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Regulations on the Organization of the Code Compilation Committee

법전편찬위원회직제

Republic of Korea · 15 September 1948

Original Korean source · English translation, Gwangbok Archive

Presidential Decree No. 4 (15 September 1948), as amended by No. 66 (9 March 1949).Text translated: consolidated version effective 9 March 1949.Gwangbok Archive · Unofficial English translation

Editorial Introduction

Established shortly after the founding of the Republic of Korea, the Code Compilation Committee was charged with preparing the legal foundations of the new state. Presidential Decree No. 4 of 15 September 1948 placed the Committee under presidential supervision and directed it to assemble, examine, draft, and deliberate upon materials for civil, commercial, criminal, procedural, and penal-administration legislation. The decree thus provides a compact account of how legal codification was organized at the institutional level. [1][2] The Committee operated amid legal continuity and reform. Earlier legislation remained in operation insofar as it did not conflict with the 1948 Constitution, while the new government sought to prepare its own codes. The present regulations identify both the Committee's legal remit and its internal structure: a presidentially appointed leadership and membership, possible subcommittees and temporary members, and an administrative staff. [2] This edition translates the consolidated text effective on 9 March 1949. The amendment of that date increased the maximum number of ordinary committee members from fifty to seventy-five; it did not replace the decree in its entirety. The reader should therefore distinguish the 1948 enactment from the amended wording printed below. [1][3]

Article 1

제1조 사법에 관한 법전을 편찬하기 위하여 법전편찬위원회를 설치한다. 법전편찬위원회는 대통령의 감독에 속한다.	Article 1. A Code Compilation Committee shall be established for the purpose of compiling codes concerning judicial matters. The Code Compilation Committee shall be subject to the supervision of the President.

Article 2

제2조 법전편찬위원회는 민사, 상사 및 형사의 기초법전과 기타 소송, 행형등 사법법규의 자료를 수집조사하며 그 초안을 기초, 심의한다.

Article 2. The Code Compilation Committee shall collect and examine materials relating to the foundational codes of civil, commercial, and criminal law, and to other laws and regulations concerning judicial matters, including litigation and penal administration; it shall prepare and deliberate upon drafts thereof.

Article 3

제3조 법전편찬위원회에 위원장 1인, 부위원장 2인, 위원 75인이내를 둔다.＜개정 1949・3・9＞ 위원장, 부위원장 및 위원은 판사, 검사, 변호사, 행정각부문의 법률사무담임직원, 법과대학의 법률학교수 및 기타 학식경험이 있는 자중에서 대통령이 위촉한다.

Article 3. The Code Compilation Committee shall have one Chair, two Vice-Chairs, and no more than seventy-five members. [Amended 9 March 1949.] The Chair, Vice-Chairs, and members shall be appointed by the President from among judges, prosecutors, attorneys, officials responsible for legal affairs in the various administrative departments, professors of law at colleges of law, and other persons possessing learning and experience.

Article 4

제4조 위원장은 회무를 장리한다. 부위원장은 위원장을 보좌하며 위원장이 유고시에는 위원장이 지명한 부위원장이 그 직무를 대리한다. 위원은 위원장의 명에 의하여 사법에 관한 법전 및 기타 사법법규의 자료를 수집조사하며 그 초안의 기초, 심의에 종사한다.

Article 4. The Chair shall oversee the affairs of the Committee. The Vice-Chairs shall assist the Chair. If the Chair is unable to perform the duties of office, the Vice-Chair designated by the Chair shall act in the Chair’s place. Under the direction of the Chair, members shall collect and examine materials for codes concerning judicial matters and other laws and regulations relating to such matters, and shall engage in the preparation and deliberation of drafts.

Article 5

제5조 법전편찬위원회에 분과위원회를 둘 수 있다. 분과위원회의 조직 및 분장사무는 위원장이 정한다.

Article 5. Subcommittees may be established within the Code Compilation Committee. The Chair shall determine the organization of the subcommittees and the allocation of their responsibilities.

Article 6

제6조 법전편찬위원회는 특별한 사항의 조사, 심의 또는 사무상 필요가 있는 때는 임시위원을 둘 수 있다. 임시위원은 위원장이 위촉한다. 임시위원은 위원에 관한 규정을 준용한다.

Article 6. The Code Compilation Committee may have temporary members when necessary for the investigation or deliberation of particular matters, or for administrative purposes. Temporary members shall be appointed by the Chair. The provisions concerning members shall apply correspondingly to temporary members.

Article 7

제7조 법전편찬위원회에 간사 1인을 둔다. 간사는 위원장이 위촉한다. 간사는 위원장의 명에 의하여 서무를 정리한다.	Article 7. The Code Compilation Committee shall have one Executive Secretary. The Executive Secretary shall be appointed by the Chair. The Executive Secretary shall manage clerical and administrative affairs under the direction of the Chair.

Article 8

제8조 법전편찬위원회에 서기관 5인이내, 서기 약간인을 둔다. 서기관 및 서기는 상사의 지휘에 의하여 서무에 종사한다.	Article 8. The Code Compilation Committee shall have no more than five secretarial officers and a number of clerks. Secretarial officers and clerks shall perform administrative duties under the direction of their superiors.

Article 9

제9조 법전편찬위원회의 서무규정은 위원회의 의결을 경하여 위원장이 정한다.	Article 9. The Chair shall establish the rules governing the Committee’s administrative affairs following a resolution of the Committee.

Supplementary Provisions

부칙 <제4호,1948. 9. 15.> 본령은 공포한 날로부터 시행한다. 부칙 <제66호,1949. 3. 9.> 본령은 공포한 날로부터 시행한다.	Supplementary Provisions <Decree No. 4, 15 September 1948> This Decree shall enter into force on the date of its promulgation. Supplementary Provisions <Decree No. 66, 9 March 1949> This Decree shall enter into force on the date of its promulgation.

Translation Notes

The following notes explain editorial choices and historical distinctions. They are not part of the decree.

1. Judicial matters (사법) The source uses 사법 broadly in connection with codification, procedure, and penal administration. “Judicial matters” preserves this historical breadth; it should not be read as referring solely to the work of courts.

2. Foundational codes (기초법전) Article 2 describes the preparation of basic civil, commercial, and criminal codes. The translation does not imply that such codes were already enacted at the date of this decree.

3. Litigation and penal administration (소송, 행형) 소송 is rendered “litigation,” while 행형 concerns the carrying out or administration of criminal punishment, not specifically capital punishment. “Penal administration” is used for brevity.

4. Membership amended in 1949 The 9 March 1949 amendment expressly replaced “no more than fifty members” with “no more than seventy-five members” in Article 3(1). The translated text reflects the latter figure, while the 1948 original had the former. [3]

5. Appointments (위촉) The decree uses 위촉 for appointments by the President or Chair. “Appointed” is used consistently without assuming the precise employment status of each appointee.

6. Corresponding application (준용) In Article 6, 준용 means that provisions concerning ordinary members apply to temporary members with such adjustments as the context requires. “Apply correspondingly” avoids introducing substantive exceptions absent from the text.

7. Administrative offices (간사, 서기관, 서기) These are distinct offices. The edition uses “Executive Secretary” for 간사, “secretarial officer” for 서기관, and “clerk” for 서기. These are functional English equivalents, not assertions of identical modern civil-service ranks.

8. Two supplementary provisions Both sets of Supplementary Provisions appear because the source is a consolidated historical version showing commencement clauses for the 1948 decree and the 1949 amendment. They are retained separately.

9. Transcription and status Korean wording and orthography are retained as presented in the supplied National Law Information Center PDF, except that typographic line-wraps have been joined. English paragraphing follows the Korean. This edition is a translation of an official historical text, not a facsimile of an original Gazette publication.

Source References

[1] National Law Information Center: consolidated Korean text.

[2] Han Won-do, Code Compilation Committee, Encyclopedia of Korean Culture.

[3] Enactment and amendment records, National Law Information Center.

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