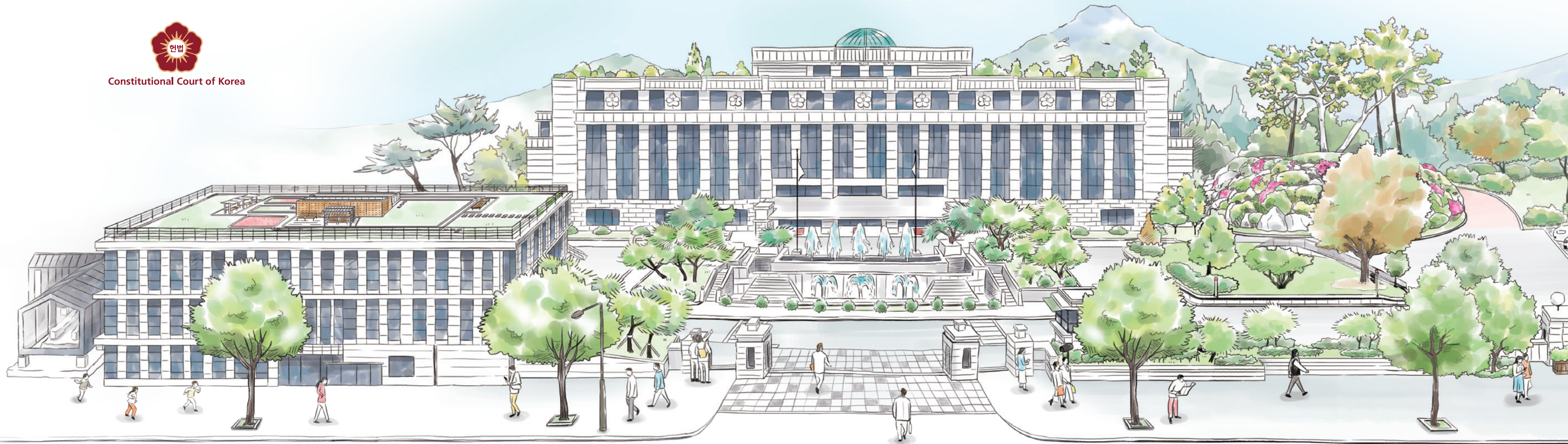


Constitutional Court of Korea

Constitutional Court of Korea



The Constitutional Court of Korea is always with the Korean people, as an organ protecting the peoples' basic rights and safeguarding justice



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History of Constitutional Adjudication



- President, Constitutional Court(2018)
- Justice, Constitutional Court
- Chief Judge, Gwangju High Court
- Chief Judge, Seoul Northern District Court

| A Message From the President

Founded in 1988 in response to the Korean people's strong longing for a true democracy, the Constitutional Court of Korea has been steadfast in safeguarding basic human rights by delivering more than 40,000 decisions. The Court's endeavors laid the groundwork for democracy through the rule of law to fully flourish in Korea. With its accomplishments accumulated over the last thirty years, the Constitutional Court will remain committed to truly embracing the spirit of the Constitution in the people's everyday lives.

Together with the People, Constitutional Court will Realize Constitutional Values

Political, economic and cultural landscape in Korea has matured by leaps from the time when the Court was established in 1988. In the process, the Court has strived to give life to the Constitution which embodies the will and aspiration of the people. Currently, Korea is facing an array of new challenges: the rise of information technology and artificial intelligence affecting our industry and society; low birthrate and population aging that results in a demographic shift; income inequality as well as intensified climate change.

Drawing from the rich experience and legacy built together with the people, the Constitutional Court pledges to thoroughly examine issues of the new era according to the values of the Constitution. We will continue to produce decisions serving as a guide to the future, so as to contribute to the betterment of people's everyday lives in this world of new challenges.

We Pledge to Stay Open-Minded and Pay Heed to the Voice of the Public

The Constitutional Court's primary mission is to justly instill, in the people's everyday lives, the universal constitutional values of human dignity, freedom, and equality enshrined in the Constitution. To this end, the Court should take societal change into account and explore zeitgeist. Members of the Court will keep eyes and ears wide open to fully reflect the change and pay heed to the voice of the public.

All members of the Constitutional Court will remain devoted to earning the trust of the people by rejuvenating the spirit of the Constitution. For the Court to righteously fulfill, for the people, its authority of constitutional adjudication bestowed by the people, we look forward to your continued support and encouragement.

President of the Constitutional Court of Korea

Namseok Yoo

Justices

The Constitutional Court comprises nine Justices



Justice

Lee Seon-Ae

- Justice, Constitutional Court (2017)
- Constitutional Rapporteur Judge, Constitutional Court
- Judge, Seoul High Court
- Judge, Daejeon District Court

Bearing in mind the importance of open-mindedness and impartiality, I will do my utmost to realize a society where human dignity and value is fully represented.



Justice

Lee Suk-Tae

- Justice, Constitutional Court (2018)
- Chairman of the Special Investigation Commission for 4.16 Sewol Ferry Disaster
- President of MINBYUN-Lawyers for a Democratic Society
- Chairman of the Human Rights Affairs Committee of the Korean Bar Association

I will be committed to protecting and promoting the human rights of the vulnerable and minority as well as realizing social justice and improving democracy based on protection of the constitutional order and respect for international human rights law.



Justice

Lee Eunae

- Justice, Constitutional Court (2018)
- Chief Presiding Judge (acting), Seoul Family Court
- Presiding Judge, Jeonju Office, Gwangju High Court
- Presiding Judge, Seoul High Court

I will devote myself to maintaining dignity and value of all people and future generation by holding in check power abuse of the state and listening carefully to the minority and vulnerable.



Justice

Lee Jongseok

- Justice, Constitutional Court (2018)
- Chief Judge, Suwon District Court
- Chief Presiding Judge, Seoul High Court
- Chief Presiding Judge, Bankruptcy Chamber, Seoul Central District Court

I will be committed to building a society that unites people beyond division and conflict; a society that fully respects human dignity and value; and, a society that keeps the spirit of the Constitution alive.

Justices serve renewable terms of six years

Justices



Justice
Lee Youngjin

- Justice, Constitutional Court (2018)
- Presiding Judge, Seoul High Court
- Professor, Judicial Research & Training Institute
- General Legal Counselor, Legislation and Judiciary Committee of the National Assembly

I will make the best efforts to ensure that people are always protected by the Constitution and the Court shows a right direction for our community by exploring the constitutional values and the zeitgeist as well as making neutral and balanced decisions.



Justice
Kim Kiyoung

- Justice, Constitutional Court (2018)
- Chief Presiding Judge, Seoul Eastern District Court
- Presiding Judge, Seoul Central District Court
- Presiding Judge, Seoul Southern District Court

Openly communicating with people with different ideas, I will help the Constitutional Court firmly stand to truly unite society with agreeable and balanced decisions that embrace diverse values.



Justice
Moon Hyungbae

- Justice, Constitutional Court (2019)
- Chief Judge, Busan Family Court
- Presiding Judge, Busan High Court
- Judge, Busan District Court

I want to contribute to making substantial and valid decisions at the Constitutional Court.



Justice
Lee Mison

- Justice, Constitutional Court (2019)
- Presiding Judge, Seoul Central District Court
- Presiding Judge, Suwon District Court
- Research Judge, Supreme Court

I will make every endeavor for all members of the society to have their dignity and value respected as human beings. I will also be committed to protecting the minorities and the vulnerable in the society from being left out by the majority.

Organization

President

The President of the Constitutional Court is appointed by the President of the Republic from among the Justices, with the consent of the National Assembly. He/she represents the Constitutional Court, administers the court affairs and directs and supervises public employees under his/her authority.

The President serves as the Chair of the Council of Justices, and the presiding judge of the Full Bench. He/she also has the authority to manage human resources of the Constitutional Court. In case the position becomes vacant due to an unforeseeable event, another Justice will serve as the acting president according to the rule set forth in the Constitutional Court Act. The treatment and remuneration of the President is the same as that of the Chief Justice of the Supreme Court.

Justices

The Constitutional Court is composed of nine Justices qualified to be court judges and appointed by the President. Among them, three Justices are appointed from persons selected by the National Assembly, and three appointed from persons nominated by the Chief Justice of the Supreme Court. The Justices exercise jurisdiction in judgments as a member of either the full bench or panel. As members of the Council of Justices, they exercise voting rights on important matters concerning the administration of the Constitutional Court. In the event the term of a Justice expires or a vacancy occurs during the term, his or her successor shall be appointed within 30 days from the date on which the term expires or the vacancy occurs. If the term of a Justice who was elected by the National Assembly expires or the vacancy occurs during adjournment or recess of the National Assembly, the National Assembly shall elect his or her successor

within 30 days from the commencement of the next session. The Justices may serve renewable terms of six years and shall retire at the age of 70. No Justice shall be removed from office against his or her own will, unless impeached or criminally sanctioned with a sentence of imprisonment. The treatment and remuneration of a Justice is the same as that of a Justice of the Supreme Court.

Rapporteur Judges

The Constitutional Court has rapporteur judges, the number of whom is specified in the Constitutional Court Act. They are engaged in investigation and research concerning the deliberation and adjudication of cases under the order of the Court President to assist and support Justices' case works. However, the President may appoint them to a position that does not entail investigation and research for the deliberation and adjudication of cases or have them hold that position in addition to the rapporteur judgeship.

Rapporteur judges are appointed by the President of the Constitutional Court based on a decision made by the Council of Justices from those falling under any of the following categories: a person who is qualified as a judge, prosecutor, or attorney-at-law; a person who has been in a position equal to or higher than an assistant professor of law in an accredited college or university; a person who has been engaged in legal affairs for five or more years as a public official of Grade IV or higher in state agencies such as the National Assembly, the Executive, or ordinary courts; a person who has obtained a doctorate in law and engaged in legal affairs for five or more years in state agencies such as the National Assembly, the Executive, ordinary courts,

or the Constitutional Court; and, a person who has obtained a doctorate in law and engaged in legal affairs for five or more years in accredited research institutes such as a college or university as stipulated by the Constitutional Court Act. The rapporteur judges may serve renewable terms of 10 years and shall retire at the age of 60. A newly appointed rapporteur judge shall serve assistant rapporteur judgeship for three years as a special public official before being appointed as a rapporteur judge in consideration of their performance during the period. The rapporteur judges are divided into two groups. One consists of those who are assigned to Justices and are responsible for preliminary review

of constitutional complaints and also cases allocated to the full bench. The other is composed of those not assigned to Justices and are separated into sub-groups of specialized fields.

Constitutional Researchers and Academic Advisors

The Constitutional Court employ those with doctoral degrees in law as constitutional researchers and have them investigate and research issues concerning the deliberation and adjudication of cases. Since September 2007, it has been appointing university professors as academic advisors for research and investigation on critical issues.

Council of Justices

The Council of Justices is the supreme decision making body regarding the administration of the Constitutional Court. It is composed of nine Justices with the President as the chair. A decision requires attendance of at least seven Justices and the majority vote. The President also has a right to vote. The matters decided by the Council of Justices include the establishment and revision of the Constitutional Court Act, filing a recommendation for legislation concerning the Constitutional Court to the National Assembly, budget request, expenditure and settlement of reserve funds, appointment and dismissal of the Secretary General, Deputy Secretary General, President of the Constitutional Research Institute, rapporteur judges and public officials of Grade III and higher. The Council also decides other matters brought up by the President.



Department of Court Administration

The Court's administrative affairs are managed and supervised by the Department of Court Administration. The Secretary General, under the direction of the President, oversees the administrative works of the Court, directs and supervises the public employees under his or her authority, and attends National Assembly sessions or cabinet meetings to make statements on the Court's administrative issues. The Deputy Secretary General assists the Secretary General and acts on behalf of the Secretary General if he/she is unable to perform his/her duties for reasons. The Department of Court Administration consists of the Planning and Coordination Office, the Judgment Affairs Office, the Administration Management Bureau, the Senior Advisor on Library Affairs and the Director General for Public Information Office. The Planning and Coordination Office is comprised of the Planning and Finance Bureau and the International Cooperation Bureau. The former Bureau is responsible for establishing major plans, budgeting and accounting, assessing and auditing works, enacting and revising the Court rules, and the latter Bureau is responsible for coordinating international relations and supporting the AACC related affairs. Judgment Affairs Office houses the Judgment Information Bureau and is responsible for improvement or development of the constitutional adjudication system, preservation and management of archives, operation of the Constitutional Court Exhibition, receiving and processing cases filed to the Court, civil service and release of information to the public, drafting and delivery of case-related documents and case statistics. The Judgment Information Bureau collects, publishes and manages materials regarding constitutional adjudication and oversees IT projects and information security. Administration Management Bureau is responsible for protocol, events, court buildings security, facility procurement, expenditure and management, expenditure budget, HR and training, buildings construction and facility operation, renovation and maintenance of court buildings. Senior Advisor on Library Affairs oversees Constitutional Court Library and research on materials in foreign language. Director General for Public Information Office produc-

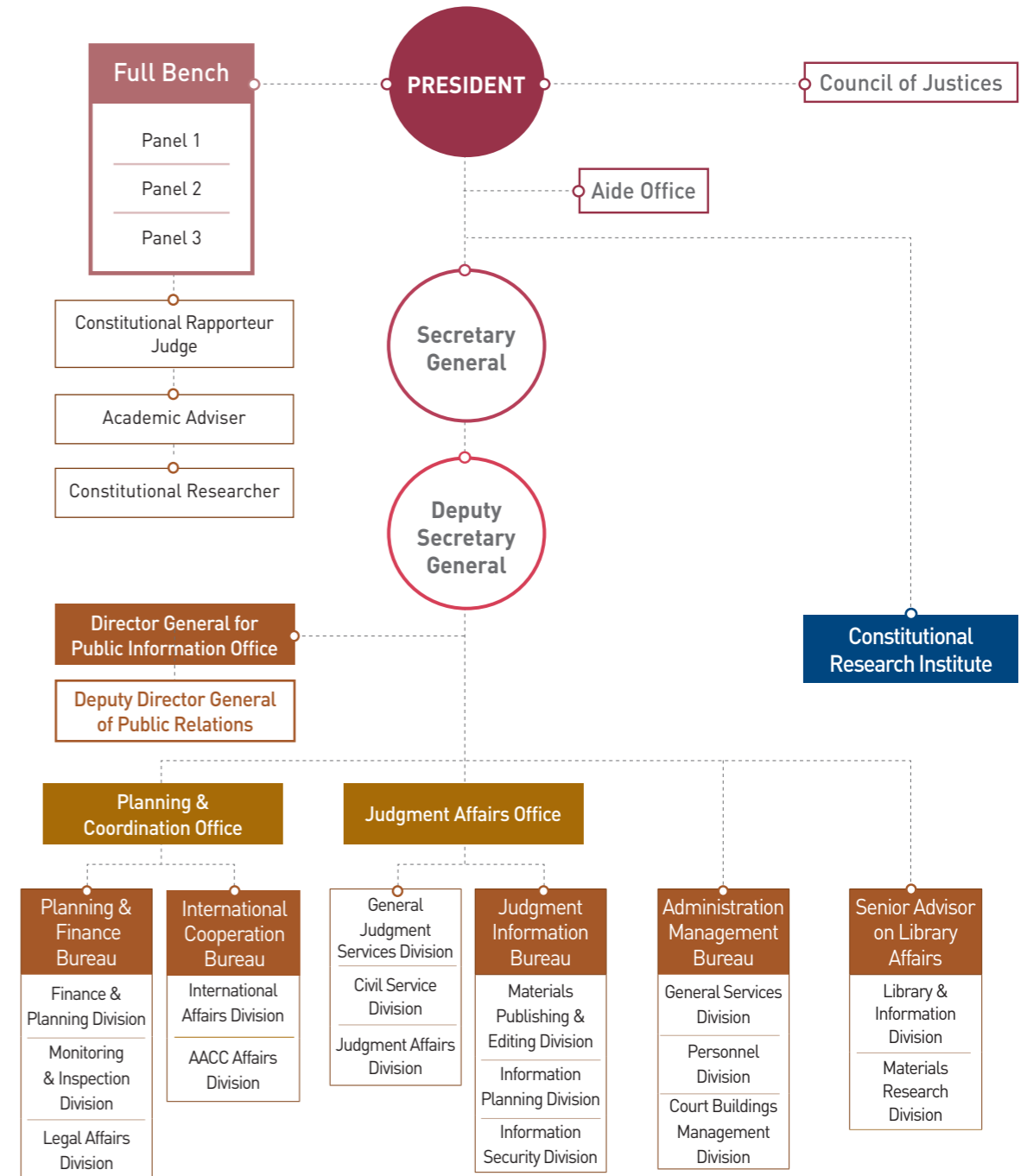
es and distributes news releases, provides information on cases and events, generates promotional materials and operates a courthouse tour program.

Constitutional Research Institute

The Constitutional Research Institute conducts studies and researches on the constitution and constitutional adjudication with a long term perspective to find ways to develop the Korean Constitution and constitutional adjudication system that meets the needs of the nation. It also provides constitutional education for people from all walks of life, including public employees and jurists. The Institution Research Team oversees long-term researches on the constitution and constitutional adjudication, constitutional studies for future reunification and cooperation and exchanges in and outside the country. The Basic Rights Research Team conducts researches and studies on constitutional issues involving basic rights, duties of citizens, etc. as well as constitutional review standards. The Comparative Constitutional Law Research Team analyzes cases and operation of foreign constitutional courts and equivalent institutions and international laws, regulations, and legislation related to constitutional justice. The Instruction Team builds plans for education and training, produces textbooks and provides education for public employees, jurists, law school students, etc. The Planning and Administration Division establishes, amends and manages all regulations under its control, publishes and distributes research outcomes and manages trainees and training sites.



Organization



History of Constitutional Adjudication



Constituent National Assembly (1948)

The First Constitution | The Constitution of the First Republic

Established and proclaimed on July 17, 1948, the First Constitution stated in Chapter 5, "When the constitutionality of a law is at issue in a trial, the court shall request a decision of the Constitutional Committee, and shall rule according to the decision thereof." It also stated, "The Constitutional Committee shall be composed of five Supreme Court Justices and five members of the National Assembly, with the Vice President as the Chairman of the Committee." At the time, the jurisdiction of the Committee was limited to adjudication on the constitutionality of statutes. For adjudication on impeachment, there was a separate organ, the Court of Impeachment. The Constitutional Committee operated for more than ten years but its activity was not significant. It made decisions on only six cases during its operation. Among the decisions, it ruled that Agricultural Land Reform Act Article 18-1, 24-1 and the Special Measure Decree on Punishment of Crimes under National Emergency Article 9-1 were unconstitutional.

1960 Constitution | The Constitution of the Second Republic

In 1960, the Constitution's Article 8 provided for a separate Constitutional Court. Nine justices were to be appointed with terms of six years: three Justices were appointed by the President, three by the Su-

preme Court, and three by the National Assembly. Unlike the preceding Constitutional Committee, the Constitutional Court was to be set up as a permanent institution. The Constitutional Court's jurisdiction included adjudication on the constitutionality of statutes, final interpretations of the Constitution, adjudication on competence disputes, adjudication on dissolution of a political party, impeachments, and litigations involving the election of the President, Chief Justice of the Supreme Court, and Justices. However, the Constitutional Court was never formed due to the 5.16 coup which took place only a month after the enactment of the Constitutional Court Act.

1962 Constitution | The Constitution of the Third Republic

In 1962, the Constitution entrusted adjudication on the constitutionality of statutes, adjudication on dissolution of a political party and election lawsuits to the Supreme Court. Impeachment was to be adjudicated by the Impeachment Committee, and there was no system to judge competence disputes. The Supreme Court ruled that the National Compensation Law's provisional clause under Article 2-1, and the Court Organization Act Article 59-1 were unconstitutional. It confirmed the constitutionality of Military Criminal Law Article 47, National Compensation Law Article 3, and National Security Law Article 4-1, capital punishment in criminal law, and limiting the object of rape to women.



Opening of the Constitutional Court (1988)

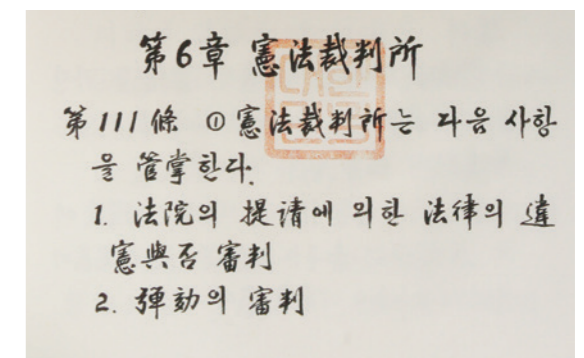
1972 and 1980 Constitution | The Yusin Constitution and Constitution of the Fifth Republic

The Yusin Constitution and the Fifth Republic Constitution set up the Constitutional Committee once again. Although it was endowed with the jurisdiction to judge constitutionality of statutes, impeachments and dissolution of a political party at the request of the courts, the power was in name only, as no judgments were made during this period.

1988s | Foundation of the Constitutional Court

In response to the citizens' strong aspiration for democracy and assurance of basic rights, the ruling party and the opposition party agreed to provide for the establishment of a Constitutional Court in the revised Constitution proclaimed on October 29, 1987. Finally in Chapter 6 Articles 111 through 113, it bestowed upon the Constitutional Court the adjudication on constitutionality of statutes, impeachments, dissolution of a political party, competence disputes and constitutional complaints. On August 5, 1988, as provided in Article 113-3 of the Constitution, the Constitutional Court Act was proclaimed,

which outlined provisions needed for the organization and management of the Constitutional Court. On September 15, 1988, the first nine Justices were appointed, and the Constitutional Court came into being for the first time in the history of Korea. The current Constitution ascribes all jurisdictions regarding the Constitution to the Constitutional Court. In particular, the introduction of the constitutional complaint, a system developed in European countries such as Germany that allows a citizen to petition directly to the Court on infringement of basic rights, is a symbol of the constitutional spirit that emphasizes the peoples' basic rights, and an important event in the history of Korean constitutionalism.



Chapter 6 of the Constitution (on the Constitutional Court)

The Constitutional Court of Korea
embodies the constitutional value
of realizing justice and national
integration



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Constitution and Constitutional Adjudication

The Constitution is the supreme law in Korea, which sets forth the basic values and order of the nation and defines the governing organization and principles to fully guarantee each person's basic rights. Therefore, no public power shall violate the Constitution. Yet there are cases where actions taken by governmental power including those by the legislature are held to violate the Constitution.

The constitutional adjudication system protects the constitutional order by deciding on such constitutional conflicts, based on the principles of the Constitution. The constitutional adjudication system serves as the most important means to protect the Constitution by guaranteeing the people's basic rights from the abuse of public power and mandating the political power to function within the boundaries of the Constitution. Therefore, it is recognized as an indispensable component of national governance along with the representative system, separation of powers, election system and local self-governing system. It also helps realize the substantive rule of law by subjecting governmental power to the constitutional basic rights and requiring procedural legitimacy in exercise thereof.



Status

The Constitution guarantees independent status and power of the Constitutional Court in a separate chapter apart from the Legislative, the Executive and the Judiciary. According to separation of powers, the Court exercises its authority given by the Constitution along with the National Assembly, President and the Supreme Court, making it on a par with the other supreme institutions of the nation.

The Last Resort for Constitutional Disputes

The Constitutional Court has jurisdiction over constitutional review of statutes, constitutional complaints, competence disputes between governmental entities, impeachment of high-ranking governmental officials and dissolution of political parties. A decision of the Constitutional Court on the above issues binds all state agencies and local governments, and cannot be appealed.

Guardian of the Constitution

The Court protects the Constitution through legal procedures. In the course of adjudication on the constitutionality of statutes, impeachment, dissolution of a



political party, competence disputes and constitutional complaints, the Court interprets and applies the Constitution to resolve constitutional disputes and prevent its violation.

Protector of the Basic Rights

The Court assures the basic rights of the people. When a basic right is infringed upon by the exercise or non-exercise of the government power, the Court declares such use of government power unconstitutional, thereby protecting the basic right. In case a statute is deemed to infringe upon the basic right, the Court rules the statute unconstitutional, invalidating it to guarantee the basic right.

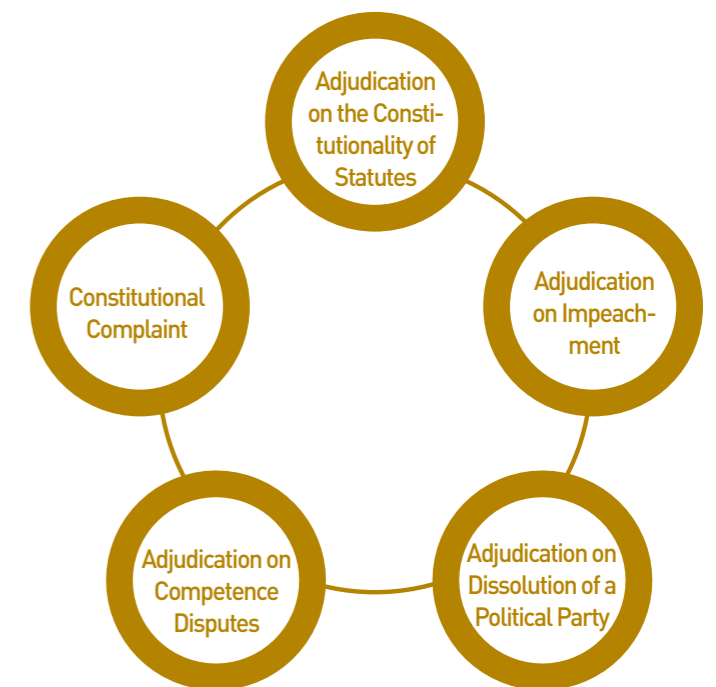
Keeping Public Authorities in Check

If the legislature enacts a statute which is deemed unconstitutional, the Court declares the statute void through judgment on the constitutionality of statutes. It can decide whether to impeach high ranking officials of the Executive or Judiciary branches who have abused the public power. It can also order dissolution of a political party if the party acts against the basic order of democracy.



Jurisdiction

In accordance with Article 111 Section 1 of the Constitution, the Constitutional Court has jurisdiction over five areas: a) judicial review of statutes requested by ordinary courts, b) impeachment, c) dissolution of a political party, d) competence dispute between state agencies and local governments, and e) constitutional complaints (seeking remedy against the exercise or non-exercise of the public power or challenging the constitutionality of a statute as an appeal against an ordinary court's decision).



Adjudication on the Constitutionality of Statutes

This is a system that nullifies any statute that has been found unconstitutional by the Court. It is a core component of constitutional adjudication, by providing a mechanism to protect the Constitution against arbitrary legislation.



Causes for Request

When the issue of whether or not statutes are constitutional is the basis of the judgment of the original case, an ordinary court may request the Constitutional Court, ex officio or by decision upon a motion by a party, adjudication on the constitutionality of statutes.

Subject

The subject of adjudication on constitutionality includes statutes legislated by the National Assembly, as well as emergency presidential orders, treaties, and universally accepted international laws.

Request Procedure

The request on adjudication on unconstitutionality of statutes can be made by individual ordinary courts, but only through the Supreme Court. Should an individual wish to submit a motion to the ordinary court for request of a constitutional review, the motion must specify in writing: the case and the parties; the statute or any provision of the statute which is interpreted as unconstitutional; and, the reason it is interpreted as unconstitutional before submitting it to the court con-

cerned. The court's decision to accept or dismiss the motion is final and cannot be appealed. When an ordinary court requests to the Constitutional Court an adjudication on the constitutionality of statutes, the court's written request to the Constitutional Court shall include the following: the requesting court, the case and the parties; the statute or any provision of the statute which is interpreted as unconstitutional; reason it is interpreted as unconstitutional; and, other necessary matters.

Suspension of Proceedings

When an ordinary court requests to the Constitutional Court adjudication on the constitutionality of statutes, the proceedings of the court shall be suspended until the Constitutional Court makes a decision. If the court deems it urgent, however, the proceedings other than the final decision may continue.

Submission of Opinions

The parties to the original case and the Minister of Justice may submit to the Constitutional Court an amicus brief regarding constitutionality of the statute.

Decision and Effect

The Constitutional Court will decide the requested statute or any provision of the statute as unconstitutional, when it finds the request to have grounds. However, if it is deemed the whole statute becomes unenforceable due to the provision concerned being ruled unconstitutional, the whole statute can be declared unconstitutional. Depending on the content of the statute, the Constitutional Court may decide on the case as nonconforming to the constitution, unconstitutional in part, constitutional in part, as well as unconstitutional. The Court's decision of unconstitutionality shall bind the ordinary courts, other state agencies and local governments. Any statute or provision thereof decided as unconstitutional shall lose its effect from the day on which the decision is made. However, the statutes or their provisions relating to criminal penalties shall lose effect retroactively. If the statutes or their provisions had been previously held constitutional, they shall lose effect from the day after the decision upholding their constitutionality was made. A retrial may be allowed with respect to a conviction based upon the statutes or provisions on criminal penalties which have been decided as unconstitutional.

Adjudication on Impeachment

High ranking officials of the administration or judiciary, who are not subject to prosecution or disciplinary action under the general legal system, may be subject to impeachment adjudication. The National Assembly passes a motion for impeachment when officials whose status are guaranteed by statute are found to have committed a grave crime while performing their official duties, and the following impeachment decision removes the person(s) from office. This system protects the Constitution from being violated by such high ranking officials.

Impeachment Resolution and Impeachment Process

If the President of the Republic, the Prime Minister, members of the State Council or Ministers of Executive Ministries, Justices of the Constitutional Court, judges, members of the National Election Commission, Chairman or commissioners of the Board of Audit and Inspection, or other public officials designated by law violate the Constitution or other laws in the performance of official duties, the National Assembly may pass a motion for impeachment. When the impeachment bill is passed, the Speaker of the National Assembly shall send the original copy of the impeachment bill immediately to the Chair of the Legislation and Judiciary Committee of the National Assembly, who is the impeachment prosecutor. The impeachment prosecutor shall request adjudication by presenting the bill to the Constitutional Court. No person against whom the impeachment bill is passed shall

exercise his or her power until the Constitutional Court makes a decision.

Proceedings

The impeachment adjudication proceeds with the hearings. If a party fails to attend a hearing, a new schedule shall be arranged. If the party fails to attend the rescheduled hearing, the adjudication can be carried out without his/her attendance.

Decision and Effect

When a request for impeachment is upheld, the Constitutional Court shall pronounce a decision that the respondent be removed from office. The decision of impeachment does not excuse the official from civil or criminal liability. An impeached official cannot serve as a public official for 5 years from the date of the impeachment decision.



Adjudication on Dissolution of a Political Party

A political party exercises great influence on the people's forming political will and intention. If its objectives and activities run counter to the basic order of democracy specified in the Constitution, the political party should be dissolved. This jurisdiction is assigned to the Constitutional Court to protect the Constitution as well as protect political parties from arbitrary decisions of the Executive.

Request of Adjudication

The Executive may file for adjudication on dissolution of a political party upon deliberation of the State Council, when it believes the objectives or activities of a political party run against the basic order of a democratic society. The written request for adjudication on dissolution of a political party including the political party requested to be dissolved and grounds of the request, should be sent to the Constitutional Court. When such request is made, the Court shall notify the National Assembly and the National Election Commission of the request and deliver the copy of the request to the respondent.

Effect of Decision

When such request is found to have grounds and is upheld, the Constitutional Court renders a decision ordering the party concerned be dissolved. The decision is not only meant for confirmation, but has formative force. The Constitutional Court shall serve an authentic copy of the written decision to the claimant and respondent and a duplicate to the National Assembly and National Election Commission. The decision to dissolve the party is executed by the National Election Commission according to the Political Party Act. The Commission must eliminate registration of the political party and announce it to the public immediately. The assets of the dissolved political party are reverted to the National Treasury. It is prohibited to make a party that has similar principles of the dissolved party, or a substitute party, and no political party is permitted to use the name of the dissolved political party.



Adjudication on Competence Disputes

When conflicts arise between state and local governments and agencies about the duties and authorities of each institution, it not only endangers the principle of checks and balances between public powers, but also risks paralyzing an important government function. As this may pose a threat to the basic rights of citizens, a systematic coordinating mechanism is required. The Constitution of Korea empowered the Constitutional Court to judge on conflicts between national institutions and local governments regarding competence and scope thereof, as part of a function to safeguard the Constitution.

Requirement of Request and Proceedings

The claimant may request adjudication on competence if the respondent's action or inaction, of which the competence or scope is in controversy, infringes or will very likely infringe on the claimant's competence granted by the Constitution or laws. The written request for adjudication on competence dispute shall include the following: the claimant and respondent, respondent's action or inaction which is the subject matter of the adjudication; reasons for the request; and, other necessary matters. The adjudication on competence dispute shall be requested within 60 days after the cause is identified and within 180 days after the cause occurs.

Decision and Effect of Decision

The decision concerns whether the parties involved have the competence or the scope of competence. The Constitutional Court can decide whether to nullify a disposition of the respondent which was the cause of the competence dispute or confirm the invalidity of the disposition. When the Constitutional Court upholds the request for adjudication against non-action, the respondent shall make a disposition pursuant to the purport of the decision. The decision on competence dispute by the Constitutional Court shall bind all state agencies and local governments. However, the decision to nullify an action of a state agency or a local government shall not alter the effect which has already been given to the person whom the action is directed against in order not to cause confusion.

Types of Adjudication on Competence Disputes

Adjudication on competence dispute between state agencies

- Competence dispute between the National Assembly, the Administration, the Judiciary and the National Election Commission

Adjudication on competence dispute between a state agency and a local government

- Competence dispute between the administration and special metropolitan city, metropolitan city, special self-governing city, province or special province;
- Competence dispute between the administration and city, county or self-governing district

Adjudication on competence dispute between local governments:

- Competence dispute between special metropolitan city, metropolitan city, special self-governing city, province or special province;
- Competence dispute between city, county or self-governing district;
- Competence dispute between special metropolitan city, metropolitan city, special self-governing city, province or special province and city, county or self-governing district.



Courthouse lobby seen from the 5th floor

The courthouse is rotunda with its lobby vertically open up to its dome.

Constitutional Complaint

Constitutional complaint is a system where anyone whose basic rights guaranteed under the Constitution have been infringed upon by public authorities may seek relief by filing a complaint to the Constitutional Court. Both natural person and juridical person may lodge a constitutional complaint. While in other adjudications of the Court jurisdiction, the National Assembly, Administration, ordinary courts or local governments are the claimants, an individual becomes the claimant in a constitutional complaint to pursue direct remedy for basic rights infringement. Therefore, it is one of key mechanisms to assure the basic rights. With the introduction of the constitutional complain, democracy took an important step forward, and it also has contributed to promoting constitutional adjudications.

Types and Causes for Request

Constitutional Court Act Article 68-1

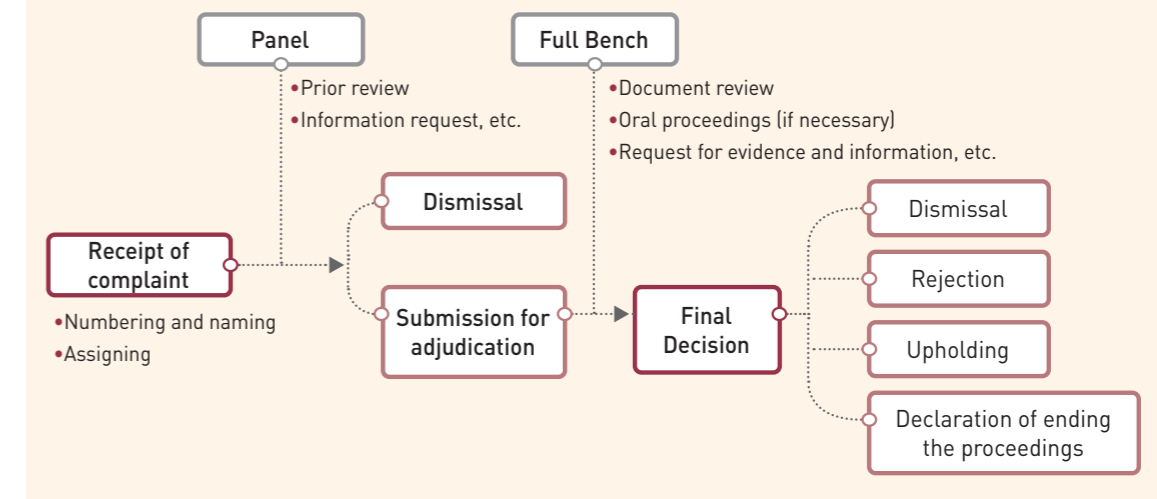
Any person whose basic rights guaranteed by the Constitution is infringed upon by exercise or non-exercise of the public authorities, excluding judgment of ordinary courts, may file a constitutional complaint with the Constitutional Court: if any remedy is provided by other laws, no one may file a constitutional complaint without having exhausted all such processes. The legislative power of the National Assembly is also a public power. Thus, a statute or non-exercise of power by the legislature that directly infringes upon the basic right is also subject to a constitutional complaint.

Constitutional Court Act Article 68-2

If the motion made under Article 41 (1) for adjudication on the constitutionality of statutes is denied, the party may file a constitutional complaint with the Constitutional Court. In this case, the party shall be precluded from filing a motion to request for review on the constitutionality of statutes for the same cause in the proceedings of the original case.



Flowchart of Constitutional Complaint



Time Limit for Filing

A constitutional complaint under Article 68-1 shall be filed within 90 days after the existence of the cause is known, and within one year after the cause occurs. If a remedy process according to other statutes has taken place, however, the constitutional complaint shall be filed within 30 days after the notification of the final decision. A constitutional complaint under Article 68-2 shall be filed within 30 days after receipt of the decision that a request for adjudication on constitutionality of statutes is dismissed.

Filing Procedure

A motion for a constitutional complaint under Article 68-1 shall include: the claimant and legal counsel; the basic right which has been allegedly infringed; the causes for infringement including exercise and non-exercise of the governmental power; reason for filing the complaint; and, other necessary matters. A motion for a constitutional complaint under Article 68-2 shall include: the claimant and legal counsel; the case in question and the parties; a statute or provision which is interpreted as unconstitutional; reason for such interpretation; and, other necessary matters. The motion must include a certificate of appointing a legal counsel or application for a court-appointed counsel.



Prior review

When a constitutional complaint is filed, one of the Panels consisting of three Justices conducts a prior review. In case of any of the followings, the Panel shall dismiss the motion with a decision of unanimity: the constitutional complaint is filed without having exhausted all the remedy processes provided by other laws, or is directed against the judgment of the ordinary court (except for cases in which the court applied the laws that the Constitutional Court declared as unconstitutional); a constitutional complaint is filed after expiration of the time limit; a constitutional complaint is filed without a counsel, or the court-appointed counsel; a constitutional complaint is inadmissible and the inadmissibility cannot be corrected. When the Panel does not reach a unanimous decision of dismissal, it shall decide to refer the motion to the Full Bench. When a dismissal is not decided within 30 days after request of adjudication on the constitutional complaint, it shall be deemed that a decision to transfer it to the Full Bench is made.

Presentation of Opinions

State agencies, public organizations that have an interest in adjudication on a constitutional complaint or the Ministry of Justice may present to the Constitutional Court an amicus brief on the adjudication. When a constitutional complaint prescribed in Article 68-2 is transferred to the Full Bench, the party and Ministry of Justice can submit to the Court an amicus brief on the adjudication.

Decision

Three types of decisions are made by the Constitutional Court; rejection, dismissal and upholding. Rejection is made when the request of adjudication does not have rationale; dismissal is made when the request was made unlawfully; and upholding is made when the request has reason. According to Article 68-1 of the Constitutional Court Act, if a request of adjudication was found reasonable, the Constitutional Court shall specify the infringed basic right and exercise or non-exercise of the governmental power that caused such infringement before cancelling the governmental power or holding such non-exercise unconstitutional. If the Court attributes the exercise or non-exercise of the governmental power to the statutes or provisions concerned, it can declare them unconstitutional. If a request of adjudication was found reasonable according to Article 68-2 of the Constitution Court Act, the Court shall declare the concerned statute or provision unconstitutional. If the unconstitutionality of a provision makes the whole statute unenforceable, the Court may announce the whole statute unconstitutional.

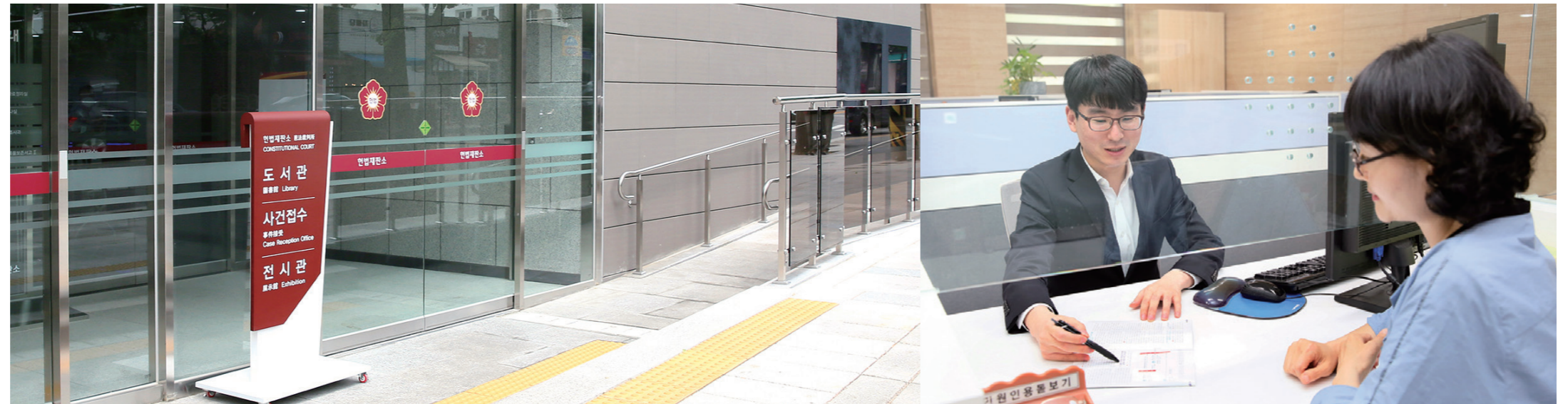
Effect of Decision

The Court's upholding decision on the constitutional complaint filed according to Article 68-1 shall bind all state agencies and local governments. When the Constitutional Court upholds the constitutional complaint against non-exercise of the public authorities, the respondent shall make a disposition pursuant to the purport of the decision.

The Court's upholding decision on the constitutional complaint filed according to Article 68-2 shall bind all ordinary courts, state agencies and local governments. The statute or provision found unconstitutional shall lose its effect from the date of the decision. When the constitutional complaint under Article 68-2 of the Constitutional Court Act has been upheld, the party may claim for a retrial with respect to a final judgment having applied the statutes or any of the provisions decided unconstitutional, whether criminal, civil or administrative. As a ruling of unconstitutionality regarding statute or provision on criminal penalties has effect retroactively, a person convicted based upon such a statute or provision may claim a retrial.

Procedure of Judgment

The process of adjudication begins when a petition is filed with the Constitutional Court. In the Full Bench, presence of seven or more Justices is required to review a case, and it takes a majority vote of the Justices participating in the final discussion for a decision. There are both oral and written arguments, and the Court, if necessary, can investigate the evidence or request information. The hearing and final decision shall be made within 180 days from filing of case.



Filing process

The request for an adjudication shall be made by submitting to the Constitutional Court a written request as prescribed for each matter to be judged, either in person, by post or via online and mobile phone (<http://ecourt.court.go.kr>). In the case of adjudication on the constitutionality of statutes, a written request by an ordinary court, and in the case of impeachment, an authentic copy of the impeachment bill passed by the National Assembly, is required. Evidence or other reference files may be attached to the written request. When the Presiding Justice believes that a request for adjudication fails to meet the prerequisites but can be corrected, he/she shall demand that the request be corrected within a reasonable time. When a correction is made, the corrected request shall be deemed to have been initially admissible. The respondent that received the request or corrected document can submit a response to the Constitutional Court.

Bench and Quorum

Full Bench

The Full Bench consists of all nine Justices. Unless provided otherwise in the Constitutional Court Act, all adjudications of the Court shall be assigned to the Full Bench. The President of the Constitutional Court shall

preside over the Full Bench, taking charge of the adjudication such as correction requests.

Panels

The Constitutional Court may establish Panels consisting of three Justices. Currently, the Court operates three Panels. The Panels are responsible for prior review of a constitutional complaint. They have the authority to dismiss a request for judgment on a constitutional complaint when they unanimously decide that the request is inadmissible.

Quorum

The Full Bench shall review a case with the attendance of seven or more Justices and make a decision on a case by the majority vote of Justices participating in the final discussion. However, six or more Justices' votes are required in cases falling under any of the following: a decision of unconstitutionality of a statute; impeachment; dissolution of a political party; upholding a constitutional complaint; and, overruling the precedent on interpretation and application of the Constitution or laws made by the Constitutional Court.

Unless a Panel unanimously decides to dismiss a constitutional complaint that is found inadmissible, they shall decide to transfer the case to the Full Bench. When a dismissal is not decided within 30 days after the request was made, it shall be deemed

that a decision to transfer it to the Full Bench has been made.

Exclusion, Recusal and Evasion

When the Justice is a party or relative of a party; when the Justice was involved in the case outside of the Constitutional Court by reason of his duties or profession, the Justice shall be excluded from the execution of the Justice's services. If it is found difficult to expect impartiality of a Justice in certain circumstances, a party may move to recuse the Justice. The Justice may evade the case with the permission of the presiding Justice when he/she has grounds for exclusion and recusal.

Parties

Claimants and Respondents

In a judgment at the Constitutional Court, the claimant is the party that requests adjudication of the Court on its initiative while the opposite party is called the respondent. Both parties have the right to express their opinions about procedural rights and the adjudication. They also have the right to submit substantive materials and state opinions and to participate in the argument and evidence examination to support their argument and claim.

Interested Persons and Reference Witness

The Full Bench, if necessary, can have a hearing to listen to the parties, interested persons and reference witnesses. The parties to the original case and the Minister of Justice may submit to the Constitutional Court an amicus brief for case on constitutionality review of statutes. Meanwhile, the parties to the original case, state agencies and public institutions involved, or the Minister of Justice can do the same for a constitutional complaint. Unless provided otherwise in the Constitutional Court Act, laws and regulations relating to civil litigation shall apply mutatis mutandis to the procedure for adjudication of the Court (Article 40 of the Constitutional Court Act) and, therefore, interested persons may participate in the adjudication.

Representation of the Executive and Impeachment Prosecutor

When the Executive is a party or an intervenor in a pending constitutional case, the Minister of Justice shall represent the Executive. In an impeachment case, the Chair of the Legislation and Judiciary Committee of the National Assembly shall serve as the impeachment prosecutor to request the adjudication and participate in the proceedings.

Compulsory Attorney Representation

In any proceeding, a state agency or local government which is a party may select an attorney or an employee who is qualified as an attorney as counsel and have him represent the proceeding. When a private person is a party in a proceeding, he shall be represented by an attorney, unless the private person himself is qualified as an attorney. In other words, the Constitutional Court procedure adopts the principle of compulsory attorney representation. In the event a private person has no financial resources to retain an attorney, he or she may request the Court to appoint a court-appointed counsel. When the Court deems the request meets requirements set by the Act or considers it necessary for the public interest, it may appoint a court-appointed counsel. The counsel fee will be paid from the National Treasury. These provisions are designed to prevent any indigent citizen from abstaining from making a complaint before the Constitutional Court, and thereby to complement the principle of compulsory attorney representation.

Proceedings

Oral Argument and Written Argument

The adjudication of impeachment, dissolution of a political party and competence dispute shall be conducted through oral arguments. The adjudication on the constitutionality of statutes or constitutional complaint shall be conducted through written arguments. If it is deemed necessary, however, the Full Bench may summon the parties, interested persons and reference witnesses for an oral proceeding.

Evidence Examination and Information Request

The Full Bench, upon motion by a party or ex officio, may examine evidence, which includes examination of the parties or witnesses, requesting submission of evidence and keeping it in custody, appraisal and inspection. It can also, by a ruling, make inquiries concerning facts necessary for judgment to other state agencies or public organizations or request them to send records or present materials. However, it cannot request any record on a case for which a trial, prosecution or criminal investigation is under way.

Venue and Disclosure of Proceedings

Oral argument of the adjudication and pronouncement of final decision shall be made in the courtroom unless the President of the Court deems it necessary to carry them out at a venue other than the courtroom. The oral argument of the adjudication and pronouncement of the decision shall be open to the public: any review of written documents and records as well as deliberation shall not be open to the public. If disclosing the proceedings is deemed to pose a threat to national security and order, it shall not be open to the public, as is the hearings of ordinary courts. The Presiding Justice shall keep order in the courtroom and preside over oral arguments and deliberations. When anyone in the courtroom interferes with maintaining order, the Court can rule to order imprisonment or punitive fees against the person.

Time Limit of Adjudication

The Constitutional Court shall pronounce the final decision within 180 days after receiving the case for adjudication. If attendance of seven Justices is impossible due to vacancies of Justices, the period of vacancy shall not be included in calculating the period of adjudication. The time limit is non-compulsory.





Decision and Expense, etc.

Final Decision

When the Full Bench concludes the hearing, it shall make a final decision. Upon making a final decision, the Justices involved shall prepare and sign a written decision stating the following matters: number and title of the case; the parties and their counsels; holding; rationale; and date of decision. They shall express their opinions on the written decision. The Constitutional Court shall serve immediately an authentic copy of the written decision to the parties. For adjudication on constitutionality of statutes, it shall serve the decision to the requesting court within 14 days after the decision was made.

Expense

The expenses for adjudication by the Constitutional Court shall be borne by the state: the expenses for evidence examination upon request of a party may be borne by the requesting party as prescribed in the Constitutional Court Rules. The Court may order a claimant of a constitutional complaint to pay a deposit as prescribed in the Constitutional Court Rules.

Ne bis in idem

The Constitutional Court shall not adjudicate the same case on which a decision has already been made.



Ten Steps of Light (Ha, Dong-Chul, 1992, 280 x 560cm)

Placed at the rear end of the grand courtroom, the image evokes a harmony of ten rays of light, symbol of hope, freedom, life, and truth. The rays of light, which flow from top to bottom, are meant as a message of hope for ultimate peace.

Constitutional Court and Ordinary Court

Ordinary courts do not have judicial power over matters decided by the Constitutional Court. Their interpretation and execution of laws should be consistent with the Constitution, and the law struck down by the Constitutional Court shall lose its effect.

Article 101-1 of the Constitution states "Judicial power shall be vested in courts composed of judges," giving comprehensive power of jurisdiction to the courts. On the other hand, Article 111 of the Constitution states special jurisdictions belonging to the Constitutional Court. Therefore, ordinary courts do not have jurisdiction over adjudication at the Constitutional Court.

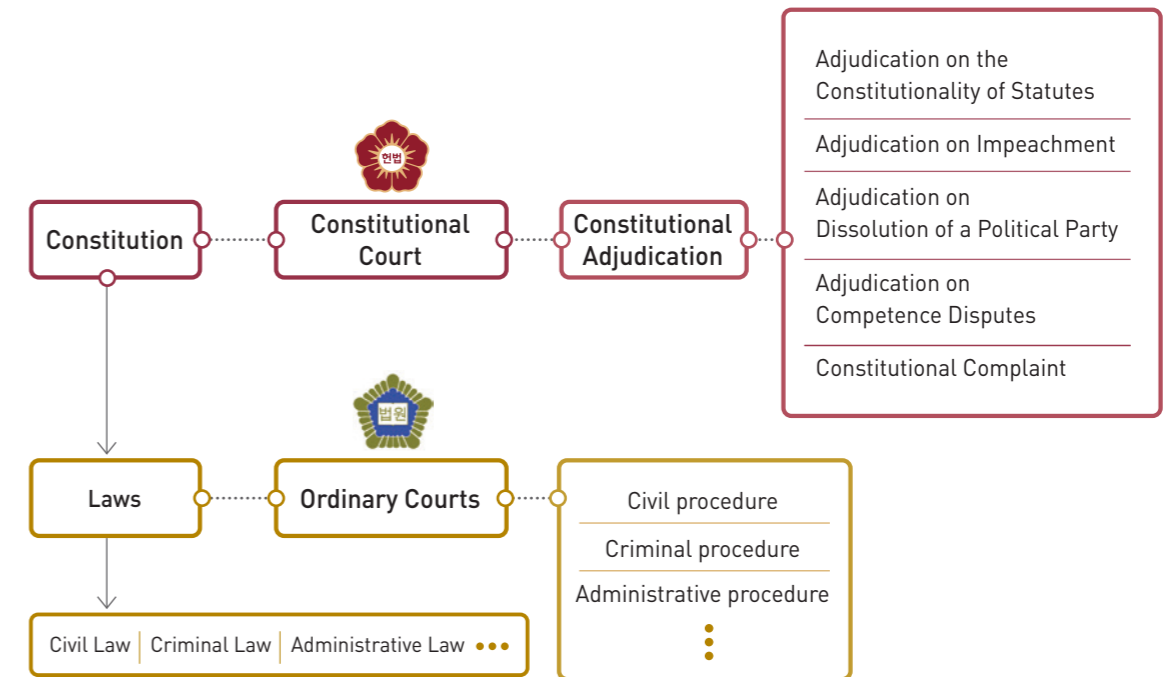
Article 107-1 of the Constitution clearly provides that, when the constitutionality of a law is at issue in a trial, the court shall request a decision of the Constitutional Court, and shall judge according to the decision thereof. According to the article, the courts cannot make judgments by themselves whether the statute in question is unconstitutional, suggesting their interpretation of statutes is exclusive of unconstitutionality review on statutes. The ordinary court shall first try to interpret and apply statutes for specific cases in ways that do not violate the Constitution. Second, if a statute is suspected to violate the Constitution in the process of applying it to the case, the ordinary courts shall suspend the procedures and request the Constitutional Court to adjudicate on the constitutionality of the statute. After the Constitutional Court's decision, they shall adjudicate pursuant to such decision.

Once the Constitutional Court has declared a specific law unconstitutional, the law loses its effect in accordance with Article 47 of the Constitutional Court Act. Accordingly, the ordinary courts can no longer apply the law to specific cases.

Constitutional complaint is meant to relieve anyone whose basic rights were infringed upon by the exercise or non-exercise of the public power. Therefore, it may come under conflict with administrative litigation that deals with the rights and interests of an individual infringed upon by illegal disposition of administrative authorities as well as the exercise or non-exercise of the public power.



Constitutional Court



For this matter, Article 68-1 of the Constitution Court Act allows filing a constitutional complaint only when all remedy processes provided by other laws are exhausted. As other laws in this article include administrative litigation law, a claimant shall first file the case to the ordinary courts for remedy; the Constitutional Court shall adjudicate on only those cases for which remedy processes are not provided by other laws.

The article also states that a judgment of the ordinary courts is not subject to a constitutional complaint and, accordingly, the Constitutional Court cannot rule on a constitutional complaint regarding the judgement of the ordinary courts. However, the judgment of the ordinary courts as mentioned above does not include the adjudication of the ordinary courts that has infringed upon the people's basic rights by having applied the statute the Constitutional Court has ruled unconstitutional. Thus, the Constitutional Court to this extent limits the court's judicial power indirectly. [9-2 KCCR 842, 96Hun-Ma172.173(consolidated) Dec. 24, 1997]



Supreme Court

The Constitutional Court of Korea
will protect the basic rights and
constitutional values, with its
door always open



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History
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Constitutional Court in the World

History



1988~

- Sep. 1988** 1988 The Constitutional Court Act takes effect; the Constitutional Court is established.
- Sep. 1988** 1st President Cho Kyu Kwang takes office.
- Jan. 1989** The Court delivers its first unconstitutionality ruling, striking down the proviso of Article 6 Section 1 of the Act on Special Cases concerning Expedition, etc. of Legal Proceedings granting the state's immunity from provisional execution. (88Hun-Ka7)
- Jun. 1993** New Courthouse in Jae-dong completed.
- Sep. 1994** 2nd President Kim Yong Joon takes office.
- Oct. 1996** Pre-censorship under the former Motion Pictures Act ruled unconstitutional. (93Hun-Ka13 etc.)
- Jul. 1997** Prohibition of marriage between couples of the same ancestral surnames under Article 809 Section 1 of the Civil Act ruled incompatible with the Constitution. (95Hun-Ka6 etc.)

1998~

- Aug. 1998** The Court opens its website.
- Sep. 1998** The Court marks its 10th anniversary.
- Dec. 1999** Giving extra points for discharged soldiers ruled unconstitutional. (98Hun-Ma363)
- Sep. 2000** 3rd President Yun Young Chul takes office.
- Jun. 2002** Ban on improper communication on the internet ruled unconstitutional. (99Hun-Ma480)
- May 2004** Petition for impeachment of former President Roh Moo Hyun rejected. (2004Hun-Na1)
- Oct. 2004** Relocation of the capital city case ruled unconstitutional. (2004Hun-Ma554 etc.)
- Feb. 2005** House head system ruled incompatible with the Constitution. (2001Hun-Ka9 etc.)
- Jan. 2007** 4th President Lee Kang Kook takes office.
- Nov. 2007** Hosts 5th Conference of Asian Constitutional Court Judges.



2008~

- Sep. 2008** The Court marks its 20th anniversary.
- Sep. 2008** Hosts International Symposium commemorating the 20th anniversary.
- Mar. 2010** Electronic case-filing system launched.
- Jan. 2011** The Constitutional Research Institute opened.
- Aug. 2011** Constitutional complaint against government's omission regarding the comfort women issue upheld. (2006Hun-Ma788)
- May 2012** Hosts Inaugural Congress of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)
- Mar. 2013** Emergency Measures No. 1, 2, 9 were ruled unconstitutional. (2010Hun-Ba70 etc.)
- Apr. 2013** 5th President Park Han Chul takes office.
- Sep. 2014** Hosts 3rd Congress of the World Conference on Constitutional Justice.
- Dec. 2014** Dissolution of a political party upheld. (2013Hun-Da1)
- Jul. 2016** Rejected the case on Improper Solicitation and Graft Act. (2015Hun-Ma236 etc.)
- Jan. 2017** The AACC Secretariat for Research and Development (SRD) is established.
- Mar. 2017** Impeachment of former president Park Geun Hye is upheld. (2016Hun-Na1)
- Oct. 2017** International Symposium of the AACC SRD (Justice-level) is held.
- Nov. 2017** 6th President Lee Jinsung takes office.
- Jun. 2018** Research Conference of the AACC SRD is held.



2018~

- Jun. 2018** Case on conscientious objectors ruled nonconformity to the Constitution. (2011Hun-Ba379 etc.)
- Sep. 2018** The Court marks its 30th anniversary.
- Sep. 2018** 7th President Yoo Namseok takes office.
- Feb. 2019** Memorandum of Understanding between the Constitutional Courts of the Republic of Korea and Dominican Republic is made.
- Mar. 2019** Memorandum of Understanding between the Constitutional Courts of the Republic of Korea and Russian Federation is made.
- Apr. 2019** Decision of nonconformity to the Constitution in the case on Abortion is made. (2017Hun-Ba127)
- Jun. 2020** Opens Constitutional Court Annex.
- Jan. 2021** Constitutional complaint challenging constitutionality of the Corruption Investigation Office for High-ranking Officials (CIO) rejected and dismissed. [2020Hun-Ma264 etc.]

Open Court

The Constitutional Court grows more committed to its duty and responsibility to protect the constitutional principles and values. Serving as the last bulwark that protects the basic rights of the people and also as a guide that addresses increasingly complicated social conflicts and confrontations, the Court is wide open to the public.



Civil Service Office

Civil Service Office

The civil service office, located at the Constitutional Court Annex, is responsible for dealing with people visiting the building as well as answering inquiries about cases received via calls, letters, the website and mobile web. As more people are aware of the Court, the visitors and inquiries also increase every year.



Library



Constitutional Court Exhibition

The Constitutional Court Exhibition, installed in 2020 along with the construction of the Constitutional Court Annex, is a place where people can take a look around at various exhibitions including the creation of the Constitution, history of the constitutional court, major decisions that captured national headlines and information about constitutional adjudicatory institutions around the world.



Constitutional Court Exhibition

Tour Program

The program includes a walk-around tour of the Grand Courtroom where historic decisions are made and the largest public library in Korea, and a video introduction of the Court. It also includes rapporteur judges' lectures on the Constitution, constitutional adjudication system and precedents with a Q&A session.



Tour of the Court

Constitutional Court Library

The Constitutional Court Library, the only library specialized in public law in Korea, was created along with the foundation of the Constitutional Court in 1988. It supports the constitutional adjudication and research activities efficiently. It also develops and operated various search and management systems to give the people better access to legal information. In 2020, the library was expanded and relocated to the Constitutional Court Annex.



Library Cafe



Grand Courtroom

Grand Courtroom

The Grand Courtroom where arguments and decisions are made accommodates 100 visitors. It applied a design of traditional Korean houses such as the column, rafter, windows and doors. In the rear end, there is an artwork named "Ten Steps of Light" by Ha, Dong-Chul representing hope and a bright future.



Auditorium

Auditorium

The auditorium with around 150 seats is used for many events such as international conference, symposium and seminar as well as special events.

Statue of Guardian of the Constitution

The bronze statue symbolizes a figure seeking constitutional order, truth and justice. In his right hand is a code of law on which a scale is engraved that represents truth and equality while the left hand is breaking off a chain that restricts freedom.



Statue of Guardian of the Constitution



Backyard

Garden

The Courthouse has gardens both in the front and backyard. In the front garden are a man-made three level pond and a fountain. Artwork made of granite relief stands at the center of the pond where water falls from the fountain. The lacebark pine, a Natural Monument, is in the backyard that neighbors the old house of the 2nd president of the country. It also has indigenous pine trees, flowers and trees that bloom and wither in different seasons. A man-made fall is also installed in the backyard, which uses the level difference of the natural terrain to make water flow from higher to lower ground.



Baeksong [Lacebark Pine in Jae-dong] [Natural monument no. 8]

Baeksong Rooftop Garden

This rooftop garden was created to celebrate the Court's 20th anniversary as part of the "green city" project of Seoul. It provides a resting area and also helps save the heating and cooling cost. It is also used as a place of ecoeducation for visitors. In 2020, an additional rooftop garden has been created at the Constitutional Court Annex.



Rooftop garden (Annex building)



Baeksong Rooftop garden (Main building)

Constitutional Court in the World

The Court has built a constitutional adjudication system of its own different from that of Germany and the US, which are considered the two prominent models of constitutional adjudication. This has helped the Court create another Korean wave and establish its global standing as a leading constitutional court.



Plenary Session of the Venice Commission

Venice Commission

Since its establishment in 1988, the Constitutional Court has made notable progress in international cooperation. It has worked to further cooperate and exchange with other constitutional courts and international organizations. The Court began its international cooperation activities by joining the Venice Commission, also known as European Commission for Democracy through Law in 2006. Since joining, the Court has been playing a pivotal role in the Commission, with one of its Justices elected as a bureau member of the Commission in 2009 as the president of the Joint Council on Constitutional Justice in 2014 and reelected as a bureau member in 2015 and 2017.

The 3rd Congress of the World Conference on Constitutional Justice

The Court caught global attention by hosting the 3rd Congress of the World Conference on Constitutional Justice in 2014. It invited 305 Chief Justices and Justices of 109 Constitutional Courts, Supreme Courts and other institutions from 92 countries and finished all sessions, ceremonies and various events with great success. The event provided an opportunity for the Court to become, from Asia's leading constitutional court, to a global constitutional court.



Plenary Session of the Venice Commission

History

Open Court

Association of Asian Constitutional Courts and Equivalent Institutions (AACC)

The Court took the initiative to establish the AACC in a bid to develop democracy, realize the rule of law and promote human rights in Asia. The Court was elected to hold the first presidency of the AACC that was founded in 2010. And the Court hosted the Inaugural Congress in Seoul in 2012 by inviting delegations of the AACC members and Constitutional Courts and related international organizations as well as prominent scholars.



The 3rd Congress of the AACC

AACC Secretariat for Research & Development (SRD)

The AACC SRD is a permanent secretariat that is responsible for research on the AACC members' constitutional adjudication system and theories. In conducting research and study, the AACC SRD hosted its first international symposium and research conference in October 2017 and May 2018 respectively.



Opening of the AACC SRD

Courthouses

Sep. 1988 Jeongdong Courthouse



At the time of establishment, the Constitutional Court rented an office of Jeongdong Building located in 15-5 Jeong-dong, Jung-gu, Seoul as its Courthouse on September 15, 1988.

Also called the Jeongdong Hall, the office had previously been occupied by the Constitutional Committee since January 26, 1978.

Dec. 1988 Euljiro Courthouse



The Court building was relocated from the small Jeongdong Courthouse to Euljiro Courthouse on December 27, 1988. The site of the Euljiro Courthouse at 40-3 Euljiro 5-ga, Jung-gu, Seoul, which was originally a high school under the Education Department of Seoul National University, was rented from the city of Seoul. The new office was a red brick building that had a tranquil and large garden with trees lined in front of the main building and a large ginkgo tree in the back, which added to the pastoral ambiance during fall.

Jun. 1993 Jaedong Courthouse



The new Courthouse was built at Bukchon-ro 15 (Jaedong 83), Jongno-gu, Seoul. The building, with five floors and one underground floor, stood on 16,808m² and opened on June 1, 1993. Finally the Constitutional Court secured its own office that matches the standing and role of the Court. The site is deeply historic as it used to seat the house of Hwanjae Park, Gyu-Soo(1807-1877), who was the second vice premier at the end of the Joseon Dynasty and a key member of the enlightenment movement. Afterwards, the missionary doctor Allen established the first general hospital of Korea, Gwanhyewon, (1885-1887) at the site. After the hospital, it was the seat of educational institutions including the Gyeonggi Women's High School and Changdeok Women's High School that nurtured many talents of the nation. At the site is a rare lacebark pine, which is designated as Natural Monument no. 8. The tree is estimated to be over 600 years old. The stone building was built in a neoclassicism style incorporating tradition with new technology. While maintaining a dignified exterior, the architecture employed as much natural material as possible, and is designed to enhance efficiency in using the building.

The magnificent stone building, in consideration of the symbolic significance of the Court as well as harmony with the city, is separated into three parts: base, middle and top. The horizontal division joins harmoniously with the vertical

patterns. The dome on top symbolizes the Constitution that is the supreme norm of the nation. The three horizontal lines at the top portion of the building represent the principle of equality expressed in the Constitution while the three columns at the center entrance symbolizes the separation of powers. And the vertical columns and windows stand for the Constitutional Court's status as a constitutional institution that protects the Constitution and the citizens' basic rights. This five-story structure was designed to be in harmony with the nearby Hanok village that has many traditional houses without tall buildings. It is a rotunda building with a dome on top and the lobby floor open in consideration of the human traffic in the building and its significance. The courthouse was awarded the Korean Architecture Award in October 1993, the year it was completed. The Constitutional Court Annex was built at the Jaedong Courthouse and opened on June 22, 2020



Justices of the Court

Presidents

Sep. 1988–Sep. 1994 Sep. 1994.–Sep. 2000 Sep. 2000–Sep. 2006 Jan. 2007–Jan. 2013 Apr. 2013–Jan. 2017 Nov. 2017–Sep. 2018



Cho Kyu-Kwang



Kim Yong-Joon



Yun Young-Chul



Lee Kang-Kook



Park Han Chul



Lee Jinseong

Justices

Sep. 1988–Aug. 1991 Sep. 1988–Sep. 1994 Sep. 1988–Jan. 1997 Sep. 1988–Sep. 1994 Sep. 1988–Dec. 1993 Sep. 1988–Sep. 1994



Lee Seong-yeol



Byun Jeong-soo



Kim Chin-woo



Han Byung-chaе



Lee Shi-yoon



Choe Kwang-ryool

Sep. 1988–Sep. 1994 Sep. 1988–Sep. 2000 Aug. 1991–Aug. 1997 Dec. 1993–Dec. 1999 Sep. 1994–Sep. 1999 Sep. 1994–Sep. 2000



Kim Yang-kyun



Kim Moon-hee



Hwang Do-yun



Lee Jae-hwa



Cho Seung-hyung



Chung Kyung-sik

Sep. 1994–Sep. 2000 Sep. 1994–Sep. 2000 Jan. 1997–Mar. 2001 Aug. 1997–Aug. 2003 Sep. 1999–Jan. 2004 Dec. 1999–Mar. 2005



Koh Joong-suk



Shin Chang-on



Lee Young-mo



Han Dae-hyun



Ha Kyung-chul



Kim Young-il

Sep. 2000–Aug. 2006 Sep. 2000–Sep. 2006 Sep. 2000–Sep. 2006 Sep. 2000–Sep. 2006 Mar. 2001–Mar. 2007 Aug. 2003–Aug. 2006



Kwon Seong



Kim Hyo-jong



Kim Kyoung-il



Song In-jun



Choo Sun-hoe



Jeon Hyo-sook

Feb. 2004–Jun. 2005 Mar. 2005–Mar. 2011 Jul. 2005–Jul. 2011 Sep. 2006–Dec. 2010 Sep. 2006–Sep. 2012 Sep. 2006–Sep. 2012



Lee Sang-kyung



Lee Kong-Hyun



Cho Dae-Hyen



Kim Hee-Ok



Kim Jong-Dae



Min Hyeong-Ki

Sep. 2006–Sep. 2012 Sep. 2006–Sep. 2012 Mar. 2007–Mar. 2013 Feb. 2011–Apr. 2013 Mar. 2011–Mar. 2017 Sep. 2012–Sep. 2018



Lee Dong-Heub



Mok Young-Joon



Song Doo-Hwan



Park Han Chul



Lee Jungmi



Kim Yi-Su

Sep. 2012–Nov. 2017 Sep. 2012–Sep. 2018 Sep. 2012–Sep. 2018 Sep. 2012–Sep. 2018 Apr. 2013–Apr. 2019 Apr. 2013–Apr. 2019



Lee Jinseong



Kim Changjong



Ahn Changho



Kang Ilwon



Seo Kiseog



Cho Yongho

Secretary Generals

Sep. 1988–Jan. 1992 Jul. 1992–Oct. 1994 Oct. 1994–Jan. 1997 Jan. 1997–Oct. 2000 Oct. 2000–Dec. 2003



Byeon Jeong Il



Kim Yong Gyoon



Lee Yeong Mo



Jang Eung Soo



Park Yong Sang

Dec. 2003–Dec. 2005 Dec. 2005–Mar. 2007 Apr. 2007–Feb. 2012 Feb. 2012–Jun. 2013 Jun. 2013–Nov. 2017 Nov. 2017–Jun. 2019



Lee Beom Joo



Seo Sang Hong



Ha Cheol Yong



Kim Taek Soo



Kim Yong Heon



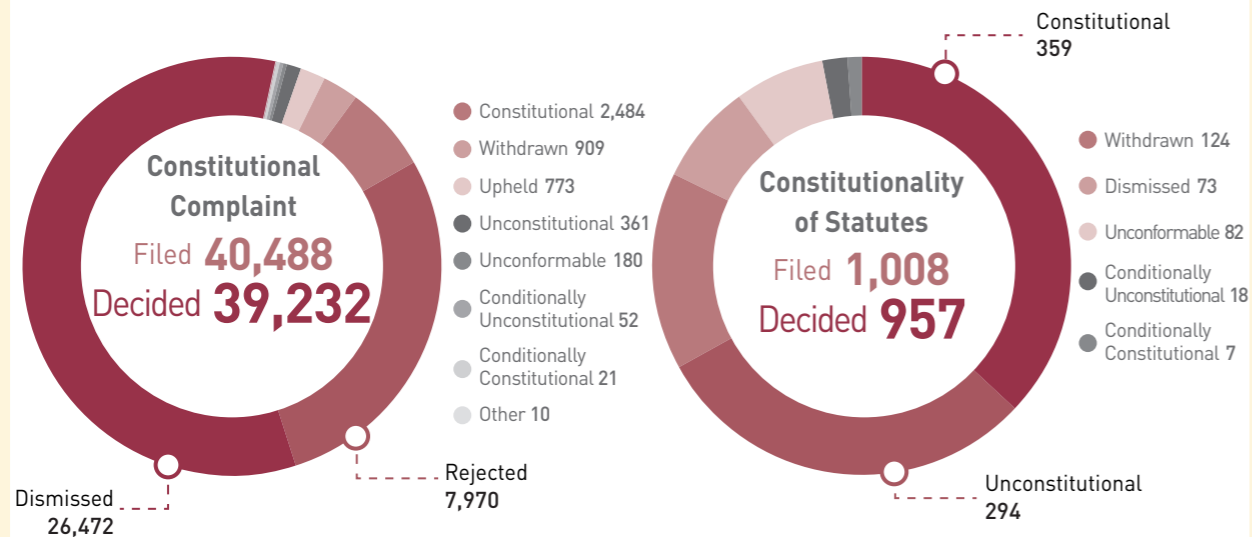
Kim Heon Jeong

Statistics

September 1, 1988 - December 31, 2020

Classification	Constitutionality of Statutes	Impeachment	Dissolution of a Political Party	Competence Dispute	Constitutional Complaint			Total
					§68①	§68②	Total	
Filed	1,008	2	2	115	32,074	8,414	40,488	41,615
Unconstitutional	294				113	248	361	655
Unconformable	82				75	105	180	262
Conditionally Unconstitutional	18				20	32	52	70
Conditionally Constitutional	7					21	21	28
Decided by Full Bench								
Upheld		1	1	19	773		773	794
Constitutional	359				4	2,480	2,484	2,843
Rejected		1		27	7,970		7,970	7,998
Dismissed	73		1	45	21,526	4,946	26,472	26,591
Other					8	2	10	10
Withdrawn	124			19	775	134	909	1,052
Total	957	2	2	110	31,264	7,968	39,232	40,303
Pending	51			5	810	446	1,256	1,312

*One of the two cases on dissolution of a political party was re-heard.



Constitutional Court of Korea

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