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Decree on the Commutation of Sentences

감형령

Republic of Korea · 27 September 1948

Original Korean source · English translation, Gwangbok Archive

PRESIDENTIAL DECREE NO. 7 · 27 SEPTEMBER 1948

Source details

Original title
: 감형령

Enactment
: Presidential Decree No. 7, 27 September 1948

Effective date
: 27 September 1948 (upon promulgation)

Issuing authority
: President of the Republic of Korea, under the Amnesty Act (Act No. 2)

Extent
: 4 articles and one supplementary provision

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

Subject
: General commutation of sentences imposed before 27 September 1948

Historical introduction

Issued on the same day as the General Amnesty Decree (Primary 26), this short decree reduced the sentences of everyone sentenced before 27 September 1948, whether they were awaiting execution, serving, on parole, or under a suspended or stayed sentence. Fugitives were excluded.

Death sentences became life sentences, life sentences became twenty-year terms, and fixed terms were cut by a quarter, a half of the remainder, or a third, with more generous treatment for those aged sixty-five or over and those who had offended under eighteen. Together with the general amnesty and a decree restoring rights, it marked the founding of the Republic with clemency under the new Amnesty Act (Primary 25).

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

Presidential Decree No. 7 · 27 September 1948

제1조 단기4281년 9월 27일이전에 형의 언도를 받은 자로서 그 형의 집행전, 집행유예중, 집행중, 집행정지중 또는 가출옥중에 있는 자에 대하여는 본령에 의하여 그 형을 감경한다. 단, 그 형의 집행을 면하기 위하여 도피한 자는 예외로 한다.	ARTICLE 1 For persons sentenced before 27 September of Tangi 4281 [1948] who are awaiting execution of the sentence, under suspension of its execution, serving it, under a stay of its execution, or on parole, the sentence shall be reduced in accordance with this Decree. However, persons who have fled in order to evade execution of the sentence are excepted.
제2조 사형은 무기징역으로 한다.	ARTICLE 2 A sentence of death shall become penal servitude for life.
제3조 무기징역은 20년의 유기징역으로, 무기금고는 20년의 유기금고로 한다. 단, 본령 시행일 현재 65세이상인 자 및 범행시 18세 미만인 자에 대하여는 15년의 유기징역 또는 유기금고로 한다.	ARTICLE 3 Penal servitude for life shall become penal servitude for a term of twenty years, and imprisonment for life shall become imprisonment for a term of twenty years. However, for persons who are sixty-five years of age or older on the date this Decree enters into force, and persons who were under eighteen years of age at the time of the offence, it shall become penal servitude or imprisonment for a term of fifteen years.

제4조
유기의 징역 또는 금고는 다음과 같이 형기를 변경한다.
1. 형의 집행을 개시하지 않은 자에 대하여는 형기의 4분지1을 감한다.
2. 형의 집행을 개시한 자에 대하여는 잔형기의 2분지1을 감한다. 단, 형의 집행의 형기의 2분지1에 이르지 않은 자에 대하여는 전호의 예에 의한다.
3. 단기4281년 9월 27일 현재 65세이상의 자 및 범행시 18세미만인 자에 대하여는 전2호의 예에 의하지 아니하고 형기의 3분지1을 감한다.
단기와 장기를 정한 언도의 형에 있어서는 단기 및 장기에 대하여 각각 전항제1호 또는 제2호의 예에 의한다. 단, 범행시 16세이상의 자로서 단기를 경과한 자에 있어서는 장기에 대하여 전항제3호의 예에 의한다.
전2항의 계산에 있어 년, 월 또는 일의 단수가 생한 경우에는 1년을 12월, 1월은 30일로 하고 일의 단수는 제기한다.

ARTICLE 4
For penal servitude or imprisonment for a term, the term of the sentence shall be altered as follows:
1. For persons whose sentence has not begun to be executed, one quarter of the term shall be remitted.
2. For persons whose sentence has begun to be executed, one half of the remaining term shall be remitted. However, persons for whom the executed part of the sentence has not reached one half of the term shall be dealt with as in the preceding item.
3. For persons who are sixty-five years of age or older as of 27 September of Tangi 4281 and persons who were under eighteen years of age at the time of the offence, one third of the term shall be remitted, instead of applying the two preceding items.
For sentences pronounced with a minimum and a maximum term, item 1 or item 2 of the preceding paragraph shall apply to the minimum and to the maximum respectively. However, for persons who were sixteen years of age or older at the time of the offence and who have passed the minimum term, item 3 of the preceding paragraph shall apply to the maximum.
In the calculations under the two preceding paragraphs, where fractions of a year, month or day arise, a year shall be counted as twelve months and a month as thirty days, and fractions of a day shall be disregarded.

부칙
<대통령령 제7호, 1948. 9. 27.>
본령은 공포일로부터 시행한다.

SUPPLEMENTARY PROVISION
Presidential Decree No. 7, 27 September 1948
This Decree 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. Penal servitude and imprisonment. 징역 is rendered “penal servitude” and 금고 “imprisonment,” following the distinction between custody with and without compulsory labor used in the archive’s other editions.

2. Stages of execution (Article 1). 집행전, 집행유예중, 집행중, 집행정지중, and 가출옥중 are rendered “awaiting execution,” “under suspension of execution,” “serving,” “under a stay of execution,” and “on parole.”

3. Article 4, item 2. The proviso reads 형의 집행의 형기의 2분지1에 이르지 않은 자, a compressed phrase. The English takes it to mean persons who have not yet served half the term.

4. Indeterminate sentences (Article 4, paragraph 2). 단기와 장기를 정한 언도의 형 are sentences pronounced with a minimum and a maximum term, used for juveniles. The age of sixteen in the proviso differs from the eighteen used elsewhere in the decree; the text is translated as transmitted.

5. Fractions (Article 4, paragraph 3). 제기한다 (除棄) means fractions of a day are discarded.

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, “감형령” [Decree on the Commutation of Sentences], Presidential Decree No. 7, September 27, 1948. National Law Information Center (original enactment). https://www.law.go.kr/lsInfoP.do?lsiSeq＝9554.

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

Suggested chicago-style citation

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