

## Presentation

# Korean Attitude Toward Law

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This article is really a survey which was conducted in 1991 with the objective of surveying the legal consciousness of Korean people. Through many tables and survey results, the author analyses the respondents' answers, including the reason, the change, etc. After analysis, the author makes a conclusion. At the end of each part, the author gives his advice at the same time. After reading this article, I feel it is helpful to better understand the Korean legal system. Now, let's look at the main contents of this research, my comprehension and some problems.

There are seven parts of this research. At first part, the author introduces the purpose of this research and the main content. Just as the author says, In order for principles of the rule of law to be defined, a proper grasp of the citizens' legal consciousness must be obtained. In addition, an analysis of the groups, between people's legal system will eventually enable the state to carry out reforms aimed at the better quality of legislation. I have one small question at this part: the difference between the word "legality" and the word "legitimacy". Other six parts are about the contents in detail.

## **A Societal Changes and Changes in Legal Consciousness**

Societal change and changes in values interact to social development. So, in this study, three questions were asked in order to find changes in people's values before examining the state of Korean legal consciousness: the Korean family structure, order at workplace, status of women. Analysis of respondents' answers shows: the confluence of societal changes and transformations in values, greatly influences the legal knowledge, legal values and legal sentiments of the

population.. Hence ,we should refrain from analyzing Korean legal consciousness based on only the preconception that Confucian tradition molded Korean values.

Changes in Legal Consciousness . Traditional legal consciousness is subject to drastic modifications in accordance with changes in values. The comparison between the studies suggests: first, positive attitudes towards law have increased; secondly, consciousness of rights has also been heightened , where the law-abiding spirit has declined; thirdly, negative attitude towards the legislative and executive organs have intensified. At last, the author thinks ,the absence of law-abiding spirit and distrust of the state authorities, however ,can be an obstacle to advancing the legal consciousness of the people.

## **B People's Recognition of and Feeling for Law**

Legal consciousness is the attitude that sees the observance and comprehension of law as a basic and indispensable norm of society. Thus , it is important to apprehend how people perceive law. In order to diagnose Korean people's understanding of law and their attitude towards law, five question were formed regarding perception of law, decision to choose law as a dispute resolution tool , and people's reaction to law violators.

Cross analysis the answers to questions , clearly reflects these findings : over a half the responders has a negative view of law which could pose an impedient to the rule of law ; the people rely on law as a means of preserving public order during the democratization process; a more positive attitude than the response in the past surveys in choosing law as a method of dispute resolution; the increased disapproval of law violators, it can be interpreted to reflect an awakened sense of participation and criticism.

## **C. Legal Life of the People**

In this study, ten questions were asked in order to better understand people's legal consciousness. These questions were divided into four parts: 1. The press by which one acquires legal knowledge ; 2. The desire for legal knowledge; 3. Legal experience ; 4. Details of legal knowledge.

The answers show: most of the responders acquired legal knowledge for everyday life through the mass-media. Although 92.2% of the respondents complain of the difficulty comprehending the legal texts. As a result, the author advises: the government should direct its efforts to publishing booklets and organizing public lectures on law; the authorities and the legal profession should multiply their effort to make legal law more accessible to the people.

The results also demonstrate that the traditional aversion to litigation is vanishing and faith in executive offices carrying out their work is being renewed. At the same time, Korean people, however, in general lack a law-abiding spirit. Thus, it is necessary for the ruling elite to motivate the government and the judicature to strive harder for justice and fair execution of law, rather than indulging in the status quo.

#### **D. Ability to Utilize Law and Methods of Dispute Resolution**

From the answers to the questions about ability to utilize law, it can be deduced that their confidence in the legal system is becoming stronger.

About the questions of methods dispute resolute, the majority of the respondents also believed that it is most helpful to know a lawyer to solve legal problems. This is a very inspiring sign of the advance of dispute resolution towards a more legal realm. So, the author advises: it is necessary to increase the number of lawyers and specialize their areas of expertise.

#### **E. Attitudes Towards the Legislative and Executive Organs**

This research focuses on the structure analysis of legislative functions, and also on that of law enforcement functions, including those carried out by the court, public prosecutor's office, the executive and the police. There are seven questions which were divided into two parts: the attitude towards the legislative and executive organs; \*\*\*<sup>3</sup>^a^itlldif<sup>g</sup>tpwarHs thp lpgislativp and

32.3% of the surveyed respondents believed that law was not well observed because legal procedures are complicated and change very often. These results reveal people's distrust in the legislation and execution of law. The survey also reveals an intense distrust in the police when they apply law. On the other hand,

66.3% believed it would best to follow the proper procedure when visiting a government office, reflecting the successful efforts by the government to promote the procedure legitimacy. 94.2% of the respondents, however, believe that wealth and power would affect the outcome of legal judgement, reflecting an intense distrust in the fairness of judgments and judicial independence.

The people's faith in the government, prosecutors and judges demonstrates that as long as law is enforced properly, there exists the potential for popular willingness to cooperate with state authorities.

## **F. Opinions on Existing Law**

It is an ultimate objective of this study on national legal consciousness to suggest reforms for existing laws. The survey puts an emphasis on making inquiries into people's perception and sentiment towards law. In this connection, the interviewees were asked to identify laws that they feel are not enforced in reality, parties to be blamed in violation of the labor law, and social restrictions on the exercises of property rights, etc.

When asked as to what types of law were the most impractical, 25.2%, 17.9% and 16.3% of the respondents pointed to laws pertaining to politics, farming and fishing communities, and taxation respectively, when asked the responsibility for violations of labor-management relations act, half of the respondents believed that all the involved parties were responsible for labor disputes. So, the author thinks, the government should eschew positive intervention, and act only as an arbitrator or a mediator when the situation is otherwise irresolvable. When questioned about social restrictions on exercising property rights, it can be seen that Koreans positively recognize social restrictions on property rights. The more educated respondents of a higher income and liberal inclination appear to be relatively more opposed to restriction of property rights, reflecting their strong sense of rights.

I agree with this opinion of the author, "although the study on legal consciousness might not bring about immediate rectification of inappropriate laws, it may at last exert some influence on the legislative procedure. As you know, this research was finished in 1991, after recent years, perhaps have some changes about

the Korean people's legal consciousness, perhaps have some new research results , I want to know something about this.