the people.

[This Article Wholly Amended on Dec. 30, 2014]



**Article 73 (Organization)** (1) A Director, a Deputy Director, professors, and instructors shall be appointed in the Judicial Research and Training Institute.

(2) The Director shall be in charge of affairs of the Judicial Research and Training Institute under the direction of the Chief Justice of the Supreme Court, and direct and supervise personnel under his/her control.

(3) The Deputy Director shall assist the Director, administer the affairs of the Judicial Research and Training Institute, and if the office of Director becomes vacant, or he/she is unable to perform his/her duties for any avoidable reason, the Deputy Director shall act on behalf of him/her.

(4) The secretaries to the Director and the Deputy Director of the Judicial Research and Training Institute shall be assigned to the Judicial Research and Training Institute.

(5) The secretary officers to the Director and the Deputy Director of the Judicial Research and Training Institute shall be appointed from among the court officials of Grade V or public officials in extraordinary civil service equivalent to those of Grade V.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 74 (Director of the Judicial Research and Training Institute, etc.)** (1) The Chief Justice of the Supreme Court shall appoint the Director of the Judicial Research and Training Institute from among judges, and the Deputy Director from among prosecutors.

(2) The Chief Justice of the Supreme Court shall, ex officio or upon the recommendation of the Director of the Judicial Research and Training Institute, assign or appoint any of the following persons to the teaching faculty:

1. A judge of the courts;
2. A prosecutor of the Ministry of Justice;
3. A person who is qualified as an attorney-at-law;
4. A graduate with a bachelor's degree or postgraduate with a master's degree who is recognized as having the performance or experience which meet the requirements prescribed by the Supreme Court Regulations;
5. A person with a doctor's degree.

(3) Instructors shall be commissioned by the Director of the Judicial Research and Training Institute from among those who have extensive knowledge and experience in the judicial field.

(4) Judges and prosecutors who are in full-time service in the Judicial Research and Training Institute shall not be counted in the number of judges prescribed in Article 5 (3) or the number of prosecutors provided in the Act on the Prescribed Number of Prosecutors.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 74-2 (Status, etc. of Teaching Faculty)** (1) The teaching faculty of the Judicial Research and Training Institute who do not hold offices of judges or prosecutors (hereinafter referred to as "full-time teaching faculty") shall be public officials in special service.

(2) The term of the full-time teaching faculty shall be ten years and shall be renewable: Provided, That the teaching faculty recently appointed may serve only one more term of a specified period not exceeding three years pursuant to the Supreme Court Regulations.

(3) The retirement age for the full-time teaching faculty shall correspond to that for judges. With regard to sanctions or penalties, the Discipline of Judges Act shall apply mutatis mutandis. In such cases, references to "judges" in the Discipline of Judges Act shall be construed to include "the full-time teaching faculty".

(4) With regard to job titles of the teaching faculty, their appointment, etc. necessary matters shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 74-3 (Visiting Professors)** (1) Any person who is qualified as an attorney-at-law (including those who are qualified as foreign attorneys-at-law) or who is recognized as having specialized knowledge and experiences necessary for a particular subject may be appointed as a visiting professor.

(2) With regard to the appointment procedures of visiting professors, their terms and conditions of appointment, and services pursuant to paragraph (1), necessary matters shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 74-4 (Dispatch of Some Staff to Serve as Professor)** (1) Upon request by the Director of the Judicial Research and Training Institute, the Minister of the National Court Administration may request that government agencies, public institutions, educational establishments, research institutes, or other relevant bodies dispatch their staff to serve as a professor.

(2) For those who are dispatched to the Judicial Research and Training Institute under paragraph (1), allowances provided in the Supreme Court Regulations may be paid.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 74-5 (Administrative Council of the Judicial Research and Training Institute)** (1) There shall be an administrative council at the Judicial Research and Training Institute for the deliberation of the purposes of legal training, curriculum, or other important matters prescribed by the Supreme Court Regulations for the administration of and education at the Judicial Research and Training Institute.

(2) The administrative council shall consist of members of not less than ten but not more than 15, whose terms shall be two years and shall be renewable.

(3) Matters necessary for the organization and operation of the administrative council shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 75 (Secretariat)** (1) A secretariat shall be established in the Judicial Research and Training Institute and sections shall be established in the Secretariat. The establishment of sections and division of duties to be carried out by the sections shall be prescribed by the Supreme Court Regulations.

(2) The chief of a bureau or section shall be appointed for each bureau or section.

(3) The chief of a bureau shall be appointed from among the court officials of Grade II or III, and the chief of a section, from among the court officials of Grade III, IV, or V.

(4) The chiefs of bureaus and sections shall be in charge of affairs of bureaus and sections under the order of their superior officers, and shall direct and supervise personnel under their control.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 76 (Delegated Matters)** While matters necessary for the appointment of trainees of the Judicial Research and Training Institute, traineeships, and remuneration of the trainees and other matters necessary for the operation of the Institute shall be prescribed by the Supreme Court Regulations, the autonomy of the education at the Institute and the neutrality of the Institute shall be ensured as much as possible.

[This Article Wholly Amended on Dec. 30, 2014]

### CHAPTER III THE JUDICIAL POLICY RESEARCH INSTITUTE

**Article 76-2 (Organization)** (1) The Judicial Policy Research Institute shall be comprised of one president, one chief research fellow, research fellows, and researchers.

(2) The president shall be in charge of affairs of the Judicial Policy Research Institute under the direction of the Chief Justice of the Supreme Court, and direct and supervise employees of the Institute.

(3) The chief research fellow shall assist the president and conduct the affairs of the Judicial Policy Research Institute, and where the president is unable to perform his/her duties due to any accidents or the occurrence of his/her vacancy, the chief research fellow shall act on behalf of the president.

(4) There shall be an office of the secretarial official to the president within the Judicial Policy Research Institute.

(5) The secretarial official to the president of the Judicial Policy Research Institute shall be appointed from among the court officials of Grade V or public officials in extraordinary civil service equivalent to those of Grade V.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-3 (President, etc.)** (1) The president of the Judicial Policy Research Institute and the chief research fellow shall be appointed by the Chief Justice of the Supreme Court from among judges or public officials in political service, with the consent of the Supreme Court Justices' Council.

(2) Research fellows and researchers (hereinafter referred to as "research fellow, etc.") shall be appointed by the Chief Justice of the Supreme Court or by the Chief Justice of the Supreme Court upon recommendation of the president of the Judicial Policy Research Institute, from among the following persons:

1. Judges;
2. A person qualified as an attorney-at-law (including those who are qualified as foreign attorneys-at-law);
3. A person who has acquired a bachelor's or master's degree and possesses the record of performance or experience prescribed by the Supreme Court Regulations;
4. A person who has acquired a doctoral degree.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-4 (Position, etc. of Research Fellows, etc. Who Are Not Judicial Officers)** (1) A research fellow, etc. who is not a judge (hereinafter referred to as "research fellow, etc. who is not a judicial officer") shall be deemed a public official in a fixed term position under Article 26-5 of the State Public Officials Act.

(2) Procedures and conditions of appointment of research fellows, etc. who are not judicial officers and other matters necessary for his/her work duties shall be prescribed by the Supreme Court Regulations.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-5 (Visiting Researchers)** (1) A person falling under any of subparagraphs 2 through 4 of Article 76-3 or a person deemed to have professional knowledge and experience in a special area may be appointed as a visiting researcher.

(2) Procedures and conditions of appointment of visiting researchers pursuant to paragraph (1) and other matters necessary for his/her work duties shall be prescribed by the Supreme Court Regulations.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-6 (Steering Committee of the Judicial Policy Research Institute)** (1) In order to review the important matters concerning operation and research of the Judicial Policy Research Institute, a steering

committee shall be established in the Judicial Policy Research Institute.

(2) The steering committee shall be comprised of nine committee members to be appointed by the Chief Justice of the Supreme Court, and their term of office shall be two years and they may be reappointed: Provided, That the majority of the members shall be appointed from among persons who are not judicial officers.

(3) Matters necessary for the organization and operation of the steering committee shall be prescribed by the Supreme Court Regulations.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-7 (Publication of Reports and Reporting to the National Assembly)** Every year, the Judicial Policy Research Institute shall publish an annual report containing the following year's plan for pursuing research and the performance of research of the year, and report it to the National Assembly.

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-8 (Provisions Applicable Mutatis Mutandis)** @Articles 74-4 and 75 shall apply mutatis mutandis to the Judicial Policy Research Institute. In such cases, "professor" shall be construed as "research fellow, etc."

[This Article Newly Inserted on Aug. 13, 2013]

**Article 76-9 (Delegated Matters)** Matters necessary for operation, etc. of the Judicial Policy Research Institute shall be determined by the Supreme Court Regulations.

[This Article Newly Inserted on Aug. 13, 2013]

## CHAPTER IV THE COURT OFFICIALS TRAINING INSTITUTE

**Article 77 (Organization)** (1) The Court Officials Training Institute shall have a Director, professors, and instructors.

(2) The Director shall be in charge of affairs of the Court Officials Training Institute under the direction of the Chief Justice of the Supreme Court, and direct and supervise personnel under his/her control.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 78 (Director, etc.)** (1) The Director of the Court Officials Training Institute shall be appointed from among judges or public officials in political service.

(2) Where a person who is not a judicial officer has become the Director of the Court Officials Training Institute, his/her remunerations shall be the same as those of the Vice Minister.

(3) Professors shall be appointed from among the court officials of Grade III or IV or public officials in extraordinary civil service equivalent to those of Grade III or IV.

(4) Instructors shall be commissioned by the Director of the Court Officials Training Institute from among those who have extensive knowledge and experience.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 79 (Provisions Applicable Mutatis Mutandis)** @Article 75 shall apply mutatis mutandis to the establishment, etc. of the secretariat of the Court Officials Training Institute.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 80 (Delegated Matters)** Matters necessary for the operation, etc. of the Court Officials Training Institute shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

## CHAPTER V THE SUPREME COURT LIBRARY

**Article 81 (Organization)** (1) The Director shall be appointed for the Court Library.

(2) The Director shall be appointed from among judges or court officials of Grade II or III.

(3) The Director shall be in charge of affairs of the Court Library under the direction of the Chief Justice of the Supreme Court, and direct and supervise personnel under his/her control.

(4) Matters necessary for the organization, operation, etc. of the Court Library shall be prescribed by the Supreme Court Regulations.

[This Article Wholly Amended on Dec. 30, 2014]

## PART VIII SENTENCING COMMISSION

**Article 81-2 (Establishment of Sentencing Commission)** (1) The Sentencing Commission (hereinafter referred to as the "Commission") shall be established in the Supreme Court in order to ensure the fair and objective sentencing in which the people can have their confidence, taking into account the sound common sense of the people.

(2) The Commission may set and change the sentencing criteria and study and deliberate on relevant sentencing policies.

(3) The Commission shall independently perform the work that belongs to its authority.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-3 (Composition of Commission)** (1) The Commission shall be composed of 13 members including one chairperson and one member who is not the chairperson among the members shall be a standing member.

(2) The chairperson shall be appointed or commissioned by the Chief Justice from among persons who have held the following positions for not less than 15 years:

1. Judges, prosecutors, and attorneys-at-law;
2. Persons who have been engaged in legal affairs while working for the State, local governments, national or public enterprises, public institutions provided in Article 4 of the Act on the Management of Public Institutions, and other corporations;
3. Assistant professors or higher in their ranks who have taught law in accredited universities.

(3) The following persons shall be appointed or commissioned as the members of the Commission by the Chief Justice of the Supreme Court:

1. Four judicial officers;
2. Two prosecutors who are recommended by the Minister of Justice;
3. Two attorneys-at-law who are recommended by the president of the Korea Bar Association;
4. Two professors of law;
5. Two persons with extensive knowledge and experience.

(4) The terms of office for the chairperson and the members shall be two years and may be reappointed or recommissioned.

(5) If a member falls under any of the following, the Chief Justice of the Supreme Court may remove or dismiss such member from his/her office:

1. Where a member is deemed unable to perform his/her duty for any unavoidable reason;
2. Where a member is deemed inappropriate to maintain his/her qualification as a member on the grounds of violating his/her duty.

(6) Where a person who has been appointed as a member while serving in the office of judicial officer or prosecutor resigns from his/her office, he/she shall be deemed removed from his/her office of member.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-4 (Duties of Chairperson)** (1) The chairperson shall represent the Commission and exercise overall control of the work of the Commission.

(2) Where the chairperson is unable to perform his/her duties on the grounds of inevitability, any standing member or any member who has been nominated beforehand by the chairperson shall act on behalf of the chairperson in performing the latter's duties.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-5 (Meetings of Commission)** (1) The chairperson shall convene the Commission's meetings and preside over the meetings.

(2) The Commission shall resolve with the consent of a majority of its registered members.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-6 (Setting, etc. of Sentencing Criteria)** (1) The Commission shall set or change specific and objective sentencing criteria in order to help judicial officers figure out rational sentencing.

(2) The Commission shall comply with the following principles when it sets or changes the sentencing criteria:

1. The nature of crimes, the circumstances of crimes, and the extent of the responsibilities of defendants shall be reflected;
2. The general prevention of crimes, the prevention of defendants from committing crimes again and their return to society shall be taken consideration;
3. As long as there is no difference between the same kind of crimes and the similar kind of crimes in the sentencing elements that have to be taken into account, they shall not be differently handled in the sentencing of them;
4. The sentencing shall not be discriminated against defendants on the grounds of their nationalities, religions, conscience, social statuses, etc.

(3) The Commission shall take into account the following matters when it sets and changes the sentencing criteria:

1. The type and statutory punishment of crimes;
2. Circumstances that may add or mitigate the gravity of crimes;
3. The ages, characters and conducts, intelligence, and environment of defendants;
4. The relations with victims;
5. The motives, means, and results of crimes;
6. The circumstances after crimes;
7. The past records of crimes;
8. Other matters necessary to come up with the rational sentencing.

(4) The Commission shall publish the sentencing criteria.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-7 (Effect, etc. of Sentencing Criteria)** (1) Judicial officers shall respect the sentencing criteria when they choose the kinds of punishment and determine the periods of punishment: Provided, That the



sentencing criteria shall not have the legal binding power.

(2) Where any court hands down a judgment in deviation of the sentencing criteria, the court shall enter the grounds of its judgment in its written judgment: Provided, That the same shall not apply to a case where the court hands down any judgment according to the summary proceeding or the proceeding of summary judgment.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-8 (Cooperation, etc. of Related Agencies)** (1) The Commission may, if deemed necessary, require the related public officials or experts to attend a meeting to hear their opinions and may request the related state agencies, research institutes, organizations, or experts, etc. to submit data and their opinions and to offer their cooperation.

(2) The Commission may, it deemed necessary to perform its work, require the heads of the related state agencies, research institutes, organizations, etc. to dispatch their public officials and employees.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-9 (Clerical Work Body)** The Commission shall have a clerical work body to assist the performance of its work and provide working-level assistance.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-10 (Publication of Annual Reports)** The Commission shall publish the annual report every year, in which its work record of the relevant year and the plan to perform its work next year are contained and report such annual record to the National Assembly.

[This Article Newly Inserted on Jan. 26, 2007]

**Article 81-11 (Obligation of Confidentiality, etc.)** (1) The chairperson of the Commission, the members of the Commission, and the officers and employees of the clerical work body shall be prohibited from divulging confidential information that they have learned in the course of performing their duties. The same shall apply where they resign from their offices.

(2) The chairperson and members who are not public officials shall be deemed public officials in the application of the penalty provisions provided for in the Criminal Act and other Acts.

[This Article Wholly Amended on Dec. 30, 2014]

**Article 81-12 (Delegation Provisions)** (1) Necessary matters concerning the organization of the Commission other than the matters that are prescribed by this Act shall be prescribed by the rules of the Supreme Court.

(2) Matters necessary for the operation of the Commission other than the matters that are prescribed by this Act shall be prescribed by the resolution of the Commission.

[This Article Wholly Amended on Dec. 30, 2014]

## PART IX EXPENSES OF COURTS

**Article 82 (Expenses of Courts)** (1) Expenses of courts shall be appropriated independently in the national budget.

(2) The autonomy and independence of the Judiciary Branch shall be respected in formulating the budget of the courts.

(3) A reserve fund shall be made available for the expenses provided in paragraph (1).

[This Article Wholly Amended on Dec. 30, 2014]