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Armed Forces Organization Act

국군조직법

Republic of Korea · 30 November 1948

Original Korean source · English translation, Gwangbok Archive

ACT NO. 9 · 30 NOVEMBER 1948

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Korean witness
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Edition
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Historical introduction

Act No. 9, promulgated on 30 November 1948, gave the newly established Republic of Korea a statutory framework for the organization of its armed forces. Its provisions addressed the supreme command of the President, the responsibilities of the Minister of National Defense, the central military staff, the separate Army and Navy organizations, the status of military and civilian personnel, and subordinate rulemaking authority.

A central institutional question was the relationship between 군정 (the administration and maintenance of the armed forces) and 군령 (the command and employment of forces). The law provided for a Chief of Staff who could receive instructions from the President or the Minister of National Defense, while assigning the Minister military-administrative responsibilities and such military-command duties as the President delegated. Legislative deliberations recorded in the Constituent National Assembly reveal disagreement over whether those two spheres should be separated or connected through the Minister.

The 1948 force structure named the Army and Navy, not a separate Air Force. Article 23 nevertheless permitted the Army aviation branch to be formed into an independent Air Force in the future. The Act also distinguished standing forces from the 호국군 (Home Defense Force), envisaged as a reserve component. The text reproduced here is the law as enacted on 30 November 1948; it is

not a translation of its later amended or replacement versions.

Textual basis and editorial method

The Korean text follows the National Institute of Korean History transcription citing Government Gazette No. 17 (30 November 1948). This witness preserves historical wording and includes several suspicious or variant readings. A separate 1948 statutory text at the National Law Information Center, and the historical text reproduced at Korean Wikisource, have been consulted for comparison; differences are identified in the notes and not silently substituted into the Korean column. English has been drafted to preserve the provision's likely operative meaning, but ambiguous readings are expressly flagged. A final collation with the 1948 Gazette facsimile remains necessary.

Primary source / facing translation

Original Korean and English Translation

Act No. 9 · 30 November 1948 · Original enactment

The text is arranged by original chapter and article. Korean (left) follows the identified historical transcription; English (right) is an independent translation. Bracketed observations mark places where available texts are ambiguous.

제1장 총칙	CHAPTER I · GENERAL PROVISIONS

제1조 본법은 육해군을 포함한 국방기관의 설치조직과 편성의 대강을 정하여 군정, 군령의 유기적이고 체계있는 국방기능의 수행을 목적으로 한다.	ARTICLE 1 The purpose of this Act is to establish the general framework for the establishment, organization, and formation of national-defense institutions, including the Army and Navy, so that the functions of national defense—military administration and military command—may be performed in an integrated and systematic manner.

제2조 국군은 육군과 해군으로써 조직한다. 대한민국의 국적을 가진 자는 법률의 정하는 바에 의하여 국군에 복무할 의무가 있다.	ARTICLE 2 The armed forces shall consist of the Army and the Navy. Persons possessing the nationality of the Republic of Korea shall have the duty to serve in the armed forces as prescribed by law.

제3조 대통령은 국군의 최고 통수자이며 대한민국헌법과 법률에 의하여 국군통솔상 필요한 명령을 발할 권한이 있다.	ARTICLE 3 The President is the supreme commander of the armed forces and has authority, pursuant to the Constitution and laws of the Republic of Korea, to issue orders necessary for commanding the armed forces.

제4조
대통령의 帷幄하에 左의 기관을 두며 그 직제는 따로 법률로 정한다.
가. 최고국방위원회와 그 소속 중앙정보국
나. 국방자원관리위원회
다. 군사참의원

ARTICLE 4
The following bodies shall be established under the President's immediate authority; their respective organizations shall be prescribed by separate legislation.
(a) Supreme National Defense Council and its subordinate Central Intelligence Bureau
(b) National Defense Resources Management Committee
(c) Council of Military Advisers

제2장 국방부 CHAPTER II · MINISTRY OF NATIONAL DEFENSE

제5조
국방부장관은 軍政을 掌理하는 외에 군령에 관하여 대통령이 부여하는 직무를 수행한다.

ARTICLE 5
The Minister of National Defense shall administer military affairs and, in addition, perform such duties concerning military command as the President assigns.

제6조
국방부차관은 국방부장관을 보좌하며 국방부장관이 사고가 있을 때에는 그 직무를 대리한다.

ARTICLE 6
The Vice Minister of National Defense shall assist the Minister of National Defense and shall act on the Minister's behalf when the Minister is unable to perform the duties of office.

제7조
국방부에 참모총장과 참모차장을 두고 그 밑에 육군본부와 해군본부를 두며 필요에 의하여 기타의 보조 또는 자문기관을 둘 수 있다.
육군본부와 해군본부의 직제와 기타 필요한 기관의 설치 및 군무범위는 정부조직법 제3조의 규정과 관계없이 따로 대통령령으로 정한다.

ARTICLE 7
A Chief of Staff and a Deputy Chief of Staff shall be placed in the Ministry of National Defense, with an Army Headquarters and a Navy Headquarters subordinate to them; additional supporting or advisory bodies may be established as necessary.
The organization of Army Headquarters and Navy Headquarters, the establishment of other necessary bodies, and the scope of their military duties shall be determined separately by Presidential Decree, notwithstanding Article 3 of the Government Organization Act.

제8조
참모총장과 참모차장은 국군 현역장교 중에서 국무회의의 의결을 거쳐서 대통령이 임면한다.
참모총장은 국군의 현역 최고장교이다.

ARTICLE 8
The President shall appoint and dismiss the Chief of Staff and Deputy Chief of Staff from among active-duty officers of the armed forces following a resolution of the State Council.
The Chief of Staff shall be the highest-ranking active-duty officer of the armed forces.

제9조
참모총장은 대통령 또는 국방부장관의 지시를 받아 국방 및 용병 등에 관하여 육해군을 지휘통할하며 일정 군정에 관하여 국방부장관을 보좌한다.
참모차장은 참모총장을 보좌하며 참모총장이 사고가 있을 때는 그 직무를 대리한다.

ARTICLE 9
Acting under the instructions of the President or the Minister of National Defense, the Chief of Staff shall command and exercise overall direction of the Army and Navy with respect to national defense and the employment of military forces, among other matters, and shall assist the Minister in matters of military administration [extent of responsibility disputed between textual witnesses].
The Deputy Chief of Staff shall assist the Chief of Staff and shall act on the Chief's behalf when the Chief is unable to perform the duties of office.

제10조
육군본부에 육군참모총장, 해군본부에 해군참모총장을 두며 이는 참모총장의 건의에 의하여 국무회의의 의결을 거쳐서 대통령이 임면한다.

ARTICLE 10
An Army Chief of Staff shall be placed at Army Headquarters and a Navy Chief of Staff at Navy Headquarters. The President shall appoint and dismiss them upon the recommendation of the Chief of Staff and following a resolution of the State Council.

제11조
육군총참모장은 참모총장의 명을 받아 육군본부를 통리하며 예하 육군관위학교와 부대를 지휘감독한다.
해군총참모장은 참모총장의 명을 받아 해군본부를 통리하며 예하 해군관위학교 함대와 부대를 지휘감독한다.

ARTICLE 11
The Army Chief of Staff shall, under the orders of the Chief of Staff, administer Army Headquarters and command and supervise subordinate Army establishments, schools, and units [the expression identifying subordinate establishments in the Korean witness is textually uncertain].
The Navy Chief of Staff shall, under the orders of the Chief of Staff, administer Navy Headquarters and command and supervise subordinate Navy establishments, schools, fleets, and units [the corresponding Korean expression is textually uncertain].

제3장 육군 CHAPTER III · ARMY

제12조
육군은 정규군와 호국군으로써 조직한다.
육군정규군이라 함은 평시 전시를 막론하고 법률에 의하여 항상 존재하는 상비군을 말한다.
육군의 병종은 보병, 기병, 포병, 공병, 기갑병, 항공병, 방공병, 통신병과 헌병등으로써 구성한다.
육군에 참모, 부관, 감찰, 법무, 병참, 경리, 군의와 병기 기타의 부문을 둔다.
호국군이라 함은 법률에 의하여 일정한 군사훈련을 받은 자와 기타로써 조직하는 예비군을 말한다.
육군의 조직의 세칙은 대통령령으로 정한다.

ARTICLE 12
The Army shall be organized into a Regular Army and a Home Defense Force (Hogukgun).
The Regular Army means the standing force maintained by law at all times, whether in peace or war.
The Army's branches shall include infantry, cavalry, artillery, engineers, armor, aviation, air defense, signals, and military police, among others.
The Army shall have staff, adjutant, inspection, legal, supply, finance, medical, ordnance, and other departments.
The Home Defense Force means a reserve force organized from persons who have undergone prescribed military training pursuant to law and from other persons.
Detailed provisions governing the organization of the Army shall be prescribed by Presidential Decree.

제13조
육군에는 평시에 사단과 국방상 대통령이 필요하다고 인정하는 기타 부대를 둔다.
육군은 사단 단위로 평성하며 군사행정과 전략상 목적으로 대한민국을 수 개 사단관구로 나눈다.
사단 관구의 설치와 사단 및 기타 필요한 부대의 배치편성은 대통령령으로 정한다.
육군호국군의 병력은 육군정규군의 현역병력에 준한다.

ARTICLE 13
In peacetime the Army shall comprise divisions and such other units as the President deems necessary for national defense.
The Army shall be organized in division-sized formations, and the territory of the Republic of Korea shall be divided into several divisional districts for military-administrative and strategic purposes.
The establishment of divisional districts and the deployment and organization of divisions and other necessary units shall be prescribed by Presidential Decree.
The personnel strength of the Army Home Defense Force shall correspond to the active-duty strength of the Regular Army.

제14조
사단장과 대통령의 정하는 기타 부대장은 참모총장의 건의에 의하여 대통령이 임면하며 소관부대를 통솔한다.

ARTICLE 14
Division commanders and other unit commanders designated by the President shall be appointed and dismissed by the President on the recommendation of the Chief of Staff, and shall command their respective units.

제4장 해군 CHAPTER IV · NAVY

제15조
해군은 정규군과 호국군으로써 조직한다.
해군정규군이라 함은 평시 전시를 막론하고 법률에 의하여 항상 존재하는 상비군을 말한다.
해군은 본과와 각 부분으로써 구성한다. 각 부분에는 기술, 군의, 경리와 법무 기타를 둔다.
해군호국군이라 함은 법률의 정하는 바에 의하여 상선의 선원, 일정한 군사훈련을 받은 자와 기타로써 조직하는 예비군을 말한다.
해군의 조직의 세칙은 대통령령으로 정한다.

ARTICLE 15
The Navy shall be organized into a Regular Navy and a Home Defense Force (Hogukgun).
The Regular Navy means the standing force maintained by law at all times, whether in peace or war.
The Navy shall consist of a principal branch and various departments.
Those departments shall include technical, medical, finance, legal, and other services.
The Navy Home Defense Force means a reserve force organized, as prescribed by law, from merchant-marine personnel, persons who have undergone prescribed military training, and other persons.
Detailed provisions governing the organization of the Navy shall be prescribed by Presidential Decree.

제16조
해군에는 평시에 함대, 기타와 국방상 대통령이 필요하다고 인정하는 기타 부대를 둔다.
군사행정과 전략상 목적으로 대한민국 해역을 수 개 해군관구로 나눈다.
해군관구의 설치와 함대, 기지, 기타 필요한 부대의 배치편성은 대통령령으로 정한다.
해군 호국군의 병력은 해군 정규군의 현역 병력에 준한다.

ARTICLE 16
In peacetime the Navy shall comprise fleets and such other units as the President deems necessary for national defense.
The maritime areas of the Republic of Korea shall be divided into several naval districts for military-administrative and strategic purposes.
The establishment of naval districts and the deployment and organization of fleets, bases, and other necessary units shall be prescribed by Presidential Decree.
The personnel strength of the Navy Home Defense Force shall correspond to the active-duty strength of the Regular Navy.

제17조
함대사령관과 대통령의 정하는 기타부대장은 참모총장의 건의에 의하여 대통령이 임면하며 소관함대 또는 부대를 통솔한다.

ARTICLE 17
Fleet commanders and other unit commanders designated by the President shall be appointed and dismissed by the President upon the recommendation of the Chief of Staff, and shall command their respective fleets or units.

제5장 군인의 신분 CHAPTER V · STATUS OF MILITARY PERSONNEL

제18조
국군장교는 대통령이 임면한다.
단 장관급 장교의 임면은 국무회의의 의결을 요한다.
장교의 복무연한 기타 신분에 관한 사항 및 사병의 임면 기타 신분에 관한 사항은 대통령령으로 정한다.

ARTICLE 18
Officers of the armed forces shall be appointed and dismissed by the President.
However, the appointment and dismissal of general or flag officers shall require a resolution of the State Council.
The duration of officers' service and other matters concerning their status, as well as the appointment, dismissal, and status of enlisted personnel, shall be prescribed by Presidential Decree.

제19조
국군에 복무하는 자로서 군인 이외에 군속을 둔다.
군속이라 함은 군에 복무하는 문관을 말하며 그 임면 기타 신분에 관한 사항은 대통령령으로 정한다.

ARTICLE 19
In addition to military personnel, civilian employees serving in the armed forces shall be provided for.
A military civilian employee means a civilian official serving in the military; appointments, dismissals, and other matters concerning such employees' status shall be prescribed by Presidential Decree.

제20조
국군 현역과 소집을 당한 군인 및 군속은 군사법령의 적용을 받는다.
군인, 군속에 대한 심판은 원칙적으로 군법회의에서 행하며 죄와 심판의 수속은 따로 법률로 정한다.

ARTICLE 20
Active-duty members of the armed forces, called-up military personnel, and military civilian employees shall be subject to military laws and regulations.
Proceedings concerning military personnel and military civilian employees shall, in principle, be conducted before military courts; offences and trial procedures shall be prescribed by separate legislation.

제6장 기타 CHAPTER VI · OTHER MATTERS

제21조
교육, 예식, 복제, 급여 기타 군사행정상 필요한 사항은 대통령령으로 정한다.

ARTICLE 21
Matters concerning training, ceremonies, uniforms, pay, and other requirements of military administration shall be prescribed by Presidential Decree.

제7장 부칙 CHAPTER VII · SUPPLEMENTARY PROVISIONS

제22조
본법에 의하여 제정하는 대통령령으로서 군기밀상 필요하다고 인정하는 것은 공포하지 아니할 수 있다.

ARTICLE 22
Presidential Decrees enacted under this Act that are deemed necessary to withhold on grounds of military secrecy need not be promulgated.

제23조 본법에 의하여 육군에 속한 항공병은 필요한 때에는 독립한 공군으로 조직할 수 있다.	ARTICLE 23 Under this Act, the Army aviation branch may, when necessary, be organized as an independent Air Force.

제24조 본법은 공포한 날로부터 효력을 발생한다.	ARTICLE 24 This Act shall enter into force on the date of its promulgation.

Editorial apparatus

Editorial Notes and Sources

Editorial and translation notes

1. Enactment, source and dating. Act No. 9 was promulgated on 30 November 1948. The National Institute of Korean History identifies Government Gazette No. 17 of the same day as its source; the National Archives of Korea lists an original presidential record, catalogue AA0001670 (12 leaves), which has not been personally collated for this edition.

2. Chapters and supplementary articles. The enacted law has seven chapters and 24 articles. The supplementary provisions form Chapter VII and are numbered Articles 22–24, rather than restarting the article sequence. Article 24 makes the law effective on promulgation.

3. 군정 and 군령 (Arts. 1, 5, 9). 군정 is rendered “military administration,” covering organization and maintenance of forces, while 군령 is rendered “military command,” relating to orders and employment of forces. These are institutional terms whose relationship was contested in the Constituent National Assembly; neither should be collapsed into the general term “military affairs.”

4. Presidency and 帷幄 (Art. 4). The phrase 대통령의 帷幄하에 refers to bodies placed within the President’s immediate sphere of authority or counsel. It does not indicate that they had already been staffed and established in practice. 좌 (“the following”) and the institutional titles belong to the historical text.

5. Central Information Bureau (Art. 4(a)). 중앙정보국 is translated literally as “Central Intelligence Bureau,” describing the body mentioned in this 1948 law; it must not be identified without evidence with the later Korean Central Intelligence Agency established in 1961. The institutional name is historical, not a claim of uninterrupted organizational continuity.

6. Military Council and alternate text (Art. 4(c)). The National Institute of Korean History transcription reads 군사참의원, meaning a council of military advisers. A separate public transcription at Korean Wikisource reads 군사삼의원, apparently a character substitution. The meaning is based on the named institution in the historical witness; confirmation against the Gazette is still required.

7. Ministry headquarters and scope of business (Art. 7). The chosen historical transcription reads 군무범위 (“scope of military duties”), whereas the Korean Wikisource version reads 사무범위 (“scope of business/affairs”). The English follows the former in context. Both variants should be verified against the printed Gazette before issuing a critical edition.

8. Quantifier in Article 9. In the National Institute of Korean History transcript, the Chief of Staff assists the Minister in “일정 군정” (literally, specified or certain military administration). The historical analysis of the Constituent Assembly discussions and another transcription instead give “일체 [의] 군정” (all military administration). The English avoids silently selecting a disputed quantifier and expressly flags the matter. This variation could affect the scope of the Chief’s statutory responsibility.

9. Army and Navy chief titles (Arts. 10–11). Article 10 of the chosen witness uses 육군참모총장 and 해군참모총장. Article 11 instead uses 육군총참모장 and 해군총참모장. Both sets are translated functionally as “Army Chief of Staff” and “Navy Chief of Staff”; the difference in the Korean titles has been retained without silently regularizing Article 11.

10. Unclear subordinate-institution reading (Art. 11). The NIHK text has 예하 육군관위학교 and 예하 해군관위학교; another transcription has 예하육군관아학교 and 예하해군관아학교, also difficult to parse. The English provisionally construes the passage as referring to subordinate military establishments and schools; the precise Korean character sequence and segmentation require examination of the 1948 Gazette facsimile.

11. Standing forces and Home Defense Forces (Arts. 12–16). 정규군 means the regular standing force and 호국군 a home-defense reserve force contemplated by this Act. The label “Home Defense Force” is explanatory and does not equate the 1948 organization with the modern Republic of Korea Reserve Forces. The phrases 병력은 … 현역병력에 준한다 (Arts. 13, 16) are translated as correspondence of personnel strength, but the legal measure of that correspondence remains underspecified in the articles.

12. Apparent transcriber slips (Arts. 12–13). The NIHK Korean text reads “정규군와” at Article 12 (rather than 정규군과) and “평성하며” at Article 13 (rather than 편성하며), while other transcriptions have the conventional forms. The Korean column retains the readings of the identified witness; the English renders their evident contextual meaning without purporting to correct the source.

13. Appointment of commanders (Arts. 14, 17). The NIHK transcription uses 대통령의 정하는 (“as the President determines”) in Articles 14 and 17. Another transcription reads 대통령령의 정하는 (“as provided by Presidential Decree”). This edition follows the NIHK wording and translates “designated by the President,” pending verification against the original print.

14. Officer grades and military civilian employees (Arts. 18–20). 장관급 장교 is rendered general or flag officers, rather than all senior officers. 군속 denotes civilian officials serving in military institutions, distinct from uniformed 군인. 군법회의 refers to the military-court system of the period; the Act leaves substantive offenses and court procedure to separate legislation.

15. Military-secrecy exemption (Art. 22). The Act permits certain Presidential Decrees made under it to remain unpromulgated when military secrecy so requires. This is a specific exception in the 1948 enactment; it should not be generalized into a blanket rule governing all government decrees.

16. Aviation and future Air Force (Art. 23). The enacted Article 2 provides for an Army and Navy. Article 23 expressly allows Army aviation troops (항공병) to be organized subsequently into an independent Air Force. It is an enabling provision, not evidence that an independent Air Force already existed on 30 November 1948.

17. Edition status. The 1948 transcription was compared against publicly accessible legal and historical reference records, but a complete character-by-character collation against the Government Gazette facsimile and independent specialist translation review have not been completed. This

document is not an authenticated official English translation.

Primary sources and historical references

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