

The Structure and Approach of Korean Legal Scholarship

2) The Civil Code (p.184-186)

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The Civil Code is divided into five books: The general part, real rights, obligations, family law, and succession.

Book One: composed of the following seven chapters.

Chapter I: General Principles. Declares the two basic principles: no abuse of rights and act in good faith.

Chapter II: natural persons. concerns the enjoyment of civil rights, capacity, domicile, and absence.

Chapter III: legal persons. includes provisions relating to creation, management and dissolution of corporate bodies and foundations.

Chapter IV: things. contains general rules relating to the things which may be the object of private rights.

Chapter V: legal acts. contains declaration of intention to do legal act, agency, nullity and voidability of legal acts.

Chapter VI: time limits. provides for the mode of computation of various periods.

Chapter VII: prescription. groups the provisions relating to acquisitive prescriptions.

Book Two: comprised of 9 chapters. provides not only for property and the real rights related to it, but for possession and real securities.

Chapter I: contains some general rules.]

Chapter II: deals with possessory right.

Chapter III: deals with ownership.

Chapter IV, V, and VI: the Civil Code recognizes as uses of ownership superficies, servitudes, and "chonsei" (registered deposit lease).

Chapter VII: provides for the legal right of retention, which is treated as a sort of real right.

Chapter VIII and IX: provide for pledge, and hypothec(morgages), which are modeled quite closely on French and German laws.

Book Three; deals with the law of obligations.

Chapter I: the general rules applicable to all obligations.

Chapter II: deals with contract as the most important cause of rights and obligations.

Book Four: is entitled relatives.

There are eight chapters which deal respectively with general rules, household, head of family, marriage, filiation, guardianship, family council, support obligation and succession of housegold head.

Book Five: deals with succession. contains three chapters.

Chapter I: Succession

Chapter II: Wills

Chapter III: Reserved shares dowage