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Chapter 1

Cases Concerning Freedom of Press and other intellectual Freedom

I. Full Opinions

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(14-1 KCCR 87, 99Hun-Ka8, February 28, 2002)

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1. Principle of *nulla poena sine lege* and the rule of clarity.
2. Whether the provision of the Protection of Minors Act prohibiting and punishing distribution, sales, donation, lending, or showing of comics that may contribute to causing obscene or cruel behavior of minors or that could instigate minors to commit a crime (hereinafter called the "unwholesome comics") to minors violates the rule of clarity.
3. Whether the provision of the Child Welfare Act prohibiting and punishing the manufacture or publication of books, periodicals, advertisements, or other materials that could be seriously harmful to the moral character of children violates the rule of clarity.

Summary of the Decision

1. The principle of *nulla poena sine lege* requires the elements of a crime and its punishment be determined in the form of a legislative act. The rule of clarity derived from the principle of *nulla poena sine lege* requires that elements constituting a crime be clearly defined in order to enable ordinary citizens to recognize what action is prohibited by law and what are penalties for such violation so that