

SUPREME COURT OF KOREA

FREEDOM
EQUALITY
JUSTICE



ABOUT THE COURTS

Courts can resolve all legal disputes in the Republic of Korea unless the Constitution specifies otherwise. One notable exception is when the Constitution grants jurisdiction to the Constitutional Court to determine specific constitutional issues. Another exception arises when the National Assembly is empowered to assess the qualifications of its members and take disciplinary actions against them.

The Korean court system manages various legal matters, including real estate transactions and registering movable and immovable properties. The courts also oversee issues related to mortgages, family law, the administration of public depositories, and the appointment of judicial scriveners and enforcement officers.

The Korean judiciary is structured in three primary levels: district courts, high courts, and the Supreme Court. These general courts form the core of the nation's three-tier judicial system. The Supreme Court, Korea's highest court, holds final appellate jurisdiction. In addition to these general courts, Korea also operates specialized courts, including the Intellectual Property High Court, family courts, administrative courts, and bankruptcy courts.



CITIZEN PARTICIPATION IN TRIALS

In 2008, the "Citizen Participation in Trials" system was introduced into the Korean legal framework, allowing citizens to serve as jurors. This system is unique because the jury renders its verdict independently of the judge and may provide sentencing input. However, if the jury fails to reach a unanimous verdict, they must consider the judge's assessment of the evidence before re-evaluating their decision. If unanimity is still not achieved, the majority vote determines the verdict. Notably, under this system, the judge is not obliged to follow the jury's verdict or its recommendations on sentencing.

TYPES OF COURTS

THE SUPREME COURT



The Supreme Court, the highest court in Korea's judicial branch, serves as the court of last resort. It reviews appeals from the high courts, the Intellectual Property High Court, and appellate panels of district courts in civil, criminal, administrative, insolvency, patent, domestic, and family cases. In certain situations, the Supreme Court may also review decisions from district courts through extraordinary appeals.

The Supreme Court hears cases as a full court (*en banc*) or in a panel of three or more Justices. Each panel, known as a petit bench, consists of four Justices and the court operates three such panels. Typically, a panel first hears

a case, which must reach a unanimous decision. If the panel fails to do so, the full court reviews the case. In full court sessions, the Chief Justice presides, and at least two-thirds of the Justices must be present. Decisions are reached by majority vote.

HIGH COURTS



The high courts in Korea are in six major cities: Seoul, Daejeon, Daegu, Busan, Gwangju, and Suwon. To enhance access to justice, additional high court benches have been established in Chuncheon, Cheongju, Changwon, Jeonju, Incheon, Ulsan, and Jeju Province.

DISTRICT COURTS

There are 18 district courts nationwide, each with an administration bureau responsible for managing judicial administrative affairs. Branch or municipal courts may also be established under a district court; currently, 42 branches operate nationwide. District and branch courts have original jurisdiction to hear civil and criminal cases. Typically, a single judge presides over these trials. However, for cases deemed more significant by law, a panel of three judges will hear the case.

SPECIALIZED COURTS

Intellectual Property High Court

The Intellectual Property High Court is the sole specialized high court within the Korean judicial system. It holds exclusive appellate jurisdiction over civil actions related to intellectual property (IP) rights, including actions seeking injunctions or compensation for damages. Highly technical matters are referred to

technical examiners with experience in various scientific fields. If a party wishes to appeal a decision made by the court, they may do so to the Supreme Court. The IP High Court is located in Daejeon.

International Divisions have been established at the Seoul Central District Court and the Intellectual Property High Court. In these divisions, parties may present their cases or examine witnesses in a permitted foreign language without translating their briefs or exhibits. The court provides simultaneous or consecutive interpretation free of charge, eliminating the necessity for parties to hire their interpreters.

Family Courts

Family courts are in Seoul, Busan, Daejeon, Daegu, Gwangju, Incheon, Ulsan, and Suwon. These courts have exclusive jurisdiction over domestic relations and juvenile delinquency cases. In areas without family courts, district or branch courts assume their responsibilities.

Administrative Court

The Seoul Administrative Court, established in 1998, is the only administrative court in Korea with jurisdiction over Seoul. In regions lacking an administrative court, district courts fulfill the role of administrative courts. These courts manage cases related to tax, eminent domain, labor, and other administrative matters.



Bankruptcy Courts

In 2017, the Seoul Bankruptcy Court was established as Korea's first specialized court dedicated exclusively to cases related to rehabilitation and bankruptcy. Subsequently, the Suwon Bankruptcy Court and the Busan Bankruptcy Court were established in 2023. The creation of these courts is expected to enhance public confidence in judicial proceedings and significantly reinforce the rule of law in debt restructuring and personal debt adjustment procedures.

SUPREME COURT ORGANIZATIONS

NATIONAL COURT ADMINISTRATION



The National Court Administration (NCA) is an internal organization responsible for overseeing the administrative affairs of the Korean judiciary under the direction and supervision of the Chief Justice. The Chief Justice appoints both the Minister and the Vice Minister. The Minister is selected from among the Justices, while the Vice Minister is typically a chief judge. The Minister of the NCA, a Justice of the Supreme Court, oversees all administrative matters related to the judiciary, with the Vice Minister assisting in these duties. The Council of Supreme Court Justices must approve significant issues concerning court administration. The NCA currently employs 956 individuals, including twenty-one judges.

JUDICIAL RESEARCH & TRAINING INSTITUTE

Since its establishment in 1971, the Judicial Research and Training Institute (JRTI) has focused on educating judges and judicial trainees. Most of its professors are judges. The Institute offers training programs for judges and newly appointed judges with legal experience, as well as various programs for judicial researchers and assistant officials. These programs equip participants with the necessary skills and values for effective performance. Additionally, the JRTI publishes practical guidelines for trials, supports other educational programs, and conducts legal education projects to raise public awareness of justice. The International Judicial Cooperation Center (IJCC), established in 2013 under the JRTI, focuses on capacity-building projects for developing nations, training programs for foreign judges, and collaborations with international judicial training institutions.



JUDICIAL POLICY RESEARCH INSTITUTE

The Judicial Policy Research Institute (JPRI), established in 2014, aims to enhance the efficiency and effectiveness of judicial and trial systems. Composed primarily of judges, the Institute conducts research projects that inform and influence the future direction of the judiciary. The JPRI regularly publishes these studies and consists of four divisions: the Future and Unification Judiciary Center, the Integrated Judicial

Center and Legal Education Center, the Foreign Judicial Center, and the Judicial System Center. Additionally, the JPRI frequently hosts seminars, symposia, and international conferences on pertinent judicial policymaking issues.

TRAINING INSTITUTE FOR COURT OFFICIALS

The Training Institute for Court Officials (TICO) is responsible for planning and providing training and development programs for court officials, enforcement officers, and other judiciary staff as deemed necessary by the Chief Justice. TICO offers three main training programs: Training Education Program includes leadership training for Chiefs, newly appointed Directors, current Directors, court officials promoted to Grade V, training for the Director of the Criminal Affairs Division, and other specialized training; the Job Training Program provides introductory and professional courses for court officials; and the Special Training Program focuses on theoretical and information technology training.

COURT LIBRARY



The Court Library manages and facilitates access to judicial resources for research purposes, including judicial decisions, statutes, legal materials, and historical data. In 2018, the Court Library relocated from the Supreme Court building to the JRTI building in Ilsan, where it opened Beopmaru to expand nationwide service. The library offers an extensive collection of 500,000 volumes across two locations: the main Beopmaru space in Ilsan and the Supreme Court Reading Room branch. Furthermore, under the Court Library's supervision, nationwide court libraries collectively hold approximately two million volumes, ensuring comprehensive legal research and scholarship resources.

The Court Library plays a crucial role in preserving our legal heritage by collecting valuable research materials and various administrative artifacts related to Korean judicial history. These include rare documents, historical records, and artifacts that provide a unique insight into our legal growth. Special exhibitions showcasing these treasures are held every other year, offering a unique opportunity to connect with our legal traditions and history.

SENTENCING COMMISSION

The Sentencing Commission is an independent body affiliated with the Supreme Court, established on April 27, 2007. Its primary objective is to ensure a fair and impartial sentencing process perceived as free from bias. The Commission is responsible for creating or modifying sentencing guidelines, researching relevant sentencing policies, and deliberating on these matters.

INSPECTOR GENERAL OF JUDICIAL ETHICS

The Inspector General of Judicial Ethics is an administrative body reporting to the Supreme Court. Its primary responsibility is to oversee the inspection of judicial activities, excluding inspections related to judicial services, as specified in Article 5 of the Regulation on Handling Judicial Services of the Court.

WHO ARE THE JUDICIARY

JUSTICES



The Korean Supreme Court consists of the Chief Justice and 13 Justices. The Chief Justice, appointed by the President and confirmed by the National Assembly, serves a six-year term with a mandatory retirement age of 70. One of the 13 Justices concurrently serves as the Minister of National Court Administration, overseeing the administrative functions of the judiciary. Justices do not participate in Supreme Court proceedings during their term as Ministers.

JUDGES

Judges are selected from a pool of legal professionals with specific years of experience. The qualification requirement has increased over time. To qualify as a judge in Korea, candidates must have gained at least three years of legal experience from January 1, 2013, to December 31, 2017, which was increased to a minimum of five years from January 1, 2018, to December 31, 2024. There are 3,150 judges, including the Chief Justice, research judges of the Supreme Court, and professors from the Judicial Research and Training Institute. Judges typically rotate their positions among the courts every two to three years and are qualified to handle criminal, civil, and administrative cases, among others, until they reach the mandatory retirement age of 65.

COURT OFFICIALS

Court officials oversee various duties, including judicial administration, technical examination, technical affairs, and operational management. The judicial administration category is divided into subcategories: court affairs, registration affairs, examination affairs, information technology, statistics, court security, library services, interpretation, administrative affairs, stenography, security management, and emergency preparation. Court officials are ranked from Grade I to Grade IX based on job responsibilities, with selection based on performance in civil service examinations.

JUDICIAL RESEARCHERS

Judicial researchers review cases filed with the Supreme Court. These professionals may be judges or legal professionals. There are sixty-nine judicial research judges and thirty-two judicial researchers at the Supreme Court.

LAW CLERKS

Law clerks are qualified legal professionals with law degrees who research case hearings and trials. They are fixed-term court officials employed for a maximum of three years.



TECHNOLOGY IN COURTS

The Korean judiciary has implemented computerized court management systems to create a more efficient and transparent judicial system. Critical components of this initiative include an independent judicial web portal, a comprehensive legal information system, online access to judgments, a case search service,

online registration information, court auction information, electronic registration of family relations, and an electronic deposit system. These systems provide convenient and accessible access to court services and information for the public.



Furthermore, comprehensive security measures have been established to ensure the safety and continuity of information systems. In July 2021, the Supreme Court's Registration IT Center commenced operations in Sejong, marking the establishment of the second IT center by the Korean judiciary, with the first located in Bundang. Establishing these centers allows for a joint backup system that provides a data restoration plan in the event of data loss at one of the centers.

Electronic litigation, or e-litigation, enables litigants to file complaints, receive service of litigation documents, and access case documents via an electronic platform, eliminating the need for physical court visits. This process reduces costs and facilitates faster access to judicial services. The scope of electronic litigation has expanded to include civil cases, family matters, administrative proceedings, application cases, bankruptcy proceedings, and enforcement cases, excluding criminal cases. The proportion of civil cases filed electronically has steadily increased, reaching 87.2% in 2023, while 95% of intellectual property cases were filed electronically in the same year. The Korean judiciary is preparing for the full-scale adoption of electronic litigation services for

criminal cases, with twelve district courts already introducing an electronic summons system. A complete electronic litigation system for criminal cases will be phased in by 2025.

INTERNATIONAL WORKS

The Korean judiciary is committed to fostering international judicial collaboration and exchanges across diverse legal systems. Strong ties have been established through close partnerships with judiciaries and international organizations worldwide, expanding our network. These exchanges reflect our commitment to pursuing common legal values and upholding the rule of law. The Korean judiciary actively engages in international judicial exchanges, contributing to the global community.

The Korean Supreme Court collaborates with various international organizations, including the International Association of Supreme Court Judges, the International Institute of Higher Studies in Criminal Sciences, and the International Association of Judges. Korea's participation in international events and conferences facilitates mutual learning, sharing best practices, and enhancing its legal systems.





SUPREME COURT
OF KOREA