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Decree on the Formalities of Promulgation

공포식령

Republic of Korea · 30 August 1948

Original Korean source · English translation, Gwangbok Archive

PRESIDENTIAL DECREE NO. 1 · 30 AUGUST 1948

Source details

Original title
: 공포식령

Enactment
: Presidential Decree No. 1, 30 August 1948

Effective date
: 30 August 1948 (under the supplementary provision)

Official publication
: Republic of Korea Government Gazette (관보), No. 1, 1 September 1948

Issuing authority
: President of the Republic of Korea

Extent
: 12 articles and one supplementary provision

Textual basis
: 1948 original enactment (lsiSeq = 4180), not the 1949 amended text (lsiSeq = 4181)

Subject
: Formal promulgation, public announcement, official seals, countersignatures, and executive instruments

Historical introduction

Promulgated on 30 August 1948 as Presidential Decree No. 1, 공포식령 set out how the newly established Republic of Korea authenticated and issued official instruments. It prescribed preambles, presidential signatures and seals, dates, and ministerial countersignatures for acts, constitutional amendments, presidential decrees, treaties, budgetary measures, and certain diplomatic instruments. It also assigned formalities to Prime Ministerial and Ministerial Ordinances and specified publication in the Government Gazette.

The Decree is a source for the early Republic's constitutional administration: it distinguishes the public announcement of a proposed constitutional amendment from the promulgation of an adopted amendment, and it distinguishes executive decrees from acts of the legislature. Article 9 generally delayed the effect of executive ordinances by twenty days, while the supplementary provision made this Decree itself effective upon promulgation. The original text was subsequently amended in 1949; this edition does not incorporate those amendments.

Text and translation policy

The parallel Korean text follows the original-enactment transcription in the National Law Information Center and has been cross-checked against a second Korean transcription. Historical wording and spacing are retained. “Promulgation,” “public announcement,” and “countersignature” are used consistently for 공포, 공고, and 부서. An archival reference confirms its inclusion in Government Gazette No. 1; the Gazette image was not independently collated word for word for this edition.

Primary source / facing translation

Original Korean and English Translation

Presidential Decree No. 1 · 30 August 1948 · Gazette No. 1, 1 September 1948

제1조 대통령이 국회에 보내는 국무에 관한 서한은 전문을 부쳐야 한다. 전항의 전문에는 국무회의의 의결을 얻은 뜻을 기재하여, 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여, 관계 국무위원과 같이 이에 부서한다.	ARTICLE 1 A letter concerning affairs of state sent by the President to the National Assembly shall be accompanied by a preamble. The preamble referred to in the preceding paragraph shall state that a resolution of the State Council has been obtained. The President shall sign it and affix the presidential seal; the Prime Minister shall enter the date and countersign it together with the relevant members of the State Council.
제2조 헌법개정의 제의는 전문을 부쳐서 공고한다. 전항의 전문에는 국무회의의 의결을 얻거나, 또는 국회의 재적의원 3분지1 이상의 찬성을 얻은 뜻을 기재하여, 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여, 다른 각 국무위원과 같이 이에 부서한다.	ARTICLE 2 A proposal to amend the Constitution shall be publicly announced with an accompanying preamble. The preamble referred to in the preceding paragraph shall state either that a resolution of the State Council has been obtained or that the proposal has received the support of at least one-third of the entire membership of the National Assembly. The President shall sign it and affix the presidential seal; the Prime Minister shall enter the date and countersign it together with each of the other members of the State Council.
제3조 헌법의 개정은 전문을 부쳐서 공포한다. 전항의 전문에는 국회의 의결을 얻은 뜻을 기재하여, 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여, 다른 각 국무위원과 같이 이에 부서한다.	ARTICLE 3 An amendment to the Constitution shall be promulgated with an accompanying preamble. The preamble referred to in the preceding paragraph shall state that the National Assembly has approved the amendment by resolution. The President shall sign it and affix the presidential seal; the Prime Minister shall enter the date and countersign it together with each of the other members of the State Council.

제4조
법률은 전문을 부쳐서 공포한다.
전항의 전문에는 국회의 의결을 얻은 뜻을 기재하여, 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여, 관계 국무위원과 같이 이에 부서한다.

ARTICLE 4
Acts shall be promulgated with an accompanying preamble.
The preamble referred to in the preceding paragraph shall state that a resolution of the National Assembly has been obtained. The President shall sign it and affix the presidential seal; the Prime Minister shall enter the date and countersign it together with the relevant members of the State Council.

제5조
대통령령은 전문을 부쳐서 공포한다.
전항의 전문에는 국무회의의 의결을 얻은 뜻을 기재하여, 대통령이 서명한 후에 대통령인을 찍고, 국무총리 년월일을 기입하여, 관계 국무위원과 같이 이에 부서한다.

ARTICLE 5
Presidential Decrees shall be promulgated with an accompanying preamble.
The preamble referred to in the preceding paragraph shall state that a resolution of the State Council has been obtained. The President shall sign it and then affix the presidential seal; the Prime Minister shall enter the date and countersign it together with the relevant members of the State Council.

제6조
국제조약은 전문을 부쳐서 공포한다.
전항의 전문에는 국회의 동의를 얻은 것은 그 뜻을 기재하여, 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여, 관계 국무위원과 같이 부서한다.

ARTICLE 6
International treaties shall be promulgated with an accompanying preamble.
Where the consent of the National Assembly has been obtained, the preamble referred to in the preceding paragraph shall state that fact. The President shall sign it and affix the presidential seal; the Prime Minister shall enter the date and countersign it together with the relevant members of the State Council.

제7조
예산 및 예산외에 국고의 부담이 될 계약에는 전문을 부쳐서 공포한다.
전항의 전문에는 국회의 의결을 얻은 뜻을 기재하여, 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여, 관계 국무위원과 같이 이에 부서한다.

ARTICLE 7
Budgets and contracts that impose obligations upon the National Treasury outside the budget shall be promulgated with an accompanying preamble.
The preamble referred to in the preceding paragraph shall state that a resolution of the National Assembly has been obtained. The President shall sign it and affix the presidential seal; the Prime Minister shall enter the date and countersign it together with the relevant members of the State Council.

제8조
총리령에는 국무총리 년월일을 기입하고 이에 서명한 후 총리인을 찍는다.
부령에는 각부 장관 년월일을 기입하고 이에 서명한 후 장관인을 찍는다.

ARTICLE 8
For a Prime Ministerial Ordinance, the Prime Minister shall enter the date, sign the instrument, and then affix the Prime Minister’s seal.
For a Ministerial Ordinance, the minister heading the respective ministry shall enter the date, sign the instrument, and then affix the ministerial seal.

제9조
대통령령 총리령 및 부령은 특별한 규정이 없는 한 공포일부터 20일을 경과함으로써 효력을 발생한다.

ARTICLE 9
Unless otherwise specifically provided, Presidential Decrees, Prime Ministerial Ordinances, and Ministerial Ordinances shall take effect upon the lapse of twenty days from the date of their promulgation.

제10조
전 각조의 공문을 공포 또는 공고함에는 관보로써 한다.

ARTICLE 10
The official instruments referred to in the preceding articles shall be promulgated or publicly announced through the Government Gazette.

제11조
국서 기타 외교상의 친서, 조약비준서, 전권위임장, 외국파견공무원위임장, 명예영사위임장 및 외국영사인가장에는 대통령이 서명한 후 대통령인을 찍고, 국무총리와 주관국무위원이 이에 부서한다.
외무부장관에게 수여하는 전권위임장에는 국무총리가 부서한다.

ARTICLE 11
Letters of state and other personal diplomatic letters, instruments of ratification of treaties, instruments of full powers, commissions for officials dispatched abroad, commissions for honorary consuls, and exequaturs for foreign consuls shall be signed by the President and bear the presidential seal; the Prime Minister and the competent member of the State Council shall countersign them.
Instruments of full powers issued to the Minister of Foreign Affairs shall be countersigned by the Prime Minister.

제12조
공무원중 별정직의 임명장 및 해임장에는 대통령이 서명한 후 대통령인을 찍고, 국무총리 년월일을 기입하여 이에 부서한다.
일반직중 3급 이상의 임명장 및 해임장에는 대통령인을 찍고, 국무총리 년월일을 기입하여 이에 부서한다.

ARTICLE 12
Instruments appointing or dismissing public officials holding special-service posts shall be signed by the President and bear the presidential seal; the Prime Minister shall enter the date and countersign them.
Instruments appointing or dismissing general-service public officials of Grade 3 or above shall bear the presidential seal, and the Prime Minister shall enter the date and countersign them.

부칙 부칙 <대통령령 제1호, 1948. 8. 30.> 본령은 공포한 날부터 시행한다.	SUPPLEMENTARY PROVISION Supplementary Provision <Presidential Decree No. 1, 30 August 1948> This Decree shall enter into force on the date of its promulgation.

Editorial translation of the original historical enactment; not a consolidated or officially authenticated English legal text.

Editorial apparatus

Notes and Sources

Translation and context notes

1. Enactment versus amendment. This edition translates Presidential Decree No. 1 of 30 August 1948 (National Law Information Center record lsiSeq = 4180). The URL ending lsiSeq = 4181 is the amended version that took effect on 5 May 1949 under Presidential Decree No. 84, which introduced provision for the state seal in addition to the presidential seal. Its changes are not retrojected into the 1948 text.

2. Preamble (Articles 1–7). 전문 is used in the historical legal sense of a formal preamble to an instrument, not the complete substantive text of a document. “Preamble” is employed consistently here.

3. Announcement and promulgation (Articles 2–4, 10). 공고 denotes public announcement or notice; 공포 denotes the formal promulgation of an instrument. Article 2 concerns a proposed constitutional amendment, whereas Article 3 concerns an amendment already adopted. Their English verbs are deliberately distinct.

4. Council and legislative assent (Articles 1–7). 국무회의 is translated “State Council,” the constitutional executive deliberative body; 국무위원 means a member of the State Council. Article 2 states an alternative threshold of at least one-third of the entire membership of the National Assembly for a proposed constitutional amendment. That historical threshold must not be replaced with one from a later constitution.

5. Seals, dates, and countersignatures (Articles 1–8, 11–12). 대통령인, 총리인, and 장관인 are the presidential, prime-ministerial, and ministerial seals, respectively. 부서 means a formal countersignature rather than administrative consent. The recurring sequence concerning the Prime Minister—entry of the date and countersignature—is preserved.

6. Instruments of subordinate legislation (Articles 5, 8–9). 대통령령 is “Presidential Decree,” 총리령 “Prime Ministerial Ordinance,” and 부령 “Ministerial Ordinance.” Article 9 specifies a twenty-day default before those instruments become effective, unless a special provision says otherwise; it does not state the same universal rule for Acts of the National Assembly.

7. Treasury obligations (Article 7). 예산외에 국고의 부담이 될 계약 means contracts imposing a burden on the National Treasury outside the budget. The phrase identifies a distinct class of fiscal instrument and is not paraphrased as ordinary budget spending.

8. Government Gazette (Article 10). 관보 is rendered “Government Gazette,” the formal publication

vehicle designated by the Decree. The National Archives of Korea catalogs the 1948 text within the first issue, published on 1 September 1948, even though the Decree itself bears the enactment and effective date of 30 August.

9. Diplomatic instruments (Article 11). 조약비준서 is an instrument of treaty ratification, 전권위임장 an instrument of full powers, 명예영사위임장 a commission for an honorary consul, and 외국영사인가장 an exequatur approving a foreign consul. These are distinct documents; the translation does not collapse them into a generic “diplomatic letter.”

10. Public-service appointments (Article 12). 별정직 and 일반직 identify different historical civil-service categories, here rendered “special-service” and “general-service.” The Grade 3 threshold applies only to the general-service category. The article provides for a presidential signature expressly in the special-service case but specifies the presidential seal without repeating a signature requirement for the general-service case.

11. Entry into force (Article 9 and supplementary provision). The supplementary provision states that this particular Decree takes effect on the date of promulgation, an express exception to the otherwise applicable twenty-day rule set by Article 9 for Presidential Decrees, Prime Ministerial Ordinances, and Ministerial Ordinances.

12. Textual verification. The National Law Information Center’s original-enactment text has been compared provision by provision with the Korean Wikisource transcription, and the National Archives catalog independently records its official publication. This is a transcription-based bilingual edition, not a claim that the entire first Gazette facsimile has been checked line by line. A final visual collation is advisable before describing this as a critical edition of the printed original.

Primary-source references

Republic of Korea. “공포식령” [Decree on the Formalities of Promulgation]. Presidential Decree No. 1, August 30, 1948, original enactment. National Law Information Center. https://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=4180.

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Suggested chicago-style citation

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