

United States Military Government in Korea

Beginning of U.S. Military Government in Korea

- Proclamation No.1-September 7, 1945(in the name of CINCAFPAC)
- U.S. troops land in Korea-September 8,1945
- Command Structure

Inadequate Preparation by the U.S. Army

- Unexpectedly quick surrender of Japan
- Other important objectives of occupation
- Contrast between U.S. and Russia

Requirements of the legal division of the Military Government

- The ambiguous judicial policy of the United States Military Government in Korea

Removal of Japanese officials

- Relatively simple removal of the Japanese officials
- Destruction of important documents
- Opening of the doors to Koreans for positions in the bureau

Difficulties in abolishing the Japanese legal system

- Lack of trained Koreans who were not labeled as a pro-Japanese collaborator
- Formation of a New National Bar Association
- Ordinance No.21-November 2, 1945

Changes in the laws and the resulting side effects

- Ordinance No.11-October 9, 1945

Improvements that were made

- Establishment of a system of special judicial officers
- Justice of peace of the United States

Confusion in the establishment of Provost Courts

- The CINCAFPAC proclamation No.2-September 7,1945
- Justification for the establishment of military occupation courts
- Two separate sets of courts with jurisdiction over the same offenses

Anglo-American jurisprudence on an operational and practical level

- American legal system
- American pronouncements on the sacredness of individual rights
- Rectified injustices

Tension between American and Korean courts

- A case heard by the Seoul District Court
- Military Governor orders case to be appealed
- Military Governor transfers case to a military commission

Existence of two parallel court systems with overlapping jurisdiction

- Misunderstanding and ill-will between the Americans and Koreans
- Segregation of trials
- Compromise by the Military Government

Efforts to modernize and democratize the Korean legal system

- Ordinance No. 121 -November 17, 1946
- The Child Labor Act
- Labor department orders No.1 and No.2
- Abolition of the Japanese-promulgated Public Prostitution Law of March 1916 and licensed prostitution in Korea

Military Government in dealing with Korean situations

- Ordinance No.72-May 4, 1946
- Reforms introduced into the criminal procedure

Proclamation of the Rights of the Korean people

- Enumeration of the eleven inherent liberties in the proclamation

Degree of success in the Military Government efforts to de-Japanize the Korean law

- Impact of the American legal system
- Establishment of the Korean-American Legal Academy