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Amnesty Act

사면법

Republic of Korea · 30 August 1948

Original Korean source · English translation, Gwangbok Archive

ACT NO. 2 · 30 AUGUST 1948

Source details

Original title
: 사면법

Enactment
: Act No. 2, 30 August 1948

Effective date
: 30 August 1948 (upon promulgation)

Issuing authority
: Republic of Korea; promulgated by the President

Extent
: 27 articles and one supplementary provision

Textual basis
: Original 1948 enactment as recorded by the National Law Information Center; checked against the Korean Wikisource transcription

Subject
: General and special amnesty, commutation of sentences, restoration of rights, and the procedure for proposing them

Historical introduction

The Amnesty Act was the second statute of the Republic of Korea, promulgated on 30 August 1948, a little over two weeks after the government was inaugurated. The 1948 Constitution gave the President power to grant amnesty, commutation, and restoration of rights as provided by law, with the consent of the National Assembly required for a general amnesty. This Act supplied that law.

It distinguishes general amnesty, granted by Presidential Decree for specified kinds of crime, from special amnesty for individuals, and sets out the documentary procedure by which prosecutors and prison wardens could propose clemency through the Prosecutor General and the Minister of Justice. Article 27 extended the scheme to persons sentenced by military courts. Within a month the Act was used for the Republic's first general amnesty and commutation (Primary 26 and 27).

Text and editorial practice

The Korean text below is the original enactment as recorded by the National Law Information Center (국가법령정보센터), in the hangul-normalized form in which that database presents it, and it

was checked character by character against the independent transcription on Korean Wikisource. The English follows the article and paragraph structure of the Korean one to one, without substituting later amended law.

Nothing has been silently corrected. Where the Korean as transmitted contains an evident misprint, a missing word, or an irregular construction, the Korean is left as it stands, the English gives the most probable sense with the printed form in square brackets, and the point is explained in the notes. Square brackets in the English otherwise give transliterations of Korean terms whose institutional meaning does not map neatly onto an English equivalent. Dates in the Tangun era (단기) are kept, with the Common Era year in brackets.

Primary source / facing translation

Original Korean and English Translation

Act No. 2 · 30 August 1948

제1조 본법은 사면, 감형과 복권에 관한 사항을 규정한다.	ARTICLE 1 This Act prescribes matters concerning amnesty, commutation of sentences, and restoration of rights.
제2조 사면은 일반사면과 특별사면으로 한다.	ARTICLE 2 Amnesty shall be of two kinds: general amnesty and special amnesty.
제3조 사면, 감형과 복권은 좌에 열기한 자에 대하여 행한다. 1. 일반사면은 죄를 범한 자 2. 특별사면과 감형은 형의 언도를 받은 자 3. 복권은 형의 언도로 인하여 법령의 정한 바에 의한 자격이 상실 또는 정지된 자	ARTICLE 3 Amnesty, commutation, and restoration of rights shall be granted to the persons listed below: 1. General amnesty: persons who have committed a crime. 2. Special amnesty and commutation: persons who have been sentenced. 3. Restoration of rights: persons whose qualifications prescribed by law or decree have been lost or suspended as a result of a sentence.
제4조 행정법규위반에 대한 범칙 또는 과벌과 징계법규에 의한 징계 또는 징벌의 면제는 사면에 관한 규정을 준용한다.	ARTICLE 4 The provisions on amnesty shall apply mutatis mutandis to remission of penalties or fines imposed for violations of administrative regulations, and to remission of disciplinary measures or punishments under disciplinary regulations.

제5조
사면, 감형과 복권의 효과는 좌와 같다.
1. 일반사면은 형의 언도의 효력이 상실되며 형의 언도를 받지 않은 자에 대하여는 공소권이 상실된다. 단, 특별한 규정이 있을때에는 예외로 한다.
2. 특별사면은 형의 집행이 면제된다. 단 특별한 사정이 있을 때에는 이후 형의 언도의 효력을 상실케 할 수 있다.
3. 일반에 대한 감형은 특별한 규정이 없는 경우에는 형을 변경한다.
4. 특정한 자에 대한 감형은 형의 집행을 경감한다. 단, 특별한 사정이 있을 때에는 형을 변경할 수 있다.
5. 복권은 형의 언도의 효력으로 인하여 상실 또는 정지된 자격을 회복한다.
형의 언도에 의한 기성의 효과는 사면, 감형과 복권으로 인하여 변경되지 않는다.

ARTICLE 5
The effects of amnesty, commutation, and restoration of rights shall be as follows:
1. A general amnesty extinguishes the effect of a sentence; for a person who has not been sentenced, the right of public prosecution is extinguished. However, this shall not apply where there is a special provision.
2. A special amnesty remits the execution of the sentence. However, where there are special circumstances, the effect of the sentence may thereafter be extinguished.
3. A general commutation alters the sentence, unless there is a special provision to the contrary.
4. A commutation for a specified person reduces the execution of the sentence. However, where there are special circumstances, the sentence may be altered.
5. Restoration of rights restores qualifications that were lost or suspended as an effect of a sentence.
Effects of a sentence that have already taken place shall not be altered by amnesty, commutation, or restoration of rights.

제6조
복권은 형의 집행을 종료하지 않은 자 또는 집행의 면제를 받지 않은 자에 대하여는 행하지 않는다.

ARTICLE 6
Restoration of rights shall not be granted to a person who has not completed the execution of the sentence or who has not been granted remission of its execution.

제7조
형의 집행유예의 언도를 받은 자에 대하여는 형의 언도의 효력을 상실케하는 특별사면, 형을 변경하는 감형 또는 그 유예기간을 단축할 수 있다.

ARTICLE 7
For a person whose sentence has been suspended, there may be granted a special amnesty extinguishing the effect of the sentence, a commutation altering the sentence, or a shortening of the period of suspension.

제8조
일반사면, 죄 또는 형의 종류를 정하여 행하는 감형과 일반으로 행하는 복권은 대통령령으로 행한다.
일반사면은 죄의 종류를 정하여 행한다.

ARTICLE 8
General amnesty, commutation granted by specifying the kind of crime or of punishment, and restoration of rights granted generally shall be effected by Presidential Decree.
A general amnesty shall be granted by specifying the kinds of crime.

제9조
특별사면, 특정한 자에 대한 감형과 복권은 대통령이 행한다.

ARTICLE 9
Special amnesty, and commutation and restoration of rights for specified persons, shall be granted by the President.

제10조
특별사면, 특정한 자에 대한 감형과 복권은 법무부장관이 대통령에게 상신한다.

ARTICLE 10
The Minister of Justice shall submit [sangsin] to the President proposals for special amnesty, and for commutation and restoration of rights for specified persons.

제11조
검찰총장은 직권, 형의 집행을 지휘한 검찰청검찰관의 보고 또는 수형자가 재감하는 형무소장의 보고에 의하여 법무부장관에게 특별사면 또는 특정한 자에 대한 감형의 상신을 할 것을 신청할 수 있다.

ARTICLE 11
The Prosecutor General may, ex officio, on the report of the public prosecutor of the prosecutors' office that directed the execution of the sentence, or on the report of the warden of the prison in which the convicted person is held, apply to the Minister of Justice to submit a proposal for a special amnesty or for a commutation for a specified person.

제12조
형의 집행을 지휘한 검찰청의 검찰관과 수형자의 재감하는 형무소장이 특별사면 또는 특정한 자에 대한 감형을 제청코자 하는 때에는 제14조에 규정한 서류를 첨부하고 사유를 갖추어 검찰총장에게 보고할 수 있다.
형무소장이 전항의 보고서를 제출하는 경우에는 형의 집행을 지휘한 검찰청의 검찰관을 경유하여야 한다.

ARTICLE 12
When the public prosecutor of the prosecutors' office that directed the execution of the sentence, or the warden of the prison in which the convicted person is held, intends to recommend a special amnesty or a commutation for a specified person, he may report to the Prosecutor General, stating the grounds and attaching the documents prescribed in Article 14.
When a prison warden submits the report referred to in the preceding paragraph, it shall be submitted through the public prosecutor of the prosecutors' office that directed the execution of the sentence.

제13조
검찰관이 전조제2항의 서류를 접수한 때에는 제14조제3호에 규정한 사항을 조사하여 그에 대한 의견을 첨가진달하여야 한다.

ARTICLE 13
When a public prosecutor receives the documents referred to in paragraph 2 of the preceding Article, he shall investigate the matters prescribed in Article 14, item 3, and forward the documents with his opinion on them attached.

제14조
특별사면 또는 특정한 자에 대한 감형의 상신을 신청하는 서장에는 좌의 서류를 첨부하여야 한다.
1. 판결서의 등본 또는 초본
2. 형기계산서
3. 범죄의 정상, 본인의 성행, 수형중의 행상, 장래의 생계 기타 참고될 사항에 관한 조사서류

ARTICLE 14
A written application for a proposal of special amnesty or of commutation for a specified person shall be accompanied by the following documents:
1. A certified copy or extract of the judgment.
2. A computation of the term of sentence.
3. Investigation documents concerning the circumstances of the crime, the person's character and conduct, behavior while serving the sentence, future livelihood, and other matters for reference.

제15조
검찰총장은 직권, 형의 집행을 지휘한 검찰청의 검찰관의 보고 또는 사건 본인의 출원에 의하여 법무부장관에게 특정한 자에 대한 복권의 상신을 할 것을 신청할 수 있다.
전항 상신의 신청은 형의 집행종료일 또는 집행의 면제된 일로부터 3년이 경과하지 않으면 하지 못한다.

ARTICLE 15
The Prosecutor General may, ex officio, on the report of the public prosecutor of the prosecutors' office that directed the execution of the sentence, or on the petition of the person concerned, apply to the Minister of Justice to submit a proposal for restoration of rights for a specified person.
An application for a proposal under the preceding paragraph may not be made until three years have elapsed from the date on which execution of the sentence was completed or remitted.

제16조
복권의 상신을 신청하는 서장에는 좌의 서류를 첨부하여야 한다.
1. 판결서의 등본 또는 초본
2. 형의 집행종료 또는 집행의 면제된 것을 증명하는 서류
3. 형의 집행종료 후 또는 집행이 면제된 후의 본인의 행장, 현재와 장래의 생계 기타 참고될 사항에 관한 조사서류
4. 사건본인이 출원한 때에는 그 출원서

ARTICLE 16
A written application for a proposal of restoration of rights shall be accompanied by the following documents:
1. A certified copy or extract of the judgment.
2. A document certifying that execution of the sentence has been completed or remitted.
3. Investigation documents concerning the person's conduct after completion or remission of the sentence, present and future livelihood, and other matters for reference.
4. Where the person concerned has petitioned, the petition.

제17조
특정한 자격에 대한 복권의 출원에는 회복코자하는 자격의 종류를 명기하여야 한다.

ARTICLE 17
A petition for restoration of a particular qualification shall state clearly the kind of qualification sought to be restored.

제18조
복권을 사건본인이 출원하는 경우에는 형의 집행을 지휘한 검찰청의 검찰관을 경유하여야 한다.

ARTICLE 18
Where the person concerned petitions for restoration of rights, the petition shall be submitted through the public prosecutor of the prosecutors' office that directed the execution of the sentence.

제19조
검찰관이 전조의 서류를 받은 때에는 제16조제3호에 규정한 사항을 조사하여 그에 대한 의견을 첨가진달하여야 한다.

ARTICLE 19
When a public prosecutor receives the documents referred to in the preceding Article, he shall investigate the matters prescribed in Article 16, item 3, and forward the documents with his opinion on them attached.

제20조
특별사면, 감형 또는 복권상신의 신청이 이유없다고 인정하는 때에는 법무부장관은 그 뜻을 검찰총장에게 통지한다.
검찰총장은 전항의 사유를 관계검찰청의 검찰관, 형무소장 또는 사건본인에게 통지하여야 한다.

ARTICLE 20
When the Minister of Justice considers an application for a proposal of special amnesty, commutation, or restoration of rights to be without grounds, he shall notify the Prosecutor General to that effect.
The Prosecutor General shall notify the public prosecutor of the prosecutors' office concerned, the prison warden, or the person concerned of the matter referred to in the preceding paragraph.

제21조
대통령으로부터 특별사면, 감형 또는 복권의 명이 있을 때에는 법무부장관은 검찰총장에게 사면장, 감형장 또는 복권장을 송부한다.

ARTICLE 21
When the President orders a special amnesty, commutation, or restoration of rights, the Minister of Justice shall send the certificate of amnesty, certificate of commutation, or certificate of restoration of rights to the Prosecutor General.

제22조
검찰총장이 사면장, 감형장 또는 복권장을 접수한 때에는 관계검찰청의 검찰관을 경유하여 지체없이 사건본인에게 부여한다.
사건본인이 재감중인 때에는 형무소장을 경유한다.

ARTICLE 22
When the Prosecutor General receives a certificate of amnesty, commutation, or restoration of rights, he shall deliver it without delay to the person concerned through the public prosecutor of the prosecutors' office concerned.
If the person concerned is in prison, it shall be delivered through the prison warden.

제23조
검찰관이 집행정지중 또는 가출소중에 있는 자에 대한 사면장, 감형장 또는 복권장을 접수한 때에는 그 뜻을 사건본인이 재감하던 형무소장과 감독경찰관서에 통지하여야 한다.
집행유예중에 있는 자에 대한 특별사면, 감형 또는 복권이 있는 경우에는 감독경찰관서에 통지하여야 한다.

ARTICLE 23
When a public prosecutor receives a certificate of amnesty, commutation, or restoration of rights for a person whose sentence has been stayed or who is on parole, he shall notify the warden of the prison in which that person was held and the supervising police office.
Where a special amnesty, commutation, or restoration of rights is granted to a person whose sentence has been suspended, the supervising police office shall be notified.

제24조
사건본인이 형의 집행을 지휘한 검찰청의 관할구역외에 거주하는 때에는 사면장, 감형장 또는 복권장의 부여를 그 거주지를 관할하는 검찰청의 검찰관에게 촉탁할 수 있다.
전항의 경우에 제23조에 규정한 사항은 촉탁받은 검찰청의 검찰관이 행한다.

ARTICLE 24
When the person concerned resides outside the jurisdiction of the prosecutors' office that directed the execution of the sentence, delivery of the certificate of amnesty, commutation, or restoration of rights may be entrusted to the public prosecutor of the prosecutors' office with jurisdiction over the place of residence.
In the case referred to in the preceding paragraph, the matters prescribed in Article 23 shall be carried out by the public prosecutor of the prosecutors' office so entrusted.

제25조 사면, 감형 또는 복권이 있을 때에는 형의 집행을 지휘한 검찰청의 검찰관은 판결원본에 그 사유를 부기하여야 한다. 특별사면, 감형과 복권에 관한 서류는 소송기록에 편철한다.	ARTICLE 25 When amnesty, commutation, or restoration of rights is granted, the public prosecutor of the prosecutors' office that directed the execution of the sentence shall annotate the original judgment with the fact. Documents concerning special amnesty, commutation, and restoration of rights shall be bound into the case record.
제26조 검찰관이 사면장, 감형장 또는 복권장을 사건본인에게 부여한 때에는 지체없이 법무부장관에게 보고하여야 한다.	ARTICLE 26 When a public prosecutor has delivered a certificate of amnesty, commutation, or restoration of rights to the person concerned, he shall report to the Minister of Justice without delay.
제27조 군사법정에서 형의 언도를 받은 자에 대하여는 법무부장관의 직무는 국방부장관이 행하고 검찰총장과 검찰관의 직무는 형을 언도한 군사법정에서 검찰관의 직무를 행한 법무관이 행한다.	ARTICLE 27 For persons sentenced by a military court, the duties of the Minister of Justice shall be performed by the Minister of National Defense, and the duties of the Prosecutor General and the public prosecutor shall be performed by the judge advocate [beommugwan] who acted as prosecutor in the military court that imposed the sentence.
부칙 ＜법률 제2호, 1948. 8. 30.＞ 본법은 공포일부터 시행한다.	SUPPLEMENTARY PROVISION Act No. 2, 30 August 1948 This Act shall enter into force on the date of its promulgation.

The English text is a historical translation; it is not an official modern consolidated law.

Editorial apparatus

Notes and Sources

Translation and context notes

1. Amnesty, commutation, restoration (Articles 1–5). 사면 is rendered "amnesty," 감형 "commutation," and 복권 "restoration of rights." 일반사면 and 특별사면 are "general" and "special" amnesty. Article 5 distinguishes extinguishing the effect of a sentence (형의 언도의 효력이 상실) from remitting its execution (형의 집행이 면제); the English keeps the two apart.

2. Sangsin (Articles 10–11). 상신 means submitting a proposal upward to a superior authority. It is rendered "submit a proposal" and does not imply that the Minister of Justice decides; the decision rests with the President under Article 9.

3. Article 12. The Korean joins the public prosecutor and the prison warden with 과 ("and"), but the second paragraph shows that either may report. The English uses "or."

4. Supervising police office (Article 23). 감독경찰관서 is the police office supervising a person on parole or under a suspended sentence. The phrase is translated literally.

5. Military courts (Article 27). 군사법정 is rendered “military court,” and 법무관 “judge advocate.” The courts-martial organized under later legislation used different terms (군법회의, as in Primary 37).

6. Original and later versions. This edition presents the text as originally enacted. Later amendments have not been inserted, and the English is not a translation of the law currently in force.

7. Source collation. The Korean text was checked against the National Law Information Center record and the Korean Wikisource transcription, which agree. It has not been collated line by line against a photographic copy of the Official Gazette (관보) printing; any variants in the original print should be recorded before a critical facsimile edition is issued.

Primary-source references

Republic of Korea, “사면법” [Amnesty Act], Act No. 2, August 30, 1948. National Law Information Center (original enactment). https://www.law.go.kr/lsInfoP.do?lsiSeq＝59681.

사면법, full Korean transcription, Korean Wikisource (consulted 19 November 2026; tagged as exempt from copyright under Korean law).

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