



Criminal Policy Of The Transition Period Korean Edition

Hazel Smith



Criminal Policy Of The Transition Period Korean Edition:

Transitional Justice in Unified Korea Ruti G. Teitel, Baek Buhm-Suk, 2016-04-30 How will a unified Korea respond to the Kim regime's crimes against humanity Will North and South Korea be able to reconcile their differences after being divided for so long Will China the US Japan Russia and U N drive the process This book examines the challenges associated with Korean unification and human rights accountability Truth, Justice, and Reparations in Peru, Uruguay, and South Korea Nusta Carranza Ko, 2021-01-29 This book presents the first cross regional analysis of post transitional justice periods and the conditions that influence states behaviors Specifically the book examines why states that adopt and ostensibly implement transitional justice norms as policies criminal prosecutions reparations policies and truth commissions fail to follow through with their recommendations Applying these perspectives to a comparative study of states from Latin America and East Asia namely Peru Uruguay and South Korea which accepted and implemented transitional justice norms but took different trajectories of behavior after the implementation of policies this book contributes to understanding the relationship of norm influence on states and why states change in compliance after norm adoption The book explores the conditions that contribute or limit the continued respect for transitional justice norms emphasizing the political interests and transnational advocacy networks roles in affecting states policies of addressing past abuses Law and Society in Korea Hyunah Yang, 2013 As dynamic as legal change has been in South Korea it has also been understudied at least until the arrival of this wonderful collection of essays The authors who are all leading figures in the field demonstrate convincingly that Korean experience is relevant to many of the contemporary questions in law and society studies including how to understand the dynamics of legal change the role of law in development the nature of transitional justice and law in the postcolonial state Every law and society scholar should read this book Tom Ginsburg University of Chicago US This book sets out a panoramic view of law and society studies in South Korea considering the factors that have made this post colonial war torn country economically and politically successful The contributors examine societal and historical conditions that are reflected in or that were shaped by the law through a variety of lenses including law and development law and politics colonialism and gender past wrongdoings public interest lawyering and judicial reform In dismantling the historical specificity of the way in which Korea studies are universally framed the contributions provide novel views theories and information about South Korean law and society Incorporating various perspectives and methodologies and demonstrating a finely crafted application of general theory to specific issues this compendium will prove insightful to law scholars and researchers looking to widen their perspective and broaden their knowledge on law and society in Korea Law practitioners whose practice requires knowledge of the Korean legal system will also find plenty of information in this authoritative book **Transitional Justice in the Asia-Pacific** Renee Jeffery, Hun Joon Kim, 2014 This is the first book to provide an overview of the processes and practices of transitional justice in the Asia Pacific region Constitutionalizing Transitional Justice Cheng-Yi

Huang,2022-11-11 This book explores the complicated relationship between constitutions and transitional justice It brings together scholars and practitioners from different countries to analyze the indispensable role of constitutions and constitutional courts in the process of overcoming political injustice of the past Issues raised in the book include the role of a new constitution for the successful practice of transitional justice after democratization revolution or civil war and the difficulties faced by the court while dealing with mass human rights infringements with limited legal tools The work also examines whether constitutionalizing transitional justice is a better strategy for new democracies in response to political injustice from the past It further addresses the complex issue of backslides of democracy and consequences of constitutionalizing transitional justice The group of international authors address the interplay of the constitution court and transitional justice in their native countries along with theoretical underpinnings of the success or unfulfilled promises of transitional justice from a comparative perspective The book will be a valuable resource for academics researchers and policy makers working in the areas of Transitional Justice Comparative Constitutional Law Human Rights Studies International Criminal Law Genocide Studies Law and Politics and Legal History

Regime Transition and the Judicial Politics of Enmity Justine Guichard,2016-04-08 Among the societies that experienced a political transition away from authoritarianism in the 1980s South Korea is known as a paragon of successful democratization This achievement is considered to be intimately tied to a new institution introduced with the 1987 change of regime intended to safeguard fundamental norms and rights the Constitutional Court of Korea While constitutional justice is largely celebrated for having achieved both purposes this book proposes an innovative and critical account of the court s role Relying on an interpretive analysis of jurisprudence it uncovers the ambivalence with which the court has intervened in the major dispute opposing the state and parts of civil society after the transition re defining enmity In response to this challenge constitutional justice has produced both liberal and illiberal outcomes promoting the rule of law and basic rights while reinforcing the mechanisms of exclusion bounding South Korean democracy in the name of national security

The Politics of the Death Penalty in Countries in Transition Madoka Futamura,Nadia Bernaz,2013-08-15 The increase in the number of countries that have abolished the death penalty since the end of the Second World War shows a steady trend towards worldwide abolition of capital punishment This book focuses on the political and legal issues raised by the death penalty in countries in transition understood as countries that have transitioned or are transitioning from conflict to peace or from authoritarianism to democracy In such countries the politics that surround retaining or abolishing the death penalty are embedded in complex state building processes In this context Madoka Futamura and Nadia Bernaz bring together the work of leading researchers of international law human rights transitional justice and international politics in order to explore the social political and legal factors that shape decisions on the death penalty whether this leads to its abolition reinstatement or perpetuation Covering a diverse range of transitional processes in Asia Africa Latin America Europe and the Middle East The Politics of

the Death Penalty in Countries in Transition offers a broad evaluation of countries whose death penalty policies have rarely been studied. The book would be useful to human rights researchers and international lawyers in demonstrating how transition and transformation provide the catalyst for several of interrelated developments of which one is the reduction and elimination of capital punishment.

Constitutional Handbook on Korean Unification Korea Economic Research Institute (South Korea), 2002-11-27

Constitutional Handbook on Korean Unification I Introduction
 Constitutional Handbook on Korean Unification II Political and Social Issues
 Constitutional Handbook on Korean Unification III Law Issues
 Constitutional Handbook on Korean Unification IV Economic Issues

Dictatorship, Democracy, and Transitional Justice in Global Legal History Ignacio Czeguhn, Jan Thiessen, Vittoria Calabrò, Bronisław Sitek, Albert Pielak, Miho Mitsunari, Jose Antonio Perez Juan, Antonio Sánchez Aranda, Ramón M. Orza Linares, Gerhard Kemp, Claudia Vanoni, Samuel Salzborn, Benjamin Lahusen, 2023-12-19

The anthology presents the lectures given on the symposium From Dictatorship to democracy at the House of the Wannsee Conference on 13-14 September 2021. The aim of the organizers was to show what problems existed during the transition from dictatorship to democracy in several countries around the world. They all enacted laws or other measures to ensure that fundamental rights and the rule of law would resist anti-democratic ideologies, anti-Semitism, racism, and war crimes in the future. However, the legal system and law in these countries themselves often had their origins in dictatorship. Thus, there were and are obvious and hidden anti-democratic continuities that influence law and the legal system up to the present.

Scientists and jurists from Italy, Japan, Poland, Spain, South Africa, and Germany examine these continuities in their contributions.

Law and Policy on Korean Unification Jong-Chul Park and Jeong-Ho Roh, Korea Institute for National Unification (South Korea), 2014-12-31

The aim of this project is to research the necessity of international cooperation on Korean unification in legal terms as South Korea's Unification Policy and how issues of the Korean Peninsula have been dealt with in the international framework. Since this is the second year of a five-year project, the conceptual aspect requires clarification in the overall aspect and this requires a multidisciplinary approach. But the main focus remains the legal aspect of international law in particular. This study assumes that unification will be a gradual process generally in three stages: 1. inter-Korean cooperation, 2. negotiation for inter-Korean unification, be it North Korea's collapse or actual inter-Korean negotiation for unification. This stage includes any inter-Korean negotiation for unification and international negotiation formula such as Six Party Talks etc. and 3. post-unification integration. The study begins with the understanding that South Korea needs to be prepared for legal matters potentially arising in these processes. The project this year in particular deals with the legal issues that should be dealt with in the first and second stages. The scope of the papers in this project covers four main areas. The first is time span. The research for this project covers the 19th century to the present and draws future-oriented implications, but the main focus is on current issues. The second is in regard to approaches. The study deals with three main approaches: historical, political, and legal, but for purposes of this project, the main focus is on the legal

aspect The third concerns the issues addressed These are the nuclear issue the military issue inter Korean cooperation issues and the human rights issue Finally the scope of actors considered includes South and North Korea neighboring countries the U S China Japan and Russia and international organizations e g UN WFP WHO etc The papers included here are organized into three main sections The first concerns the meaning of Korean unification and the context of international cooperation Park Jong Chul provides a general overview of the Park Geun Hye administration s North Korea and unification policy referred to as Trustpolitik and the trust building process on the Korean Peninsula as well as the need for international cooperation Sue Mi Terry examines the U S and China s perspective on the issues laid out above She explores areas where U S China interests converge and diverge and whether strategic cooperation and coordination between the two nations are possible in the case of Korean unification The second section presents historical and legal perspectives related to the situation on the Korean peninsula Charles K Armstrong s work on the historical perspective is divided into three sections chronologically 1 the struggle of 19th Century Korea to become a modern sovereign state and its failure with the advent of colonial rule 2 war leading to the division of the Korean Peninsula and 3 the inter Korean situation based on de facto recognition as opposed to de jure as a political entity arising out of the 1972 Joint Communiqué and the special relationship from then on Next Roh Jeong Ho provides a legal approach to the question of inter Korean relations and the debate on unification by dividing the period from 1876 to the present day into five distinct periods and examining the limitations to the legal order and the evolution of world order as they pertain to Korea Finally Leon V Sigal discusses how international law and institutions might improve South Korean security and facilitate inter Korean reconciliation with special attention to confidence building in the West Sea The third section examines in greater detail the legal aspects of Inter Korean Cooperation and human rights Regarding human rights it is important to consider the link between inter Korean cooperation and human rights The improvement of human rights and people s livelihood in North Korea which is part of the ultimate goal of unification can be achieved by inter Korean cooperation Inter Korean cooperation leads to inducing change in North Korea which then logically leads to the improvement of human rights in North Korea Lee Hyo Won focuses on the legal matters regarding the establishment of a DMZ World Peace Park Soung Jea Hyen looks at the legal matters regarding the internationalization of the Gaeseong Industrial Complex Cho Jung Hyun provides an analysis of the contents and legal implications of the recent outcome of the UN Commission of Inquiry COI on Human Rights in the DPRK such as the meaning of stating crimes against humanity the notion of Responsibility to Protect R2P in respect to North Korea and transitional justice in the possible post unification stage Finally David Hawk tracks North Korean human rights developments in the post COI period Preface Jong Chul Park and Jeong Ho Roh I The Meaning of Korean Unification in the Context of International Cooperation South Korea s TrustPolitik and International Cooperation 1 South Korea s TrustPolitik and International Cooperation Jong Chul Park 3 U S China Rivalry and the Unification of the Korean Peninsula Sue Mi Terry 31 II The Situation

on the Korean Peninsula Historical and Legal Perspectives 59 An Unfinished Project Challenges and Struggles of Korea to Become a Modern Sovereign Nation State Charles K Armstrong 61 The Limits of Legal Order in an Evolving World Order on the Korean Peninsula Jeong Ho Roh 89 Legal Approaches to Korean Security in the Early Stages of Unification The Armistice Agreement and the NLL Leon V Sigal 119 III Legal Aspects of Inter Korean Cooperation and Human Rights 145 Legal Perspective and International Cooperation on World Peace Park in DMZ between South and North Korea Hyo Won Lee 147 Plan for the Internationalization of the Kaesong Industrial Region and the Resolution of Its Commercial Disputes Jea Hyen Soung 169 The Report of the UN Commission of Inquiry COI on North Korean Human Rights Some International Legal Analyses Jung Hyun Cho 195 North Korea s Response to the UN Commission of Inquiry COI Report on the Situation of Human Rights in the Democratic People s Republic of Korea David Hawk 213 Contributors 251

Constitutionalism in Asia Wen-Chen Chang, Li-ann Thio, Kevin YL Tan, Jiunn-rong Yeh, 2014-02-19 This book of text cases and materials from Asia is designed for scholars and students of constitutional law and comparative constitutional law The book is divided into 11 chapters arranged thematically around key ideas and controversies enabling the reader to work through the major facets of constitutionalism in the region The book begins with a lengthy introduction that critically examines the study of constitutional orders in Asia highlighting the histories colonial influences and cultural particularities extant in the region This chapter serves both as a provisional orientation towards the major constitutional developments seen in Asia both unique and shared with other regions and as a guide to the controversies encountered in the study of constitutional law in Asia Each of the following chapters is framed by an introductory essay setting out the issues and succinctly highlighting critical perspectives and themes The approach is one of challenge and response whereby questions of constitutional importance are posed and the reader is then led by engaging with primary and secondary materials through the way the various Asian states respond to these questions and challenges Chapter segments are accompanied by notes comments and questions to facilitate critical and comparative analysis as well as recommendations for further reading The book presents a representative range of Asian materials from jurisdictions including Bangladesh China Hong Kong India Japan Mongolia Nepal Pakistan South Korea Sri Lanka Taiwan Timor Leste and the 10 ASEAN states

Philosophy of Law in Korea Jeong-Oh Kim, Hak Tai Kim, Joon-Seok Park, Dong-Ryong Shin, 2022-10-21 When Korea began as a newly independent state in 1948 its economy was very underdeveloped and the rule of law was just established The journey of democratization in Korea was not without challenges This book traces the history of the legal philosophy development in Korea and highlights Korea s unique experience This book shows how Western legal philosophy has been accepted in Korea a non Western country that has newly introduced the Western legal system and what role the legal philosophy has played in social context The book also examines academic scholars intellectual activities in a historical context and how their intellectual products are yielded through their continuous response to the circumstances of the time It specifically looks at the many challenging tasks legal philosophers

had to overcome in a society when the rule of law and democracy had not yet settled The book explores how Korean legal philosophers coped during such unique historical situations It also illustrates how Korean scholars accepted German and Anglo American legal philosophies and integrated them to change social realities of Korea Through Korea s experience this book will provide insights into how modern legal philosophy develops in a new state and what legal philosophers responses would be like during such a process The developing process of legal philosophy in Korean society will interest not only readers in countries who have had similar experiences to Korea but also readers in the West

North Korea Hazel Smith, 2015-04-06 In this historically grounded richly empirical study of social and economic transformation in North Korea Hazel Smith evaluates the marketization from below that followed the devastating famine of the early 1990s estimated to be the cause of nearly one million fatalities Smith shows how the end of the Cold War in Europe and the famine brought radical social change to all of North Korean society This major new study analyses how marketization transformed the interests expectations and values of the entire society including Party members the military women and men the young and the elderly Smith shows how the daily life of North Koreans has become alienated from the daily pronouncements of the North Korean government Challenging stereotypes of twenty five million North Koreans as mere bystanders in history Smith argues that North Koreans are neither victims nor villains but active agents of their own destiny

The Spirit of Korean Law Marie Kim, 2015-11-02 This is the first book on Korean legal history in English written by a group of leading scholars from around the world The chapters set forth the developments of Korean law from the Chos n to colonial and modern periods through the examination of codified laws legal theories and practices and jurisprudence The contributors shared premise is that the evolution of Korean law can be best understood when viewed in terms of its interactions with outside laws Each chapter integrates literature in Korean Japanese Chinese and Western languages into comprehensive analyses to make up to date research available to readers both inside and outside Korea This volume provides a solid framework from which to approach Korean legal history in the perspective of comparative legal traditions

Gender in Transitional Justice S. Buckley-Zistel, R. Stanley, 2011-11-30 Based on original empirical research this book explores retributive and gender justice the potentials and limits of agency and the correlation of transitional justice and social change through case studies of current dynamics in post violence countries such Rwanda South Africa Cambodia East Timor Columbia Chile and Germany

Transitional Justice in Peacebuilding Djeyhoun Ostowar, 2020-11-22 This book explores the role of actors in determining transitional justice in peacebuilding contexts In recent decades transitional justice mechanisms and processes have been introduced to a variety of settings becoming widely regarded as essential elements in the peacebuilding toolbox While it has increasingly been suggested that transitional justice is imposed by neo imperial actors with little regard for the needs and cultures of local populations evidence suggests that dismissing these policies as neo imperial or neo liberal impositions would result in grossly overlooking their dynamics which involve a whole range of relevant actors operating at multiple levels This book interrogates

this theme through empirical analysis of three sites of peacebuilding that have seen extensive international involvement Kosovo East Timor and Afghanistan It proposes a novel framework for analysing and approaching transitional justice in peacebuilding that disaggregates three broad sets of actors operating at different levels in relevant processes external actors international and regional levels transitional justice promoters local national international and transnational levels and transitional regimes national and local levels The book argues that transitional justice in peacebuilding must be conceived of as actor contingent and malleable due to the significance of agency and inter actions of key categories of actors throughout peacebuilding transition This book will be of interest to students and practitioners of transitional justice peacebuilding law and International Relations *Chinese (Taiwan) Yearbook of International Law and Affairs, Volume 35 (2017)* Ying-jeou Ma, 2018-11-26 The Chinese Taiwan Yearbook of International Law and Affairs includes articles and international law materials relating to the Republic of China on Taiwan and contemporary Asia Pacific issues This volume provides insight into the South China Sea Arbitration cross strait relations and Taiwan s New Southbound Policy Questions and comments can be directed to the editorial board of the Yearbook by email at yearbook nccu edu tw *Research Handbook on Transitional Justice* Cheryl Lawther, Luke Moffett, 2023-08-14 Providing a refreshing take on transitional justice this second edition Research Handbook brings together an expanse of scholarly expertise to reconsider how societies deal with gross human rights violations structural injustices and mass violence Contextualised by historical developments it covers a diverse range of concepts actors and mechanisms of transitional justice while shedding light on new and emerging areas in the field

Korea Under Siege, 1876-1945 Young-Iob Chung, 2006-02-23 The Korean economy was transformed from the opening of the hermit kingdom in 1876 to the end of Japanese rule in 1945 In Korea under Siege Young Iob Chung focuses on capital formation economic growth and structural changes The so called miraculous economic development in the southern half of the Korean peninsula has transformed the region from an agrarian economy to that of a major industrial power in a very short time period South Korea is now considered one of a dozen industrialized countries in the world However there has been little careful analysis of the heritage of the Korean economy in the traditional and transitional periods from which it launched into a modern phenomenal economic success The approach in this study is behavioral and analytical more than historical Chung supports this analysis with quantitative data without being mathematical statistical or technical Although narratives of Korean economic history before 1945 are scarce in English Korea under Siege builds its analysis from data and narrative description from English Japanese and Korean language original sources BOOK JACKET *Congressional Record* United States. Congress, 1997 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873

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