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Flaws of Article 9, 10, and 26 of the Criminal Act in South Korea and Possible Solutions

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Abstract. The purpose of this research paper is to underline a few of the problematic articles of the Criminal Act in Korea and suggest possible solutions. In the Republic of Korea, three criminal elements—Applicability of Constituent Requirements, Criminal Defences, and the Principle of Responsibility—must be proven to convict a defendant. When a perpetrator does not meet all three criminal elements, they are protected by particular articles of the Criminal Act such as Articles 9, 10, and 26. These articles guarantee citizens' right to decide their own actions accordingly and provide an opportunity for improvement by reducing the punishment. All three articles of the Criminal Act reflect positive intentions embedded in the law. However, the articles' flaws have begun to cause the perpetrators to exploit the law and disdain Korea's Criminal Act. Thus, this paper aims to consider the Criminal Act's malfunctions, especially within Article 9, 10, and 26, and suggest possible solutions to improve its shortages.

Keywords. South Korea Criminal Act, East Asian Legal Studies, Mitigation, Principle of Responsibility, Applicability of Constituent Requirements

1. Introduction

Laws are never flawless. Therefore, the government continues to make revisions overtime to protect the citizens and maintain the social order. In Korea, while most of the laws are going through revisions to retain its proper function and power, there are several articles in which governments are wary of making changes. Article 9, Article 10, and Article 26 of the Criminal Act are one of the examples.¹

According to the Criminal Act of the Republic of Korea, three criminal elements must be proven to convict a defendant of a crime. The three elements are the Applicability of Constituent Requirements, Criminal Defenses, and the Principle of Responsibility.

First, The Applicability of Constituent Requirements refers to being able to identify one's action by the constituent requirements, an abstract description of behaviors that are subject to punishment. Second, Criminal Defenses refer to actions that go against the current law. Lastly, the Principle of Responsibility regulates the responsibility of the actor and their relationship to punishment. The nature of criminal responsibility lies in the possibility of censure against the actor. Even if an act can be applied to constituent requirements and is illegal, without

¹ I wish to acknowledge with great gratitude the following individuals for providing valuable advice for this paper:

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accountability (critic potential), no crime is established and therefore, cannot be punished.² When a perpetrator does not meet all three criminal elements, they are protected by certain articles of the Criminal Act such as Articles 9, 10, and 26.

Articles 9 and 10 avoid punishment being imposed on those not responsible. It guarantees that everyone in the nation has a dignity and value as a human being; It allows citizens to decide their own actions accordingly. Article 26 gives perpetrators whose criminal attempt is not sufficient to meet the constituent requirement, an opportunity for improvement through the reduction of the punishment.

All three articles of the Criminal Act reflect positive intentions embedded in the law. However, the articles' flaws have begun causing negative phenomena; perpetrators have begun to exploit the law and disdain the Criminal Act of Korea. Thus, this paper aims to consider the malfunctions Article 9, 10, and 26 of the Criminal Act in Korea, which should be amended to improve its shortages and meet its appropriate function of regulating citizens' actions within the law. I will conduct my analysis based on legal theories, legal codes, and legal cases to uncover the flaws then suggest possible solutions.

2. Function, exploitation and the possible solution of Article 9

Imagine watching a video of your own child being abused by fellow students by knife, iron pipe, bricks, and cigarette trending online. The perpetrators are laughing, mentioning that the smell of the blood pleases them.³ The child has been transported to the ER and is in grave danger. All of the perpetrators are not punished under criminal law as they are minors under the age of fourteen. This description of a brutal assault is a real-life case, Busan Middle School Student Group Assault case, which occurred on September 1, 2017, at Busan, Korea.

Within the recent several years, teenage crimes shocked Korea by its brutality, frequency and the young age of the perpetrators.⁴ The perpetrators of these crimes were mostly middle school students around the age of 14 who had no sense of guilt about their actions. They were punished under the Juvenile Act but were protected by Article 9 of the Criminal Act. This resulted in them only being required to transfer schools or go under protective disposition, opening possibilities of revenge, or another conviction towards the victim.⁵ Here is the text of Article 9, which is causing such situations in Korea:

Article 9 (Criminal Minors) of the Criminal Act,
“The act of a person under fourteen years of age shall
not be punished.”⁶

Article 9 was established in 1953 under the criminal element Applicability of Responsibility, to protect minors who are between the ages of one and thirteen. Article 9 guarantees the human rights of the minors who do not qualify under the Principle of Responsibility: they lack intellectual ability to distinguish between legal and illegal actions, and control their actions

² Lee, Jaesang, et al. “Criminal Elements.” *Hyöngbōpch'onngnon [Theories of Criminal Act]*, vol. 10, Parkyoungsa, 2020, pp. 79.

³ Busan Middle School Student Group Assault case. These are the direct quotes from the videos and screenshot of text messages uploaded by the perpetrators and testimonies.

(<https://www.facebook.com/kbsnewsbusan/photos/a.298098360523607/500864033580371/>
<https://www.youtube.com/watch?v=5dC3S3QgnIs>)

⁴ Kang, Il-Won. “Analysis and New Trends of Brutalized Teenager's Crime and the Solutions.” *Asia-Pacific Journal of Multimedia Services Convergent with Art, Humanities and Sociology*, vol. 9, Oct. 2019, pp. 739–751.

⁵ Park, HyunJung. “The Prevention of School Violence and the Solutions for Prevention of Recidivism - Focusing on the Prevention Activity and Standard Leading Program in the Beginning of the School-.” *법학논총*, vol. 21, no. 2, 2014, pp. 463–490.

⁶ This is the official translation of the Article from the National Law Information Centre of Korea.

accordingly.⁷ Under the protection of this article, young perpetrators receive an opportunity for improvement through educational measures.⁸ The age fourteen was the standard set when Article 9 was adopted in 1953, inspired by the Youth Court Law of Germany.⁹ Since it is difficult and inappropriate to determine each individual's mental maturity, behavioral control ability, and visual discrimination ability, establishing Article 9 to set the age of criminal responsibility uniformly based on a certain age seems reasonable.¹⁰ However, an increase in the frequency of comparable cases to Busan Middle School Student Group Assault case in Korea began to uncover shortages of Article 9.

A vast number of studies on juvenile delinquency and Article 9 of the Criminal Act was conducted and the conclusion drawn by the studies was stressing that the young perpetrators are abusing Article 9 because appropriate amendments of Article 9 was not made corresponding to the change of society and the teenagers. Such a conclusion can be explained while examining the relationship between change in Korean society and Bandura's social learning theory.¹¹

Around the 1950s, the first TV channel in Korea, Daehan Broadcasting Corporation (DBC), was created. DBC broadcasted news, kid's program, sports, etc.¹² The contents were often pressed and regulated by the government.¹³ Although the first TV channel existed, at the time, the television set was too expensive for most citizens and DBC was only available in Seoul, Korea. So due to the high price and the control of the content, teenagers in the 1950s had less exposure to violent content through the media when Article 9 was first established. In contrast, as you can see from the Busan Middle School Student Group Assault case, the majority of the juvenile crime cases begin from a trending video on social media, then the results are followed up via the internet. So, the teenagers in modern society are now placed in an environment where they can learn particular behavior and its consequences under the law.

Professor Bandura's social learning theory can explain the influence of the media on teenagers' behavioral change. Professor Albert Bandura is a psychologist who has introduced the social learning theory (social cognitive theory). One of his main experiment, "Bobo Doll Experiment," demonstrates that young individuals learn behaviors by observing adults and their surroundings, especially the aggressive behaviors.¹⁴ Making a connection to professor Bandura's social learning theory, it could be inferred that the Busan Middle School Student Group assault case perpetrators have internalized violent acts through the compensation

⁷ Kim, Seong-Eun. "Teenager's Responsibility Availability and Criminal Responsibility." *Korean Criminological Review*, vol. 27, no. 3, 2016, pp. 27–51.

⁸ Jang, Kyu-Won. "A Study on Criminal Minor and Responsibility." *Teenager Protection Experiment*, vol. 31, no. 3, 2018, pp. 379–404.

⁹ Jang, Kyu-Won. "A Study on Criminal Minor and Responsibility." *Teenager Protection Experiment*, vol. 31, no. 3, 2018, pp. 379–404.

¹⁰ Chönwönjaep'anbu 2002Hönma533, 2003. 9. 25. Court Decision Document released by the Full bench

¹¹ Kim, Chun-kyung, et al. "Social Learning Theory." *Counselling Studies Dictionary*, Hakjisa, 2016.

<https://terms.naver.com/entry.nhn?docId=5674834&cid=62841&categoryId=62841>

¹² Han, Jin-Man. "HLKZ—TV." *Sarajin bangsonggung keomyunikeisyeon ihaechongseo (Understanding Disappeared Broadcast Station and communication)*, Communication Books, 2013.

¹³ Lee, Yong-Sung. "The Age of Political Press and Prayer for Strengthening the Legal Control of the Press." Kwanggo, shidaerül ikta [Advertisement Reads the Time], Korea National History Compilation Committee, 2007, pp. 36–42.

¹⁴ "Bobo doll experiment, ground-breaking study on [aggression](#) led by psychologist [Albert Bandura](#) that demonstrated that [children](#) are able to [learn](#) through the observation of adult behaviour. The experiment was executed via a team of researchers who physically and verbally abused an inflatable doll in front of preschool-age children, which led the children to later mimic the behaviour of the adults by attacking the doll in the same fashion.;" HTTPs

received by virtual characters in violent dramas or actions of other young perpetrators from the social media (Cheon 245). For example, during the Busan Middle School Student Group assault case, the quotes such as “Let’s just keep beating her up so she wouldn’t remember,” “It’s an attempted murder anyway. Let’s just do more,” “Is this too much? You think we’re going to jail?” and “were spoken by the perpetrators.”¹⁵ The first quote expresses the violence within the young perpetrators, which also could be found in typical villains of movies or dramas. The second and third quotes where they weigh the degree of their illegal acts show that they are aware of the law and the actions. However, it implies that they are not afraid of it since they have seen perpetrators of other cases not being punished under the Criminal Act on the social media; the perpetrators are now abusing Article 9 because they are aware that they are protected by it.

Possible solutions to problems caused by Article 9 were suggested by scholars from different fields and the citizens. Numerous individuals are emphasizing the necessity of lowering the age. However, considering that the speed of social maturity growth differs between every individual, lowering the age stated in Article 9 will not solve the problem.¹⁶

Contrasting to Korea’s Criminal Act which determines the intellectual ability and social maturity based on age, countries in Europe such as Germany, Austria, Italy, and the Czech Republic often consider teenagers as adults with limitations under the Criminal law. Then the judges determine the criminal responsibility of the young perpetrators in-depth within individual criminal cases.¹⁷ Considering the purpose of Article 9, Europe’s approach towards the young perpetrator seems more appropriate. So rather than lowering the age, Article 9 should be revised into the notion in which the minor’s intellectual capacity is determined on additional criteria.

3. Function, exploitation and the possible solution of Article 10

Two men committed a crime under the influence of alcohol. One of them was a forty-year-old man from Jeju Island, Korea, who assaulted the firefighters after drinking over his limit.¹⁸ Another man from Ansan-si, Gyeonggi-do kidnapped, raped and severely injured an 8-year-old girl in a shopping mall bathroom in Ansan-Si, Korea. The victim lost 80 percent of her genital functions causing permanent disability; she had to begin using an artificial anus. Between the two cases, the latter case perpetrator’s punishment was reduced; he was protected by Article 10 under “alcohol intoxication.” And here is Article 10 of the Criminal Act.

Article 10 (Persons with Mental Disorders):

(1) The act of a person who, because of mental disorder, is unable to make discriminations or to control one’s will, shall not be punished.

(2) For the conduct of a person who, because of mental disorder, is deficient in the abilities mentioned in the preceding paragraph, the punishment may be mitigated.

(3) The provisions of the preceding two paragraphs shall not apply to the act of a person who, in anticipation of danger of a crime, has intentionally incurred his/her mental disorder.¹⁹

¹⁵ This are the direct quotes from the videos and screenshot of text messages uploaded by the perpetrators and testimonies. (<https://www.facebook.com/kbsnewsbusan/photos/a.298098360523607/500864033580371/> <https://www.youtube.com/watch?v=5dC3S3QgnIs>)

¹⁶ Kim, Seong-Eun. “Teenager’s Responsibility Availability and Criminal Responsibility.” *Korean Criminological Review*, vol. 27, no. 3, 2016, pp. 27–51.

¹⁷ *Ibid.*, pp. 29

¹⁸ Kim Hyeon-Jong. “Imprisonment of Labor for a Fourty Year Old Man Assaulting an Ambulance Worker Who Came to Rescue Him.” *Nyujejuilbo*, 29 July 2020, www.ijejuilbo.net/news/articleView.html?idxno=148657.

¹⁹ This is the official translation of the Article from the National Law Information Centre of Korea.

Like Article 9, Article 10 (Persons with Mental Disorders) is an article driven from Principle of Responsibility. Article 10 prevents accusing individuals as perpetrators who does not have cognitive capacity to take responsibility of their actions. According to the court of law, “Persons with Mental Disorders of the Article 10 includes an individual whose cognitive capacity and behavioral control ability has been decreased or eliminated due to neurological (biological) or psychological illness.”²⁰

The term “Persons with Mental Disorder” was first mentioned in the Military Service Act in 1949. A few years later, laws such as Article 10 and Act on Welfare of Persons with Disabilities were created to accommodate and protect “Persons with Mental Disorder” under law.

Article 10 is essential in the Criminal Act, which guarantees human rights to all of the citizens through equity.²¹ However one of the most significant shortcomings of this article is inhibiting the necessity of Article 10.

The first and second clauses of Article 10 apply when a perpetrator has little to no intention of their illegal activity or has a low possibility of a second conviction. This not only protects the victim but also guarantees the perpetrator’s opportunity for rehabilitation. On the other hand, if it was an intentional action, the perpetrator will be punished despite their mental disability under the third clause of Article 10, to protect the victim. Acknowledging such aspects, the article itself seems rational, advocating both perpetrator and the victim as an equal citizen of Korea under different circumstances. However, it is noticeable that the definition of “individual with a mental disorder” is not explicitly defined. And the numerous judgments made until today reveals that the court’s independent judgment fails to clearly present the methods and criteria for mental/physical disability judgment under Article 10 or show the consistency of sentencing to ensure reliability and validity.²² The two cases mentioned at the beginning of this section-Jeju Firefighter assault case and Cho Doo-Soon Child Rape case- are the examples of such inconsistency.

The perpetrator of the Jeju Firefighter assault case was defined as “under the influence” while the perpetrator of the Cho Doo-Soon Child Rape case was determined as “alcohol intoxication.” The definition of “Under the influence” or “alcohol intoxication” is committing illegal action under a lack of behavioral control ability and visual discrimination ability caused by alcohol consumption or addiction. Requesting mitigation of punishment under both conditions is unacceptable since drinking beyond the limit or drinking alcohol while dependency syndrome is not completely cured is considered as one’s responsibility (Jeong 123). Nevertheless, Cho Doo-Soon, the perpetrator of the Cho Doo-Soon Child Rape case, was sentenced 12 years after being protected by Article 10 as “alcohol intoxication.” At the time of the trial, there was no evidence to prove Cho’s claim of intoxication, but the prosecution did not refute Cho’s claim of intoxication, which led to the reduction of his sentence. The prosecution did not question it either.²³ This shows how the absence of clear criteria in Article 10 is causing inconsistent judgments.

Court’s decision made towards the Cho Doo-Soon Child Rape case was nonsense to the citizens, especially because the specific criteria in Article 10 is absent. Therefore, citizens uploaded a national petition out of disappointment towards the national assembly. After exceeding two hundred thousand signatures on the national petition, the government has

²⁰ Shin, Kwan-Woo, and Se-Jong Jeong. “A Study on Court Judgement Tendency about Person of Disability of Mind&Spirit and Implication.” no. 13, ser. 4, 2017, pp. 171

²¹ Equity; a situation in which everyone is treated equally

²²Shin, Kwan-Woo, and Se-Jong Jeong. “A Study on Court Judgement Tendency about Person of Disability of Mind&Spirit and Implication.” no. 13, ser. 4, 2017, pp. 167–184. 4.

²³ Changwon Pyo, Member of Parliament

decided to amend the law. The law changed in which perpetrator will no longer be protected under Article 10 when raping/sexually assaulting minors under the influence of alcohol intoxication. However, not a single significant revision on Article 10 was made. This is resulting in a repetition of inconsistent judgment; perpetrators have noticed the flaws of Article 10 and cases in which perpetrators are exploiting Article 10 began to appear (Shin and Jeong 170).

On March 29, 2017, a 16-year-old Kim, kidnapped an 8-year-old elementary school girl in Incheon, Korea.²⁴ On July 4, Kim's first trial, Kim insisted that it was an unplanned crime and was committed in a state of mental weakness. On August 10, Kim stated that she heard hallucinations on the day of the crime. Kim claimed that she is diagnosed with a mental disorder; she mentioned multiple diseases over time after being rejected by the court several times. She was aware of the characteristics of each disease she was mentioning. The prosecution demanded 20 years of imprisonment for Kim on Aug. 29 after denying applying Article 10 on Kim. Kim's punishment was not reduced through her false statements. However, Kim's such behavior driven from the awareness of Article 10 proves that she was attempting to exploit the law to advocate herself. Stressing that this is not the only case in which perpetrators have claimed mental illness for the same purpose, it is apparent that perpetrators who have full responsibility for the actions are trying to take advantage of Article 10.²⁵ From this, we can infer that Article 10 is being abused by the perpetrators and consequent revision seems necessary.

To strengthen Article 10 and avoid being exploited by the criminal, the following two must be considered when amending article 10:

- Set definition of "individual with a mental disorder" and include the lists of mental illness covered by Article 10
- The law should ask the court to cooperate with medical experts such as neurologists so that their medical reports become mandatory in the court trials.²⁶

Adding these two details to Article 10 will prevent inconsistent judgements and allow perpetrators to receive a valid punishment.

4. Function, exploitation and the possible solution of Article 26

While Article 9 and 10 were articles driven by the Principle of Responsibility, Article 26 is an article that goes under the Applicability of Constituent Requirements. The Applicability of Constituent Requirements refers to being able to identify one's action by the constituent requirements, an abstract description of behaviors that are subject to punishment.

Article 26 is one of the laws which considers crime as an Attempt.²⁷ Here is the full text of Article 26.

Article 26 (Voluntarily Ceased Crime): when a person voluntarily ceases his/her criminal act which he/she began or prevents the result of the culmination thereof, the punishments shall be mitigated or

²⁴ Kim, Eun-Bin. "A high school girl who murdered an elementary school student, a finding that she is more of a psychopath." *JoongAng Ilbo*, JoongAng Ilbo, 16 Apr. 2017, news.joins.com/article/21481134.

²⁵ Shin, Kwan-Woo, and Se-Jong Jeong. "A Study on Court Judgement Tendency about Person of Disability of Mind&Spirit and Implication." no. 13, ser. 4, 2017, pp. 167-184.

²⁶Shin, Kwan-Woo, and Se-Jong Jeong. "A Study on Court Judgement Tendency about Person of Disability of Mind&Spirit and Implication." no. 13, ser. 4, 2017, pp. 167-184.

²⁷ Jeong, Suk-Hee. "Improvements on Sentencing Guidelines and Sentencing Context of Intoxicated State." no. 463, 2017, pp. 118-134.

remitted.²⁸

In contrast to how Article 9 and 10 questions one's capacity to take responsibility, Article 26 affects the determination of punishment under the premise that the individual has committed illegal acts. On the other hand, similar to Article 9 and 10, it is one of the articles that open the possibility to the perpetrator's improvement. By mitigating or remitting the punishment, the court compensates those who voluntarily made a decision to prevent the result of the crime and follow the law, although they have committed a crime (Han 619). Article 26 is restricted to a specific situation; it applies when the crime has been prevented, unlike Articles 9 and 10, which applies when the crime has been completed. Therefore, the frequency of the Article 26 usage in the court is relatively low. So, there are no controversial cases that demanded the revision of Article 26. However, the fundamental problems of Article 26 have been neglected since it has been established.

One of the fundamental problems of Article 26 is the unclear meaning of 'voluntarily' in Article 26. According to the Korean dictionary, 'voluntarily' means by one's own thought or opinion. However, the vocabulary 'voluntarily' in Article 26 is a legal concept that allows the reduction of one's sentence; it should be interpreted/applied corresponding to the purpose/role of Article 26 (Han 268).

All legal terms should follow Void for Vagueness; all criminal law should define the constituent requirements the following punishment with clarity. This prevents the involvement of the subjectivisms during the trial and allows citizens to understand or assume which behaviors are prohibited by law.²⁹ However, 'voluntarily' stopping one's illegal action described in Article 26 cannot be measured by quantitative value or physically visible; the national assembly has failed to set an objective definition.³⁰

In April 1999, a perpetrator stabbed the victim several times in the neck and left chest to kill her. The perpetrator stated that he stopped after feeling scared when he saw blood flowing out of the victim's chest. The judge rejected to apply this case to Article 26 because the perpetrator's was ceased due to as an obstacle to the completion of the crime, not their moral/ethical values.³¹ On the other hand, in June 1993, the offender tried to rape the victim but failed to achieve his purpose due to the victim's earnest request. The perpetrator responded to the victim's promise then drove the victim home in his car. The defendant voluntarily stopped raping the victim, so the perpetrator was considered to be qualify under Article 26. The perpetrators both claimed their applicability of Article 26 but only one of them was accepted. This shows that the court considers "voluntarily" as an voluntary action caused by one's moral or ethical values; according to Professor Jeong-Hwan Han, Supreme Court's decisions, stopping illegal act "voluntarily" were exemplified as "post-crime repentance," "pity for the victim," and "encouragement through request." On the other hand, 'surprised,' 'fear', and 'physical condition disturbance' was not defined as 'voluntarily'. In conclusion, Article 26 only applies when the perpetrators voluntarily stopped by moral and ethical reasons. However, due to the subjective nature of the article itself, the definition of 'voluntarily' depends on the judge, although past judgments show such results.

Similar to how perpetrators were randomly claiming their applicability to Article 10, a similar phenomenon was happening with Article 26. According to Jeong-Hwan Han's report

²⁸ This is the official translation of the Article from the National Law Information Centre of Korea.

²⁹ "Void for Vagueness." *Hankyung Economic Glossary*, Hankyung.com.

<https://terms.naver.com/entry.nhn?docId=2066478&cid=50305&categoryId=50305>

³⁰ Han, Jeong-Hwan. "Requirements and results of the application of Article 26 of the Criminal Code." *Criminal Act Experiment*, vol. 26, no. 26, 2006, pp. 615–642.

³¹ Supreme Court of Korea, 1999. 4. 13., "Seongo, 99Do640, Pangyeol" The Supreme Court Decision Document

“Requirements and Results of the Application of Article 26 of the Criminal Act,” states that out of less than 10 Supreme Court cases - which questioned the perpetrator’s applicability of Article 26 - only one of them was considered to be applicable of Article 26. This shows that perpetrators who were not able to complete a crime attempts to argue that their punishment should be mitigated under Article 26.

Considering the subjective aspect of the Article, suggesting solutions such as specifying the list of behaviors which applies to Article 26 will not stop perpetrators from exploiting the Article. Perpetrators will try to fit in to the list; which makes it lose the whole purpose of the Article 26, compensating ones who stop their action voluntarily due to their “ethical/moral values.” Therefore Article 26 should change into an article which applies additional penalty rather than an article which mitigates punishment under certain behaviors. When revising the article into a such notion, setting a list of factors will add clarity to the clause.

5. Conclusion

Articles 9, 10, and 26 of the Criminal Act in Korea are reasonable and flexible articles that guarantee the citizens of Korea's fundamental human rights. Article 9 (Criminal Minors) prevents the court from asking responsibility for the illegal acts committed by the underage minors who lack social maturity compared to adults. Article 10 (Persons with Mental Disorders) prevents accusing individuals as perpetrators who lack the responsibility for their actions from a mental disorder. Article 26 (Voluntarily Ceased Crime) compensate those who voluntarily committed a decision to prevent the results and follow the law, although they have committed a crime. All three articles of the Criminal Act do have positive connotations. However, each article has flaws that allow the perpetrators to exploit the articles, and consequent revision should occur.

Article 9 should be changed into a path where the young perpetrator's intellectual capacity should not be decided based upon their age. Whether the perpetrator is capable of taking responsibility for their action should be judged individually during each trial with specific criteria. When amending Article 10 should, the definition of “individual with a mental disorder” should be determined, and the lists of mental illness covered by Article 10 must be included. Also, the law should ask the court to cooperate with medical experts such as neurologists so that their medical reports become mandatory in the court trials.³² Article 26 should transform into an article which applies additional penalty rather than an article which mitigates punishment under certain behaviors.

I hope pinpointing the problems of Article and suggesting possible solutions will contribute to the Criminal Act's improvement and prevent the future exploiting of the law.

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³²Shin, Kwan-Woo, and Se-Jong Jeong. “A Study on Court Judgement Tendency about Person of Disability of Mind&Spirit and Implication.” no. 13, ser. 4, 2017, pp. 167–184.

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