

CONSTITUTIONAL COURT DECISIONS

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TABLE OF CONTENTS

Chapter 1

Cases Concerning Freedom of Press and other Intellectual Freedoms

I. Full Opinions

<i>1. Import Recommendation System of Sound Records, Video Products, and Game Software Act Case</i> [17–1 KCCR 51, 2004Hun–Ka8, February 3, 2005]	1
<i>2. Prohibition of Medical Advertisement of the Medical Service Act Case</i> [17–2 KCCR 189, 2003Hun–Ka3, October 27, 2005]	21
<i>3. Disclosure of Military Health Records of Public Officials Case</i> [19–1 KCCR 711, 2005Hun–Ma1139, May 31, 2007]	39
<i>4. Prior Review of Broadcast Advertisements Case</i> [20–1(B) KCCR 397, 2005Hun–Ma506, June 26, 2008]	68
<i>5. Stillborn Fetuses' Right to Claim for Damages Case</i> [20–2(A) KCCR 91, 2004Hun–Ba81, July 31, 2008]	103
<i>6. Ban on Fetus Sex Identification Case</i> [20–2(A) KCCR 236, 2004Hun–Ma1010, 2005Hun–Ba90 (consolidated), July 31, 2008]	125

<i>Investigation Purposes Case</i>	
[17-1 KCCR 668, 99Hun-Ma513, 2004Hun-Ma190 (consolidated), May 26, 2005]	159
2. Case on Retention of Graduates' Information	
[17-2 KCCR 81, 2003Hun-Ma282 · 425 (consolidated), July 21, 2005]	162
3. Ban on Outdoor Assembly and Demonstration Adjacent to Courthouses Case	
[17-2 KCCR 360, 2004Hun-Ka17, November 24, 2005]	165
4. The Newspapers Act Case	
[18-1(B) KCCR 337, 2005Hun-Ma165 · 314 · 555 · 807, 2006Hun-Ka3 (consolidated), June 29, 2006]	167
5. Rating System of Video Materials Case	
[19-2 KCCR 362, 2004Hun-Ba36, October 4, 2007]	174
6. Korean Broadcasting Commission's Warning against MBC	
[19-2 KCCR 611, 2004Hun-Ma290, November 29, 2007]	176
7. Restricted Screening Rating Case	
[20-2(A) KCCR 20, 2007Hun-Ka4, July 31, 2008]	180
8. Withholding of Video Product Classification Case	
[20-2(A) KCCR 664, 2004Hun-Ka18, October 30, 2008]	184

Chapter 2

Cases Concerning Politics, Elections and Public Affairs

I. Full Opinions

1 Local Government Officers' Elected Term Limit Case



<i>2. Registration Requirement of Political Parties Case</i> [18-1(A) KCCR 402, 2004Hun-Ma246, March 30, 2006]	208
<i>3. The Right to Vote of Nationals Residing Abroad Case</i> [19-1 KCCR 859, 2004Hun-Ma644, 2005Hun-Ma360 (consolidated), June 28, 2007]	222
<i>4. Petition to Invalidate the Notice of Compliance Request for President's Duty of Impartiality toward Election</i> [20-1(A) KCCR 139, 2007Hun-Ma700, January 17, 2008]	262
<i>5. Age Restriction Case in the Open-Competitive Civil Service Entrance Examination for Rank 5 Position</i> [20-1(B) KCCR 329, 2007Hun-Ma1105, May 29, 2008]	320

II. Summaries of Opinions

<i>1. The Requirement of Twenty-Five Years of Age or Above to be Elected as Assemblyperson Case</i> [17-1 KCCR 547, 2004Hun-Ma219, April 28, 2005]	333
<i>2. Administrative Center Multi-City Case</i> [17-2 KCCR 481, 2005Hun-Ma579 · 763 (consolidated), November 24, 2005]	334
<i>3. Treaties on Relocation of the U.S. Military Base Case</i> [18-1(A) KCCR 298, 2005Hun-Ma268, February 23, 2006]	338
<i>4. Limiting the Age of Candidates in Rank 9 Public Employee Examinations</i> [18-1(B) KCCR 134, 2005Hun-Ma11, 2006Hun-Ma314 (consolidated), May 25, 2006]	341
<i>5. Allocating Proportion of Country Subsidy to Political Parties</i>	

6. <i>Performance of the Duty of Military Service before the Renunciation of Nationality Case</i>	
[18–2 KCCR 528, 2005Hun–Ma739, November 30, 2006]	346
7. <i>Electoral District Tables for Municipal and Provincial Assembly Election</i>	
[19–1 KCCR 287, 2005Hun–Ma985 · 1037, 2006Hun–Ma11 (consolidated), March 29, 2007]	348
8. <i>Requirements for Eligibility to Take Bar Examination and Substitution English Tests for Bar Examination English Test Case</i>	
[19–1 KCCR 514, 2003Hun–Ma947, 2004Hun–Ma4 · 156 · 352 · 1009, 2005Hun–Ma414 · 1009 · 1263 (consolidated), April 26, 2007]	352
9. <i>Listing Order of Candidate's Name on Ballot Paper</i>	
[19–2 KCCR 412, 2006Hun–Ma364 · 587 · 791 (consolidated), October 4, 2007]	355
10. <i>Case on Special Prosecutor to Probe Myung-bak LEE, Presidential Candidate of Grand National Party</i>	
[20–1(A) KCCR 1, 2007Hun–Ma1468, January 10, 2008]	357
11. <i>Restriction on Election Law Violator's Eligibility for Election</i>	
[20–1(A) KCCR 98, 2004Hun–Ma41, January 17, 2008]	365
12. <i>Assignment of Policy-Research Committee Case</i>	
[20–1(A) KCCR 375, 2004Hun–Ma654, March 27, 2008]	366
13. <i>Constitutional Complaint of Local Government Head Respecting Hot Spring Development Plans</i>	
[20–1(A) KCCR 453, 2004Hun–Ba44, April 24, 2008]	370
14. <i>Prohibition against Election Campaign Planning of Public Officials</i>	
[20–1(B) KCCR 270, 2006Hun–Ma1096, May 29, 2008]	373



[20-1(B) KCCR 447, 2007Hun-Ma917, June 26, 2008] 378

16. Deposit Money in Presidential Elections Case

[20-2(B) KCCR 477, 2007Hun-Ma1024, November 27, 2008] 379

Chapter 3

Cases Concerning Economic and Property Rights and Taxation

I. Full Opinions

1. Imposing School Site Acquisition Charge on Purchaser of Housing Units from Developer Case

[17-1 KCCR 294, 2003Hun-Ka20, March 31, 2005] 385

2. Case on Three Strike Law for Drunk Driving

[18-1(B) KCCR 98, 2005Hun-Ba91, May 25, 2006] 408

3. Accidental Fire Liability Case

[19-2 KCCR 203, 2004Hun-Ka25, August 30, 2007] 424

4. Testament by Holographic Will without Seal

[20-1(A) KCCR 355, 2006Hun-Ba82, March 27, 2008] 437

5. Priority of Payment of Accrued Late Payment Penalty Claim in Bankruptcy Case

[20-1(B) KCCR 1, 2006Hun-Ka6 · 11 · 17 (consolidated), May 29, 2008] 457

6. Imposing School Site Acquisition Charge on Real Estate Development Company Case

[KCCR 20-2(A), 424, 2007Hun-Ka9, September 25, 2008] 476

II. Summaries of Opinions

1. *Case on Designation of National Basic News Agency*
[17–1 KCCR 996, 2003Hun–Ma841, June 30, 2005] 503
2. *Arbitrary Imposing Point for Penalty Surcharge Case*
[18–1(B) KCCR 1, 2005Hun–Ka17, 2006Hun–Ba17 (consolidated),
May 25, 2006] 504
3. *Priority Repayment System for Depositors*
[18–2 KCCR 403, 2003Hun–Ka14 · 15 (consolidated), November 30,
2006] 506
4. *Prohibition against the Establishment of Plural Medical
Institutions by a Medical Personnel with Plural Licenses*
[19–2 KCCR 795, 2004Hun–Ma1021, December 27, 2007] 509
5. *Ancestral Rite Administrators' Inheritance of Ritual-Purpose
Property Case*
[20–1(A) KCCR 221, 2005Hun–Ba7, February 28, 2008] 512
6. *Television Broadcast Receiving Fees Case*
[20–1(A) KCCR 250, 2006Hun–Ba70, February 28, 2008] 515
7. *Prohibition against Seizure of Postal Insurance Case*
[20–1(B) KCCR 91, 2006Hun–Ba5, May 29, 2008] 517
8. *Freight Limit on Van-Type Freight Vehicle Operators
Case*
[20–2(A) KCCR 587, 2007Hun–Ma233, September 25, 2008] 521
9. *Medical Institution's Filing of Information on Patients' Medical
Expenses for Income Tax Deduction Case*
[20–2(A) KCCR 1115, 2006Hun–Ma1401 · 1409 (consolidated),
October 30, 2008] 524
10. *Position and Liabilities of Guarantors in Rehabilitation
Procedures*

11. Comprehensive Real Estate Tax Case
 [20-2(B) KCCR 1, 2006Hun-Ba112, 2007Hun-Ba71 · 88 · 94, 2008Hun-Ba3 · 62, 2008Hun-Ka12 (consolidated), November 13, 2008] 532

12. Korea Broadcast Advertising Corporation's Monopoly of Advertising Agency Work for Terrestrial Broadcasters Case
 [20-2(B) KCCR 367, 2006Hun-Ma352, November, 27, 2008] 544

13. Charges on Movie Tickets Case
 [20-2(B) KCCR 447, 2007Hun-Ma860, November 27, 2008] 551

14. Holographic Will Case
 [20-2(B) KCCR 648, 2007Hun-Ba128, December 26, 2008] 554

Chapter 4

Cases Concerning Social Rights such as in Family, Labor Relations

I. Full Opinions

1. Constitutional Complaint against the Proviso of Trade Union and Labor Relations Adjustment Act Article 81 Item 2
 [17-2 KCCR 392, 2002Hun-Ba95 · 96, 2003Hun-Ba9 (consolidated), November 24, 2005] 559

2. Prohibition of Labor Campaigns by Public Employees Case
 [19-2 KCCR 215, 2003Hun-Ba51, 2005Hun-Ka5 (consolidated), August 30, 2007] 580

3. Visually Impaired Massagers Case
 [20-2(A) KCCR 1089, 2006Hun-Ma1098 · 1116 · 1117 (consolidated),

II. Summaries of Opinions

1. Case on the House Head System

[17-1 KCCR 1, 2001Hun-Ka9 · 10 · 11 · 12 · 13 · 14 · 15, 2004Hun-Ka 5 (consolidated), February 3, 2005] 651

2. Ban on Public Employees' Labor Movement

[17-2 KCCR 238, 2003Hun-Ba50, 2004Hun-Ba96 (consolidated), October 27, 2005] 656

3. Use of Paternal Family Name Case

[17-2 KCCR 544, 2003Hun-Ka5 · 6 (consolidated), December 22, 2005] 660

4. Awarding Additional Points to the Family Members of Patriots and Veterans Who Take the Public Servant Examinations to Work at National and Local Level of Organizations.

[18-1(A) KCCR 269, 2004Hun-Ma675 · 981 · 1022 (consolidated), February 23, 2006] 662

5. Visually Impaired Persons' Monopoly as Massagers

[18-1(B) KCCR 112, 2003Hun-Ma715, 2006Hun-Ma368 (consolidated), May 25, 2006] 666

6. Private Schools' Collective Bargaining Case

[18-2 KCCR 565, 2004Hun-Ba67, December 28, 2006] 668

7. Pension Payments Reduction for Public Employees due to Crimes They Committed

[19-1 KCCR 211, 2005Hun-Ba33, March 29, 2007] 671

8. Labor Rights of Foreign Trainees of Industrial Technology

[19-2 KCCR 297, 2004Hun-Ma670, August 30, 2007] 674

9. Suspension of Pension Payment for Retired Public Employees Case

[20-1(A) KCCR 279, 2005Hun-Ma872 · 918 (consolidated), February

<i>10. Priority Payment of Claims of Wages Case</i>	
[20–2(B) KCCR 260, 2007Hun–Ba36, November 27, 2008]	680
<i>11. The Establishment and Operation of Public Employees' Union Case</i>	
[20–2(B) KCCR 666, 2005Hun–Ma971 · 1193, 2006Hun–Ma198 (consolidated), December 26, 2008]	682
<i>12. Notification of import Health Requirements for US Beef Case</i>	
[20–2(B) KCCR 960, 2008Hun–Ma419 · 423 · 436 (consolidated), December 26, 2008]	688

Chapter 5

Cases Concerning Procedural Rights and Criminal Justice

I. Full Opinions

<i>1. Constitutional Review of Article 312 (1) of the Criminal Procedure Act</i>	
[17–1 KCCR 558, 2003Hun–Ka7, May 26, 2005]	695
<i>2. Urine Testing of Narcotic Offenders Case</i>	
[18–2 KCCR 280, 2005Hun–Ma277, July 27, 2006]	720
<i>3. Request for Constitutional Review of Article 53 Section 1 of the Military Criminal Act</i>	
[19–2 KCCR 535, 2006Hun–Ka13, November 29, 2007]	731
<i>4. Adultery Case</i>	
[20–2(A) KCCR 696, 2007Hun–Ka17 · 21, 2008Hun–Ka7 · 26, 2008	

II. Summaries of Opinions

1. *Period of Medical Treatment and Custody Case*
[17-1 KCCR 70, 2003Hun-Ba1, February 3, 2005] 781
2. *Ban on Writing during the Period of Prohibitory Confinement Case*
[17-1 KCCR 261, 2003Hun-Ma289, February 24, 2005] 786
3. *Use of Restraints on Inmates*
[17-1 KCCR 754, 2004Hun-Ma49, May 26, 2005] 789
4. *Revocation of Driver Licenses for Using Cars in Commission of Crime*
[17-2 KCCR 378, 2004Hun-Ka28, November 24, 2005] 791
5. *Admission of Hearsay Statements of Foreign Residents Case*
[17-2 KCCR 712, 2004Hun-Ba45, December 22, 2005] 793
6. *Denial of Appeal to the School Foundation Case*
[18-1(A) KCCR 58, 2005Hun-Ka7, 2005Hun-Ma1163 (consolidated),
February 23, 2006] 796
7. *So-called Brothel Building Provider Case*
[18-1(B) KCCR 498, 2005Hun-Ma1167, June 29, 2006] 798
8. *Punishment on the Concealment of Cultural Assets and the Possession and Keeping of Stolen Cultural Assets*
[19-2 KCCR 90, 2003Hun-Ma377, July 26, 2007] 800
9. *Statutory Provision Punishing Both Sides in Unlicensed Medical Practice*
[19-2 KCCR 520, 2005Hun-Ka10, November 29, 2007] 802
10. *Cancellation of Fair Trade Commission's No-Suspicion Decision*
[19-2 KCCR 832, 2005Hun-Ma1209, December 27, 2007] 805
11. *Internet Café (PC-Bang) in the Vicinity of School Case*
[20-1(A) KCCR 554, 2006Hun-Ba60 · 61 (consolidated), April 24,



12. *Case on Not Recognizing Retroactivity of an Unconstitutional Decision*
[20-2(A) KCCR 488, 2006Hun-Ba108, September 25, 2008] 811

13. *Aggravated Punishment of Repeated Bodily injury Resulting from Robbery under Article 3 of the Act on Special Cases Concerning the Punishment of Specific Violent Crimes Case*
[20-2(B) KCCR 523, 2007Hun-Ka10 · 16 (consolidated), December 26, 2008] 813

Chapter 6

Cases Concerning Legislative Omissions

I. Summaries of Opinions

1. *Use of Loudspeaker in Election Campaign Case*
[20-2(A) KCCR 345, 2006Hun-Ma711, July 31, 2008] 819

Chapter 7

Cases Concerning Competence Dispute

I. Full Opinions

1. *Competence Dispute between Assemblyperson and Assembly Speaker on Private School Act*

II. Summaries of Opinions

<i>1. Passing the Revised Bill of the National Government Organization Act Case</i>	
[18-1(A) KCCR 82, 2005Hun-Ra6, February 23, 2006]	839
<i>2. Competence Dispute on Jurisdiction over Reclaimed Field Between Local Governments Case</i>	
[18-2 KCCR 319, 2003Hun-Ra1, August 31, 2006]	841
<i>3. Competence Dispute on Rice Negotiation</i>	
[19-2 KCCR 26, 2005Hun-Ra8, July 26, 2007]	844
<i>4. Title of New Harbor Case</i>	
[20-1(A) KCCR 332, 2006Hun-Ra1, March 27, 2008]	847
<i>5. Competence Dispute over Local Election Administration Costs</i>	
[20-1(B) KCCR 340, 2005Hun-Ra7, June 26, 2008]	851
<i>6. Competence Dispute on Jurisdiction over an Island</i>	
[20-2(B) KCCR 547, 2005Hun-Ra11, December 26, 2008]	855
Index	859



Chapter 1

Cases Concerning Freedom of Press and Other Intellectual Freedoms

I. Full Opinions

1. Import Recommendation System of Sound Records, Video Products, and Game Software Act Case

[17-1 KCCR 51, 2004Hun-Ka8, February 3, 2005]

In this case, the Constitutional Court ruled that the provisions at issue in the Sound Records, Video Products, and Game Software Act requiring those wishing to import foreign video materials to obtain an import recommendation by the Korea Media Rating Board constitute a form of prior censorship and therefore violate the Constitution.

Background of the Case

The Sound Records, Video Products, and Game Software Act ("SVGA"), for the purpose of restricting foreign imports of obscene or violent video materials, requires each import of foreign materials to be first recommended by the Korea Media Rating Board ("KMRB") under penalty of criminal punishment. The requesting petitioner, for this constitutional review, imported and distributed foreign video materials without first obtaining the Korea Media Rating Board's recommendation, and was indicted and fined by the court. The requesting petitioner, on the one hand, appealed to the Supreme Court, and filed a motion to request for a constitutional review of the provisions of SVGA prescribing the import recommendation system. The Supreme Court requested this constitutional review of those provisions