

JURISDICTION IN KOREAN CONFLICT OF LAWS

(THIS BELONGS TO **CH6 "DISPUTE RESOLUTION"** OF THE TEXT BOOK)

1. THE PURPOSE OF THIS ARTICLE

It Is to explore basic principles concerning Korean rules of Jurisdiction In private International law.')

2. WHAT IS PRIVATE INTERNATIONAL LAW? and WHAT IS IT GOOD FOR?

The meaning of mAJ91A@"d' Is private law Involving foreign elements. The code consists of forty seven articles and Is divided Into three parts: General provisions (chong-chlk), Rules concerning civil matters, Rules concerning commercial matters. General rules Include nationality, domicile, and public policy. The provisions, rules concerning civil and commercial matter deal with choice of law rule In the order of the Civil Code and Commercial Code.

These days, foreign trade, Investment and tourism have advanced rapidly with the development of transportation and communications. As a result of Increasing personal and corporate activity In a nationally organized and territorially divided world there Is growina need for edictability In legal disputes Involving foreign elements.

Although there Is no provision for Jurisdiction In the International sense In Korea,, the Korean Code of Private International Law, 1 AJ -qA@"j' provides the

1) The title of Korean code of Private International law is (transnational private law)

ac(Judicating tribunals with guidelines In solving legal controversies entailing foreign elements.

Article I of the Act provides that the purpose of this Act Is to determine applicable law to the matters Involving foreign elements wherein aliens **within the Republic of Korea , or the nationals of the Republic of Korea abroad become parties.**

The scope of this Act Is limited to the choice of law rules. The Act does not deal with the Jurisdiction and recognition of foreign Judgements.

3. BASIC PRINCIPLES OF KOREAN RULES OF JURISDICTION2)

A court Is considered as having Jurisdiction when

- (1) The defendant's domicile Is within the territory of Korea.**
- (2) The place where an act Is to be performed Is within the territory of Korea.**
- (3) The place where the defendant's property Is located Is within the territory of Korea.**

(4) The place where and unlawful act was committed Is within the territory of Korea.

2) In Korean "International Jurisdiction" is youn **eiraa undea4tanding...**

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