

Preface

The nationwide 'June Struggle' of 1987 led to the collapse of Korea's authoritarian-military regime and opened a road toward democratization. Korea has achieved political democracy following rapid economic growth. These changes were accompanied by the change of law and legal system.

Since 1987, the rule of law has rapidly replaced the rule of man and the procedural democracy has been taken seriously in Korea. Throughout the democratization process of the nation, litigation has played a crucial role as an instrument to solve most challenging civic and social conflicts with much greater and multifaceted ramifications in the nation's political, constitutional, societal and cultural domains.

The legal structure and the adjudicatory institutions surrounding litigation have been also reconstructed. For example, Korea's Code of Civil Procedure has been revised and its focus has shifted from the written dossiers to the oral elements of the litigation including oral testimony in a concentrated, continuous and uninterrupted trial that is open to the public as a matter of principle, for further openness and transparency. The Code of Criminal Procedure has been substantially reshuffled particularly in the field of procedural rights and evidence law. A jury system was recently introduced for the first time in the nation's legal history in serious felony cases in 2008. The Constitutional Court, which was established by the 1987 Constitution, has vigorously reviewed the constitutionality of legislation by the nation's legislative body, the National Assembly. The Administrative Court, which was newly established in 1994, has actively checked administrative discretions for possible abuses thereof.

There has been a longstanding demand both domestically and overseas for a publication on this subject in the English language, from scholars and students, governments and lawyers. This book is the first publication in the English language that provides a comprehensive picture of litigation in Korea and the relevant laws, institutional designs, judicial institutions and some of the important court decisions. The authors of this book are selected from among promising legal scholars and judges in Korea who have gained their legal education in the Anglo-American traditions. I am grateful to them for their unfailing cooperation. I should like to express my particular thanks to Professor In Seop Chung of the School of Law, Seoul National University. When he was a director of the Law Research Institute, Seoul National

University, he first suggested the publication of this book and has been supportive and encouraging. The *Journal of Korean Law*, which is published by the School of Law, Seoul National University, has kindly allowed me to include the authors' articles in this book.

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