

ADVANCE TOWARD “PEOPLE’S COURT” IN SOUTH KOREA

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Abstract: Since 2008, criminal jury trials have been implemented in South Korea with the Citizen Participation in Criminal Trials Act. Under the Act, defendants have the option to choose a jury trial over a bench trial, although jury verdicts, as well as sentencing opinions rendered by a jury, are not binding on the court pursuant to Article 46(2) of the Act. While Korea’s adoption of a criminal jury trial was an ambitious move toward judicial reform, it has faced serious obstacles and has had limited influence over the Korean judicial system. In this Article, I use the five stages of planned legal change identified in Malcolm Feeley’s book titled *Court Reform on Trial* (1983) as an analytical framework to explain why the criminal jury trial might not be the best way to regain the public’s confidence in the system and what should be done to better the system.

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