

DEMOCRATIC PEOPLE’S REPUBLIC OF NORTH KOREA

(CHOSON MINJUJUUI INMIN KONGHWAGUK)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil law system based on German codes, with Japanese influences and Communist legal theory; no judicial review of legislative acts. Has not accepted International Court of Justice jurisdiction.
POLITICAL SYSTEM	Communist Dictatorship.
HEAD OF STATE	One Chairman of the National Defense Commission (NDC) and One President of the Supreme People’s Assembly (SPA).
HEAD OF GOVERNMENT	One Premier and three Vice Premiers.
SUBNATIONAL ENTITIES	DPRK is divided into 9 provinces (<i>do</i>), 2 directly-governed cities (<i>Chikhalsi</i>), and 3 special administrative regions with various designations.
TRANSLITERATION SYSTEM	The standard transliteration system used in North America library catalogs is the McCune-Reischauer System (as modified by the U.S. Library of Congress). This system is based on the pronunciation of Korean and not strictly on the <i>han’gŭl</i> spelling.
LANGUAGES	Korean.

CONSTITUTION

OFFICIAL NAME	Democratic People's Republic of Korea's Socialist Constitution.
ENACTMENT	Adopted in 1948, completely revised on December 27, 1972; revised again in April 1992 and September 1998 (latest version).
CITATION FORMAT	N. KOREA CONST. art. [x] ([year]).
<i>Example</i>	N. KOREA CONST. art. 30 (1998).

STATUTES

GOVERNMENT STRUCTURE	The Chairman of the National Defense Commission is the dictator under whom all government functions. He is supported by a cabinet who is elected by the Supreme People's Assembly. The legislative body consists of a unicameral Supreme People's Assembly or <i>Ch'oeŕo Inmin Hoeui</i> (687 seats, members elected by popular vote to serve five-year terms) which is governed by the President of the Supreme People's Assembly. The highest court is the Central Court which reports to the National Defense Commission.
LEGISLATIVE PROCESS	Although under the newly-amended Constitution, the Supreme People's Assembly (SPA) is the "highest organ of state power," it is not influential and does not initiate legislation independently of other party and state organs. Invariably the legislative process is set in motion by executive bodies according to the predetermined policies of the party leadership. The assembly is not known to have ever criticized, modified, or rejected a bill or a measure placed before it, or to have proposed an alternative bill or measure. Laws are adopted and issued by various state organs pursuant to the Constitution. Both the Criminal Code and Criminal Procedural Code were promulgated on March 3, 1950.
REPORTER	Not currently available.

CITATION FORMAT Law of <statute name>, <year>, <amended date if applicable>, art. <article>, (D.P.R.K.).

Example Law of Contractual Joint Ventures, 1992, art. 1 (D.P.R.K.).

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES The Administration Council (A.C.) is defined in the Constitution as “the administrative and executive body of the highest organ of power.”

REPORTER Naegak Kongbo.

CITATION FORMAT “<Regulation Title>,” Decision No. <decision> of the <committee>, <date>.

Example “Election of the Judge,” Decision No. 157 of the Provisional People’s Committee, January 14, 1947.

CODES

CIVIL PROCEDURE Adopted by the Supreme People’s Assembly in 1976. Consists of 177 articles.

CIVIL CODE Adopted by the Supreme People’s Assembly in 1991.

CRIMINAL CODE Adopted by the Supreme People's Assembly on February 5, 1987. Consists of eight chapters and 161 articles.

CITATION FORMAT Art.<article> of the DPRK <code> (<year>).

Example Art. 9 of the DPRK Criminal Code (1987).

CASE LAW

JUDICIAL
OVERVIEW

Under the Constitution, the North Korean judicial system is structured in three levels – the Central Court (the highest level), the Court of Province (or municipality directly under the central court that has appellate jurisdiction over the decisions of the People's Courts within its jurisdiction), and the People's Court (the lowest level general court which hears most criminal and civil cases). The special courts (or military courts) have special jurisdiction over crimes committed by armed forces personnel, members of the Ministry of Social Safety's security organs and other military-based organizations. It is supervised by a special member of the Central Court.

The courts ordinarily consist of a judge who has a designated term and two laymen, known as people's assessors, who serve only fourteen days per year. The people's assessors of the Central Court are elected by the Standing Committee of the Supreme People's Assembly. The assessors of the other courts are elected by the People's Assembly at the corresponding level.

North Korean law permits secret trials. Particularly when "state secrets, public morality, or individual intimacies" are at issue or when secret trial is provided by law.

REPORTER

Currently unavailable.

CITATION FORMAT
CENTRAL COURT

Currently unavailable.

Example

Currently unavailable.

CITATION FORMAT
COURT OF PROVINCE

Currently unavailable.

Example

Currently unavailable.

SOURCES

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