

Abstract

North Korean Legal System on Legislative Organisations and Legislations

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For effective prosecution of inter-Korean exchange and cooperation, it is essential to understand North Korean law. It could be basis for institutional infrastructure to manage inter-Korean relationship in the process of achieving peaceful reunification. In near future, North Korea would try to change its national economic system from socialism to capitalism. In this case, North Korea should completely re-organize its legal system and institutions, and South Korea could support the re-organization. Interpreting and applying North Korean laws in accordance with diverse legal conditions would work as an important experience for necessary preparation for this support. Especially, for effective legal and judicial integration in the unified Korea, understanding the commons and differences between North and South Korea is critical.

In interpreting and applying North Korean law, the specificity of the North-South relation shall be deeply considered, and for this, legislative structure and function shall also be thoroughly understood in addition to the legal system itself. North Korea maintains the system of the written law, the Constitution is known to have the highest effect, and the legal system consists of sector laws-regulations-bylaws-rules's system. The Constitution and Legislation law stipulate Supreme People's Assembly, Standing committee of Supreme People's Assembly, and Cabinet as legislative institutions, and the ways and procedures each legislation is adopted differ according to the form or type of each legislation.

In the written law system, the Constitution has its highest effect, followed by the sector laws, regulations, bylaws, and rules. The constitutional status or superiority relation of legislative institutions which adopt each legislation, reflects the superiority of the types of

legislations. In interpreting written law, *lex superior* principle, *lex speciali* principle, *lex posterior* principle shall be applied. In North Korea, common law and case law are not recognized as legal sources according to socialist law theory. However, the directive of the Central Court may serve as a guideline for judicial proceedings in practice. North Korea also acknowledges 'democratic logic' similar to a sound reasoning in order to prevent legislative voidness.

Key Words

North Korean law, inter-Korean exchange and cooperation, peaceful reunification, constitution, sector laws, regulations, bylaws, rules