

**Government
of the Republic
of Korea**

Penal Code

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TABLE OF CONTENTS

CHAPTER I LIMIT OF APPLICABILITY OF CRIMINAL CODE

CHAPTER II CRIME

SECTION 1 Commission of Crime and Mitigation or
Exemption of Sentence

SECTION 2 Criminal Attempts

SECTION 3 Complicity

SECTION 4 Repeated Crime (Recidivism)

SECTION 5 Concurrent Crimes

CHAPTER III PUNISHMENT

SECTION 1 Kinds and Severity of Punishments

SECTION 2 Determination of Punishment

SECTION 3 Suspension of Imposition of Sentence

SECTION 4 Suspension of Execution of Sentence

SECTION 5 Execution of Punishment

SECTION 6 Parole

SECTION 7 Prescription for Execution of Judgment of Guilt

SECTION 8 Extinction of Punishment

CHAPTER IV TERM

PART II INDIVIDUAL PROVISIONS

CHAPTER I CRIME CONCERNING INSURRECTION

CHAPTER II CRIMES CONCERNING FOREIGN AGGRESSION

CHAPTER III CRIMES CONCERNING THE NATIONAL FLAG

CHAPTER IV CRIMES CONCERNING FOREIGN RELATIONS

CHAPTER V CRIMES AGAINST PUBLIC PEACE

CHAPTER VI CRIMES CONCERNING EXPLOSIVES

CHAPTER VII CRIMES CONCERNING THE DUTIES OF PUBLIC
OFFICIALS

CHAPTER VIII CRIMES CONCERNING OBSTRUCTION OF THE
PERFORMANCE OF OFFICIAL DUTIES

CHAPTER IX CRIMES OF ESCAPE AND HARBORING
CRIMINALS

CHAPTER X CRIMES OF PERJURY AND DESTRUCTION OF
EVIDENCE

CHAPTER XI CRIMES OF FALSE ACCUSATION

CHAPTER XII CRIMES CONCERNING DECEASED PERSONS

CHAPTER XIII CRIMES OF ARSON AND FIRE CAUSED BY
NEGLIGENCE

CHAPTER XIV CRIMES CONCERNING INUNDATION AND
WATER UTILIZATION

CHAPTER XV CRIMES OF TRAFFIC OBSTRUCTION

CHAPTER XVI CRIMES CONCERNING DRINKING WATER

CHAPTER XVII CRIMES CONCERNING OPIUM

CHAPTER XVIII CRIMES CONCERNING CURRENCY

CHAPTER XIX CRIMES CONCERNING VALUABLE SECURITIES
AND POSTAGE AND REVENUE STAMPS

CHAPTER XX CRIMES CONCERNING DOCUMENTS

CHAPTER XXI CRIMES CONCERNING SEALS

CHAPTER XXII CRIMES CONCERNING SEXUAL MORALS

CHAPTER XXIII CRIMES CONCERNING GAMBLING AND
LOTTERY TICKETS

CHAPTER XXIV CRIMES OF HOMICIDE

CHAPTER XXV CRIMES OF INFLICTING BODILY INJURY AND
VIOLENCE

CHAPTER XXVI CRIMES OF INFLICTING BODILY INJURY AND
DEATH THROUGH NEGLIGENCE

CHAPTER XXVII THE CRIMES OF ABORTION

CHAPTER XXVIII CRIMES OF ABANDONMENT AND
MALTREATMENT

CHAPTER XXIX CRIMES OF FALSE ARREST AND ILLEGAL CONFINEMENT

CHAPTER XXX CRIMES OF INTIMIDATION

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

CHAPTER XXXII CRIMES CONCERNING RAPE AND INFAMOUS CONDUCT

CHAPTER XXXIII CRIMES AGAINST REPUTATION

CHAPTER XXXIV CRIMES AGAINST CREDIT, BUSINESS AND AUCTION

CHAPTER XXXV CRIMES OF VIOLATION OF SECRECY

CHAPTER XXXVI CRIMES OF INTRUSION UPON A HUMAN HABITATION

CHAPTER XXXVII CRIMES OF OBSTRUCTING ANOTHER FROM EXERCISING HIS/ HER RIGHT

CHAPTER XXXVIII CRIMES OF LARCENY AND ROBBERY

CHAPTER XXXIX CRIMES OF FRAUD AND EXTORTION

CHAPTER XL EMBEZZLEMENT AND BREACH OF TRUST

CHAPTER XLI CRIMES CONCERNING STOLEN PROPERTY

CHAPTER XLII DESTRUCTION

CHAPTER I LIMIT OF APPLICABILITY OF CRIMINAL CODE

[Table of Contents](#)

Article 1 (Criminality and Punishability of Act)(1) The criminality and punishability of an act shall be determined by the law in effect at the time of the commission of that act.

(2) When a law is changed after the commission of a crime, such act thereby no longer constitutes a crime under the new law, or the punishment therefor under the new law becomes less severe than under the previous law, the new law shall apply.

(3) When a law is changed after the sentence for a crime committed under the previous law has become final and such act thereby no longer constitutes a crime, the execution of the punishment shall be remitted.

Article 2 (Domestic Crimes)This Act shall apply to both Korean nationals and aliens who commit crimes in the territory of the Republic of Korea.

Article 3 (Crimes by Koreans outside Korea)This Act shall apply to all Korean nationals who commit crimes outside the territory of the Republic of Korea.

Article 4 (Crimes by Aliens on Board Korean Vessel, etc. outside Korea)This Act shall apply to aliens who commit crimes on board a Korean vessel or Korean aircraft outside the territory of the Republic of Korea.

Article 5 (Crimes by Aliens outside Korea)This Act shall apply to aliens who commit any of the following crimes outside the territory of the Republic of Korea:

1. Crimes concerning insurrection;
2. Crimes concerning foreign aggression;
3. Crimes concerning the national flag;
4. Crimes concerning currency;
5. Crimes concerning securities, postage, and revenue stamps;
6. Crimes specified in Articles 225 through 230 among crimes concerning documents;
7. Crimes specified in Article 238 among crimes concerning seals.

Article 6 (Foreign Crimes against Republic of Korea and Korean National outside Korea) This Act shall apply to aliens who commit crimes, other than those specified in the preceding Article, against the Republic of Korea or her nationals outside the territory of the Republic of Korea: Provided, That this shall not apply where such acts under Act in effect at the time of the act do not constitute a crime, or the prosecution thereof or the execution of the punishment therefor is remitted.

Article 7 (Inclusion of Sentence Executed Abroad) If an offender has undergone the whole or partial execution of sentence imposed abroad because of crime, the sentence either wholly or partially executed shall be included in the sentence to be declared in Korea.

[This Article Wholly Amended by Act No. 14415, Dec. 20, 2016]

[\[lower-alpha 1\]](#)

Article 8 (Application of General Provisions) The general provisions of this Act shall also apply to such crimes as are

provided by other Acts and subordinate statutes unless provided otherwise by such Acts and subordinate statutes.

CHAPTER II CRIME

[Table of Contents](#)

SECTION 1 COMMISSION OF CRIME AND MITIGATION OR EXEMPTION OF SENTENCE

[Table of Contents](#)

Article 9 (Criminal Minors)The act of a person under fourteen years of age shall not be punished.

Article 10 (Persons with Mental Disorders)(1) The act of a person who, because of mental disorder, is unable to make discriminations or to control one's will, shall not be punished.

(2) For the conduct of a person who, because of mental disorder, is deficient in the abilities mentioned in the preceding paragraph, the punishment shall be mitigated.

(3) The provisions of the preceding two paragraphs shall not apply to the act of a person who, in anticipation of danger of a crime, has intentionally incurred his/her mental disorder.

Article 11 (Deaf-Mutes)Punishment shall be mitigated for the act of deaf-mutes.

Article 12 (Action Compelled)Action compelled by either irresistible force or threat against the life or body of the compelled person or his/her relatives which cannot be protected shall not be punishable.

Article 13 (Criminal Intent)Act performed through ignorance of the facts which comprise the constituent elements of a crime shall not be punishable, except as otherwise provided by Act.

Article 14 (Negligence) Act performed through ignorance of the facts which comprise the constituents of a crime by neglect of normal attention, shall be punishable only when prescribed so by Act.

Article 15 (Misunderstanding of Fact)(1) Act performed through ignorance of the facts which constitute especially more severe crimes shall not be punishable for such severe crimes.

(2) Crimes for which punishment become more severe due to results thereof, shall not be punishable for more severe crimes if such results were not foreseeable.

Article 16 (Misunderstanding of Law) When a person commits a crime not knowing that his/her act constitutes a crime under existing Acts and subordinate statutes, he/she shall not be punishable if the misunderstanding is based on reasonable grounds.

Article 17 (Causation) Any act which is not connected with the danger which is an element of a crime, it shall not be punishable for the results.

Article 18 (Crime Committed through Omission) When a person who, having a duty to prevent the occurrence of danger, or having caused the occurrence of danger, does not prevent the occurrence of danger, that person shall be punished in accordance with the results of such danger.

Article 19 (Concurrence of Independent Act) When a series of independent acts concur at the same time or at several times, each act shall be punished as an attempted crime, if it is not ascertainable which act has produced the result thereof.

Article 20 (Justifiable Act) An act which is conducted in accordance with Acts and subordinate statutes, or in pursuance of accepted business practices, or other action which does not violate the social rules shall not be punishable.

Article 21 (Self-Defense)(1) An act which is performed in order to prevent impending and unjust infringement of one's own or another person's legal interest shall not be punishable if there are reasonable grounds for that act.

(2) When a preventive act has exceeded normal limits, the punishment may be mitigated or remitted according to the extenuating circumstances.

(3) In the case of the preceding paragraph, an act performed through fear, surprise, excitement, or confusion in the night or under other extraordinary circumstances shall not be punishable.

Article 22 (Necessity)(1) An act which is performed in order to avoid impending danger against the one's own or another person's legal interest shall not be punishable when there are reasonable grounds.

(2) The provisions of the preceding paragraph shall not apply to a person charged with duties not to avoid the danger.

(3) The provisions of paragraphs (2) and (3) of the preceding Article shall apply mutatis mutandis to this Article.

Article 23 (Self-Help)(1) When it is impossible to preserve a claim by legal procedure, the action taken in order to avoid the impossibility or significant difficulties of