I. 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
	28 2008] 678



 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]
Chapter 4 Cases Concerning Social Rights such as in Family, Labor Relations
 Full Opinions 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]
30, 2007]

I. 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]
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
	[20-2(A) KCCR 1449, 2007Hun-Ma206, October 30, 2008] 529



	[20-1(B) KCCR 447, 2007Hun-Ma917, June 26, 2008]
40	Panagit 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 Acguisition Charge on Purchaser of
	Haveing Units from Developer Case
	[17-1 KCCR 294, 2003Hun-Ka20, March 31, 2005]
2.	Ocean on Three Strike Law for Drunk Driving
	[18-1(B) KCCR 98, 2005Hun-Ba91, May 25, 2006]
3.	Appidental Fire Liability Case
	[19-2 KCCR 203, 2004Hun-Ka25, August 30, 2007]
4.	Testament by Holographic Will without Seal
	120 1(A) KCCR 355 2006Hun-Ba82, March 27, 2008]
5	Priority of Payment of Accrued Late Payment Penalty Claim
- •	in Bankruntcy Case
	[20-1(B) KCCR 1, 2006Hun-Ka6 · 11 · 17 (consolidated), May 29.
	2008]
6	5. Imposing School Site Acquisition Charge on Real Estate
	Davidonment Company Case
	[KCCR 20-2(A), 424, 2007Hun-Ka9, September 25, 2008] 476

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



2.	Registration Requirement of Political Parties Case
	[18-1(A) KCCR 402, 2004Hun-Ma246, March 30, 2006] 208
3.	The Right to Vote of Nationals Residing Abroad Case
	[19-1 KCCR 859, 2004Hun-Ma644, 2005Hun-Ma360 (consolidated),
	June 28, 2007]
4.	Petition to Invalidate the Notice of Compliance Request for
	President's Duty of Impartiality toward Election
	[20-1(A) KCCR 139, 2007Hun-Ma700, January 17, 2008] 262
5,	Age Restriction Case in the Open-Competitive Civil Service
	Entrance Examination for Rank 5 Position
	[20-1(B) KCCR 329, 2007Hun-Ma1105, May 29, 2008]
I.	Summaries of Opinions
1.	The Requirement of Twenty-Five Years of Age or Above to be
	Elected as Assemblyperson Case
_	[17-1 KCCR 547, 2004Hun-Ma219, April 28, 2005]
2.	Administrative Center Multi-City Case
	[17-2 KCCR 481, 2005Hun-Ma579 · 763 (consolidated), November
	24, 2005
3.	Treaties on Relocation of the U.S. Military Base Case
	[18-1(A) KCCR 298, 2005Hun-Ma268, February 23, 2006]
4	Limiting the Age of Candidates in Rank 9 Public Employee
	Examinations
	[18-1(B) KCCR 134, 2005Hun-Ma11, 2006Hun-Ma314 (consolidated),
F	May 25, 2006] 341
0	May 25, 2006]
0	May 25, 2006]
Ο,	May 25, 2006]

	Investigation Purposes Case
	[17-1 KCCR 668, 99Hun-Ma513, 2004Hun-Ma190 (consolidated), May
	26, 2005]
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

[18-1(A) KCCR 320, 2005Hun-Ma403, February 23, 2006] 189



TABLE OF CONTENTS

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] 1
2. Prohibition of Medical Advertisement of the Medical Service
Act Case
[17-2 KCCR 189, 2003Hun-Ka3, October 27, 2005]21
3. Disclosure of Military Health Records of Public Officials Case
[19-1 KCCR 711, 2005Hun-Ma1139, May 31, 2007]39
4. Prior Review of Broadcast Advertisements Case
4. Prior Heview of Broadcast Marchaetha [20–1(B) KCCR 397, 2005Hun–Ma506, June 26, 2008]
[20-1(B) KCCR 397, 2000 Harr Maddes, Case
5. Stillborn Fetuses' Right to Claim for Damages Case
[20-2(A) KCCR 91, 2004Hun-Ba81, July 31, 2008]
6. Ban on Fetus Sex Identification Case
[20-2(A) KCCR 236, 2004Hun-Ma1010, 2005Hun-Ba90 (consolidated),
July 31, 2008]

I. Summaries of Opinions

1. Collecting and Computerizing Fingerprints and Using them for

II. Summaries of Opinions

1.	Passing the Revised Bill of the National Government
	Organization Act Case
	[18-1(A) KCCR 82, 2005Hun-Ra6, February 23, 2006] 839
2.	Competence Dispute on Jurisdiction over Reclaimed
	Field Between Local Governments Case
	[18-2 KCCR 319, 2003Hun-Ra1, August 31, 2006] 84
3.	Competence Dispute on Rice Negotiation
	[19-2 KCCR 26, 2005Hun-Ra8, July 26, 2007]
4.	Title of New Harbor Case
	[20-1(A) KCCR 332, 2006Hun-Ra1, March 27, 2008] 847
5.	Competence Dispute over Local Election Administration
	Costs
	[20-1(B) KCCR 340, 2005Hun-Ra7, June 26, 2008]85
6.	Competence Dispute on Jurisdiction over an Island
	[20-2(B) KCCR 547, 2005Hun-Ra11, December 26, 2008] 855
In	ndex 859

CONSTITUTIONAL COURT DECISIONS

VOLUME II (2005 - 2008)



CONSTITUTIONAL COURT OF KOREA



 10. Priority Payment of Claims of Wages Case [20-2(B) KCCR 260, 2007Hun-Ba36, November 27, 2008]
Case [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
1. Constitutional Review of Article 312 (1) of the Criminal Procedure Act
[17-1 KCCR 558, 2003Hun-Ka7, May 26, 2005]
3. Request for Constitutional Review of Article 53 Section 1 of the Military Criminal Act [19-2 KCCR 535, 2006Hun-Ka13, November 29, 2007]
4. Adultery Case [20-2(A) KCCR 696, 2007Hun-Ka17 · 21, 2008Hun-Ka7 · 26, 2008 Hun-Ba21 · 47 (Consolidated), October 30, 2008]
- ix -

I. Summaries of Opinions

1,	Period of Medical Treatment and Custody Case
	[17-1 KCCR 70, 2003Hun-Ba1, February 3, 2005]
2.	Ban on Writing during the Period of Prohibitory Confinement Case
	[17-1 KCCR 261, 2003Hun-Ma289, February 24, 2005]
3.	Use of Restraints on Inmates
	[17-1 KCCR 754, 2004Hun-Ma49, May 26, 2005]
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]
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,
	2008]



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]
Chapter 6
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]
[20-2(A) ROCK 040, 2000 law with , , , ,
A
Chapter 7
Cases Concerning Competence Dispute
Cases Compenses
I. Full Opinions
1. Competence Dispute between Assemblyperson and Assembly
Speaker on Private School Act
[20-1(A) KCCR 438, 2006Hun-Ra2, April 24, 2008]
[20 1/19 1/001/ 100, 2222 / .