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## Research on Difficulties of Female Marriage IMMIGRANTS in KOREAN Societies and Relevant Countermeasures

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### Abstract

*The research ultimately aims at discovering measures to guide female marriage immigrants to establish a sense of identity as a social member of Korean societies through a proper adaptation, by proposing their available countermeasures to overcome difficulties in Korean societies.*

*For such an accomplishment, specifically, conditions of female marriage immigrants are observed, and their difficulties are segmented.*

*Difficulties suffered by domestic female marriage immigrants are observed in segments of communication due to lack of linguistic capability and differences, cultural difference, domestic violence and economic difficulties.*

*To resolve the issues, countermeasures in socio-cultural and educational dimensions. Enhancement of responsive patterns and vitalization of police operations, and invigoration of various socio-cultural programs for female marriage immigrants are suggested for elimination of the socio-cultural problems.*

*From an educational perspective, invigoration of Korean linguistic education, cultivation of professional teachers for culture education, organization of education supporting programs for female marriage immigrants and multi-cultural education for police officers are proposed.*

*The research would significantly contribute to preparing measures for female marriage immigrants to settle in Korean societies as a member and to establish senses of belonging and self-identity.*

**[Keywords]** *Police Response, Crime Prevention, Domestic Violence, Multi-Cultural Education, Communication Skill*

## 1. Introduction

As diverse members with linguistic-cultural backgrounds dramatically increases in a recent society, via mutual interactions among states and cultures, the society is rapidly shifting into multi-cultural a multi-cultural society, thus the number of multi-cultural families is incrementing. Consequently, the number of domestic female marriage immigrant is rising.

Thus, as the number of domestic female marriage immigrants increases, difficulties which they suffer has become intensified. Such phenomena often led to intensification of maladjust-

ment of the immigrants and emerges as a confronting issue for the society to deal with. Various efforts have been committed from every angle to cope with such socio-cultural changes.

Therefore, the research observes female marriage immigrant conditions and segments difficulties which they inevitably suffer from their lives in Korea.

Furthermore, by considering socio-cultural and educational dimensions to devise countermeasures against the difficulties, the eventual purpose lies in searching for plans to build senses of belonging and identity.

## 2. Concept and Conditions of Female Marriage Immigrants

The chapter looks at the notion of and monitors conditions of female marriage immigrants residing domestically.

### 2.1. Concept of female marriage immigrants

Female marriage immigrants are diversely being defined. Foreign females living in the country due to marriage with Korean male is commonly referred as 'International Marriage immigrant women', or as 'Foreign wives' and 'Immigrant women', et al. 'International marriage' refers to 'a marriage among a male and a female with different nationality', and includes differences in races, cultures and languages[1].

'Marriage immigrant' in Multicultural Families Support Act legislatively enacted in 2012 indicates 'Foreigners in Korea' who are marriage relationship, or once were, with Korean citizens and 'Foreigners in Korea' points the legally staying in Korea in-tending to live, but without Korean nationality.

### 2.2. Domestic conditions of female marriage immigrants

According to national research on multicultural families in 2015, 304,516 marriage immigrants and naturalized Korean citizens were anticipated to reside in Korea, with a 7.5% increase from the year, '12. By gender, females are accounting for 81.5%, the significant majorities, and males for the rest, 18.5%. Moreover, 84% of female marriage immigrants has over 5 years experiences living in the nation.

By nationality, 30.8%, 22.4%, 20.8%, 6.0% and 4.5% are Korean-Chinese, Chinese, Vietnamese, Filipino, and Japanese, et al., having those from China and South-East Asian countries at relatively high percentage.

In addition, while Japanese women were the majorities by 1990, entering via religious organizations, the increases marriage immigrants from China and Philippines were exceptionally noted from the early 2000s, and the nationalities have become more diversified with Vietnam, Cambodia, Mongol and Thailand et al. recently[2].

Even inclinations of female marriage immigration via own efforts and brokers by friends, colleagues, families and relatives are evenly observed and their entrance channels has also been diversified.

## 3. Difficulties of Female Marriage Immigrants in Korean Societies and Relevant Countermeasures

Female marriage immigrants who have become a member of the society are facing difficulties during their settlement and adaptation.

For their establishment of homogeneity and self-identity as a member transferred into the society, understanding their confronting issues and active preparation of countermeasures are required.

This chapter categorizes the difficulties faced in Korean societies by female marriage immigrants, and relevant counter-measures would be proposed.

### 3.1. Difficulties of female marriage immigrants in Korean societies

#### 3.1.1. Difficulty from language difference

Language, a basic mean for human lives, and enables learning of both society and culture.

Female marriage immigrants struggles with linguistic problems resulting from differences in their mothertongue and Korean during their phases to manage their marital lives and to settle in Korean societies[3].

Female marriage immigrants have not been exposed to Korean for a long period, and even lack in Korean linguistic ability at the point of marriage immigration.

Language barrier hinders communication in human relationships, thus may highly cause conflict expression and psychological, emotional and social isolations.

The barrier becomes a huge impediment even for basic lives, essential to humans[4].

#### 3.1.2. Difficulty from cultural difference

Difficulties from maladjustment to new cultures, which female marriage immigrants faces,

are also common issues during daily lives due to dietary and climatic differences.

Social tendency of Man Chauvinism and its related coercive manners treating women are the most serious problems among the various cultural conflicts. Such conflicts develop into marital issues, and consequently, domestic violence when the conflicts continue.

Furthermore, rifts between mother-in-law and daughter-in-law, living together, are the critical issues in farming and fishing villages.

### **3.1.3. Financial difficulty**

During settlements of female marriage immigrants in Korean societies, financial problems are often confronted.

Particularly, such a consequence has occurred, when they are married with males in farming and fishing villages or lower-class males in metropolitans – being placed in poor economic conditions.

If Korean males are in temporary positions or have inconsistent income – construction worker, for instance – the situation is even aggravated into a harsher vicious cycle[5].

The economic difficulties influence on child-rearing as well. That is, the economic problem causes harsher school lives of their children, affecting their cognitive development, causing problematic behaviors, hence results in inadequacy in school lives, suspension of studies and severe education problems[6].

### **3.1.4. Difficulty from domestic violence**

Another form of difficulty, which female marriage immigrants face, is domestic violence.

The first environment the females experience is family. Accordingly, domestic violence damages are prevailing.

Domestic violence refers to violence among family members by hierarchy and power – that is, which a family member with power such as a husband, committing physical, psychological, sexual and economic violence to other members consistently and repeatedly[7].

Domestic violence, which the females faces, incorporates a mixture of multiple crimes, thus

the type of violence presents various aspects – physical, psychological and economic simultaneously[8].

Physical violence mostly involves mental cruelty, including insults and disdainful attitudes. When husbands commit serious violence against their female marriage immigrants, linguistic violence, having cruel insults and causing psychological panic, is involved. Physical and psychological violence are mostly committed together.

Furthermore, the females confront difficulties from economic violence, which their obedience is being forced, by their family members taking an advantage their economic control power.

## **3.2. Countermeasures against the difficulties of female marriage immigrants**

As reviewed above, female marriage immigrants have been facing hardships during their settlements into a member of Korean society, due to various causes.

To resolve the problems, proposals from sociocultural and educational dimensions would be presented.

### **3.2.1. Countermeasures from a sociocultural dimension**

To resolve the problems, faced by female marriage immigrants, from cultural difference, domestic violence and economic poverty, measures from socio-cultural perspective are desperately needed.

First, active police responses and operations are necessary to prevent domestic violence.

Thus, a systematic operation of a task force for multi-cultural families including female marriage immigrants and regular public security conferences for communication among the police and the females would be effective and efficient tools.

In addition, active operations and preparation of policies for crime prevention in association with institutions such as immigration office, cities, counties, multi-cultural centers, educational establishments, civil groups and social welfare centers are required.

To minimize restrictions in participation in social activities by being disadvantaged in information, social programs enabling direct participation of female marriage immigrants should be vitalized, and more active preparations to bring employment pro-grams and job creations should be per-formed to resolve the economic issues[9].

### 3.2.2. Countermeasures from educational dimension

As observed above, female marriage immigrants suffer from difficulties from language differences in their efforts to be-come a member of Korean societies[10].

Thus, educational policies for Korean language education, in cooperation with cultivation of professional teachers for multiculturalism training, management of education-supportive programs and educational activities for better understanding of Korean culture should be prepared for female marriage immigrants[11].

In addition, more specialized and effective multi-cultural education programs for police officers and female marriage immigrants need to be operated and further, be expanded.

In terms of operations of multi-cultural programs, having police officers targeted, its relevant multi-cultural education programs must be transferred into a mandatory learning processes so that recognition on multi-culture may be improved and enlarged.

If contents of domes-tic violence are integrated during operations, more positive impacts against the difficulties of female marriage immigrants are expected.

The education materials and contents by the police pertaining to multiculturalism should be structured with all contexts, having cultural background, communication method, responsive countermeasures against crimes and even dam-age support included, for identification of female marriage immigrants[12].

## 4. Conclusion

Female marriage immigrants in Korean societies are facing difficulties – communication is-

ues from language difference, human right infringement from domestic violence, conflicts from cultural difference, insufficient participation in social activities from being alienated from information, child-rearing and economic troubles.

For them to over-come the issues facing in Korean society and to establish a complete settlement and their identity as a member, policies and program operations would actively be needed from educational and socio-cultural dimensions for the female marriage immigrants, as proposed in the re-search.

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## A Study on CRIME Prevention and Policing in KOREA's Urban Regeneration

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### Abstract

*This study aimed at showing present condition and direction for revision of Urban Regeneration Act in relating to urban regeneration areas evidently and finding the way of the activation of urban regeneration project and crime prevention. Most of the cities of our country faced with urban problems like overcrowding the city center, the apartment oriented housing, lack of urban infrastructure. Also, urban decline has had a negative external effect on urban residents and has become a key factor in maximizing the problem of quality of life in urban life. In particular, crime is the external effect that causes the greatest damage among various phenomena occurring in the city. In connection with this situation, the academic world has been interested in the urban regeneration.*

*Urban regeneration means economic, social, physical, and environmental revitalization of a city which is declining due to depopulation, change of industrial structure, indiscriminate expansion of cities, deterioration of the dwelling condition, etc. by strengthening the local capacity, introducing and creating new functions, and utilizing the local resources. In previous studies related to urban regeneration, it has been shown that the integration of crime prevention factors in urban regeneration is essential. But the characteristic of Urban Regeneration Act is that there is no consideration of security or crime prevention for the urban regeneration area. Considering the ultimate goal of urban regeneration, it should be revised considering the crime prevention and security aspects of residents of urban regeneration area. First, the urban regeneration strategic plan should include additional items of crime prevention. Second, in this revitalization plan, it should be revised to include contents of crime prevention by referring to the ordinance for prevention of crime.*

*Third, including crime prevention activities similar to current voluntary crime prevention activities in the activities of community company is one way to strengthen crime prevention activities in urban regeneration areas. These activities should be included in the contents of the Urban Regeneration Support Center. Fourth, in order to develop a cooperative system of crime prevention in urban regeneration areas, the Ministry of the Interior and Safety should be included in the head of the department concerned. As a result, the study suggested alternatives to ensuring the independence and sustainability of crime prevention activities.*

**[Keywords]** Policing, Crime Prevention, Urban Regeneration, Security, CPTED

### 1. Introduction

Korea's urban development has been carried out mainly developer's profit and housing supply, regardless of social infrastructure or a way of life of the residents. As a result, most of the cities of our country faced with urban problems like overcrowding the city center, the apartment oriented housing, lack

of urban infrastructure. People seeks better urban facilities and environment as indiscretion urban sprawl[1].

Also, urban decline has had a negative external effect on urban residents and has become a key factor in maximizing the problem of quality of life in urban life. In particular, crime is the external effect that causes the

greatest damage among various phenomena occurring in the city. Crime is not only direct damage, but also indirectly causing fear of crime, which adversely affects the lives of residents[2]. In connection with this situation, the academic world has been interested in the urban regeneration.

Urban regeneration or urban regeneration project is defined as engineering the urban function to serve its original purpose, such as to meet the modern lifestyle, develop local communities, and facilitate cultural activities. And urban regeneration projects are considered both important and necessary because most urban areas do not meet the current tastes of people enjoying modern life, due to the process of industrialization and haphazard developments. People in this modern society desire an urban environment that fits their lifestyle: one that brings together residential, commercial, industrial, and natural areas to a harmonious setting[3].

Urban regeneration, on the other hand, is aimed at improving the quality of life of residents. In order to pursue this quality of life, security factors that reduce crime damage will be essential. However, there is no mention of security in the current Special Act on Promotion of and Support for Urban Regeneration(abbreviated as Urban Regeneration Act), Enforcement Decree of the Special Act on Promotion of and Support for Urban Regeneration(abbreviated as Enforcement Decree) and ordinance concerning urban regeneration. Rather, it enacts a separate CPTED related ordinance, which is against the unity of legal order.

So, this study aimed at showing present condition and direction for revision of Urban Regeneration Act in relating to urban regeneration areas evidently and finding the way of the activation of urban regeneration project and crime prevention. The result of this study can be used as a useful data for the local governments and the area where the urban regeneration project is going to improve security in the future. It also will be able to contribute to enhancing the quality of life of the residents by making the residents feel safe from crime in the residential area[2].

## **2. Concept of Urban Regeneration and Previous Studies**

### **2.1. Concept of urban regeneration**

Urban regeneration projects function and play a role to establish needed infrastructure in the area, improve the residential environment and aesthetic outlook, allow for sustainable economic growth, enhance the sense of community, and secure resettlement rates. The Urban Regeneration Act, with its objective clause, well reflects the guideline towards such function and role of urban regeneration projects[3].

The purpose of this Act is to contribute to enhancement of the quality of life of the people, such as the expansion of the base for sustainable growth of cities, improvement of competitiveness of cities, and recovery of local community, by strengthening the public role and support for the economic, social, and cultural revitalization of cities[4].

Also, by definition this act reveal that urban regeneration means economic, social, physical, and environmental revitalization of a city which is declining due to depopulation, change of industrial structure, indiscriminate expansion of cities, deterioration of the dwelling condition, etc. by strengthening the local capacity, introducing and creating new functions, and utilizing the local resources.

### **2.2. Previous studies**

A number of studies have addressed the need for crime prevention in urban regeneration projects in connection with previous research on urban regeneration and crime prevention.

Park CJ & Baek SI & Lee JS(2010) report the following research results through analysis of crime changing trends after housing regeneration program. There are no relationship between local population changes after housing regeneration and crime rate. Secondly, less crime occurred in regeneration housing areas than other existing areas. Finally, spatial pattern of theft crime moved toward regeneration areas[5]. And Kim YS(2013) analyzed the process that urban regeneration projects, which include 1st generation CPTED and 2nd

generation CPTED, influences in fear of crime. The analysis concludes that 1st generation CPTED does not have any significant direct effects on fear of crime. But it has mediation effect to fear of crime by incivilities. There is no significant direct/indirect negative influence of 2nd generation CPTED on fear of crime. Lastly, it found that incivilities is the most important variable for fear of crime[6].

In Lee hs(2013)' study, the cases of Yeomri-dong and Gongjin Middle School were analyzed. Through the case of residents' community and cooperation between experts in various areas such as Seoul government workers, as a basic study of community design combined with public design associated with urban restoration, it aims to seek for effective application measures and measures of policies based on effective approach methods of CPTED[7].

Based on these findings, it can be seen that the application of crime prevention factors in urban regeneration is essential. Therefore, it is necessary to investigate how the crime prevention factor is reflected in the current Urban Regeneration Act.

### **3. Present Condition and Direction for Revision of Urban Regeneration Act**

#### **3.1. Purpose of urban regeneration act**

Urban Regeneration Act has been enacted in June 2013. The purpose of this Act is to contribute to enhancement of the quality of life of the people, such as the expansion of the base for sustainable growth of cities, improvement of competitiveness of cities, and recovery of local community, by strengthening the public role and support for the economic, social, and cultural revitalization of cities.

Also, this Act assigns responsibility to the state and local governments. The State and local governments shall secure the budget necessary to push forward urban regeneration projects and shall establish and push forward the relevant policies. And where the State and a local government implement an urban regeneration project, they shall first

take into account the improvement of the quality of life of residents[4].

#### **3.2. Urban regeneration strategic plan**

Urban regeneration strategic plan means a plan to establish an urban regeneration promotion strategy by an establisher of strategy plan, such as the investigation and discovery of various plans, projects, programs, tangible and intangible regional assets, etc. related to urban regeneration, and the designation of an urban regeneration revitalization area for the whole city or some areas, or, if necessary, not less than two cities in consideration of the basic policy for national urban regeneration.

In order to push forward urban regeneration, an establisher of strategic plan shall establish an urban regeneration strategic plan every ten years and, if necessary, he/she shall rearrange it every five years. If necessary for the local condition, an establisher of strategic plan may establish an urban regeneration strategic plan including the whole or a part of the jurisdiction of the adjacent local government. In such cases, the establisher of strategic plan shall obtain the agreement of the head of the relevant local government in advance.

First, the urban regeneration strategic plan shall include the following:

- The goal and scope of the plan
- The measures to achieve the goal
- The diagnosis of decline and analysis of physical, social, economic, and cultural conditions
- The matters regarding the designation or change of the urban regeneration revitalization area and so on.

And where an establisher of strategic plan intends to designate an urban regeneration revitalization area by the urban regeneration strategic plan, not less than two requirements among the following shall be met:

- An area where the population is drastically decreasing

- An area where the industry departure, such as decrease of the total number of enterprises, is occurring
- An area where the dwelling condition in it is worsening, such as by an increase of deteriorated housing[4].

Also Enforcement Decree establishes the following:

First, an area where the population is drastically decreasing: an area falling under any of the following:

- An area where the population has decreased by not less than 20 percent compared to the time when the population was the largest during the last 30 years;
- An area where the population has decreased for three consecutive years for the last five years;

Second, an area where the industry departure, such as decrease of the total number of enterprises, is occurring: an area falling under any of the following:

- An area where the total number of enterprises according to the result of the Census on Establishments approved by the Statistics Korea for the last ten years decreased by not less than 5 percent compared to the time when the total number of enterprises was the largest;
- An area where the total number of enterprises has decreased for not less than three consecutive years for the last five years;

Third, an area where the dwelling condition is deteriorating, such as by an increase of decrepit housing: an area where the ratio of buildings the construction of which was completed not less than 20 years ago, is not less than 50 percent[8].

The characteristic of this urban regeneration strategic plan is that there is no consideration of security or crime prevention for the urban regeneration area. Considering the ultimate goal of urban regeneration, it should be revised considering the crime prevention and security aspects of residents of urban re-

generation area. Therefore, it should be revised to include the following contents by referring to the ordinance for prevention of crime.

First, the urban regeneration strategic plan should include additional items. They are the goal and scope of crime prevention, crime prevention through environmental design strategy, crime prevention situation analysis, matters regarding the designation or change of the crime-ridden district and so on.

Also where an establisher of strategic plan intends to designate an urban regeneration revitalization area, the establisher should include an area where the security environment in it is worsening, such as by an increase of crime.

### 3.3. Urban regeneration revitalization plan

Urban regeneration revitalization plan means an implementation plan established comprehensively by linking various urban regeneration projects, which are pushed forward for an urban regeneration revitalization area by the State, local governments, public institutions, and local residents, etc. for local development and urban regeneration to comply with the urban regeneration strategy plan.

An establisher of strategic plan may establish an urban regeneration revitalization plan for an urban regeneration revitalization area. And the head of a Gu, etc. may establish a neighborhood regeneration revitalization plan for an urban regeneration revitalization area. This plan shall include the following matters:

- The goal of the plan
- The plan and ripple effect of an urban regeneration project
- The plan for establishment and rearrangement of urban regeneration basic facilities and so on.

In this revitalization plan, similarly the crime prevention aspect is not considered. Therefore, it should be revised to include the following contents by referring to the Ordinance for Prevention of Crime.

- Crime prevention certification system construction Plan
- Crime-ridden district environmental design plan
- Crime prevention research plan and so on.

### **3.4. Urban regeneration support organization**

The Minister of Land, Infrastructure and Transport shall establish an urban regeneration support organization to conduct the following affairs, and may designate a public institution prescribed by Presidential Decree as an urban regeneration support organization:

- Discovery of policies for urban regeneration revitalization
- Investigation into and research on the development of urban regeneration system
- Support for the establishment of the urban regeneration strategic plan and urban regeneration revitalization plan, etc.
- Support for operation, etc. of the urban regeneration support center and so on.

For this specifically, an establisher of strategic plan may establish an urban regeneration support center to conduct the business affairs regarding the following. If necessary, a Do Governor and the head of a Gu, etc. may establish an urban regeneration support center as prescribed by Presidential Decree:

- Support for the establishment of the urban regeneration strategic plan and urban regeneration revitalization plan and the relevant projects
- Matters necessary for the coordination of opinions of the residents of the urban regeneration revitalization area
- Operation of educational programs to nurture on-site experts
- Support for the foundation and operation of community company [4].

Described above community company means a company operated by local residents or organizations to improve living environment, revitalize local community, and create

income and jobs by utilizing various resources, such as manpower, native habitat, culture, and natural resource, etc. of the relevant area.

Including crime prevention activities similar to current voluntary crime prevention activities in the activities of this community company is one way to strengthen crime prevention activities in urban regeneration areas. However, there is no legal basis for the current voluntary crime prevention activities[9][10][11]. The absence of legal basis means that sustainability is not guaranteed.

In order to be sustainable for crime prevention organizations as an alternative player for urban regeneration, four prerequisites are required: First, they must participate in the initial phase for planning of the urban regeneration revitalization plan, share the urban regeneration vision, and participate in the project planning and implementation plan with the local government and the local residents. Second, the local government should provide policy support to enhance the capabilities of crime prevention organizations. Third, close alliance and cooperation with various actors are necessary to ensure the independent operation of crime prevention organizations and the sustainability. Finally, crime prevention organizations need expert support for their operation and management and should operate through cooperation with the local Urban Regeneration Support Center. Given these prerequisites, crime prevention organizations can continue to monitor and evaluate to gain independence and competence in the process of solving problems[12]. Therefore, these preconditions should be included in the contents of the Urban Regeneration Support Center.

### **3.5. Department in charge**

The Minister of Land, Infrastructure and Transport plays a major role in urban regeneration. Specifically, the Minister is responsible for establishment of basic policies for national urban regeneration, establishment of urban regeneration support organization, approval of Si/Gun urban regeneration strategic plan, evaluation of urban regeneration revitalization plan and so on.

Also, Urban Regeneration Act specifies a establisher of strategic plan. An establisher of strategic plan means the Special Metropolitan City Mayor, Metropolitan City Mayor, Metropolitan Autonomous City Mayor, Special Self-Governing Province Governor, or the head of a Si/Gun.

However, in order to develop a cooperative system of crime prevention in urban regeneration areas, the Ministry of the Interior and Safety should be included in the head of the department concerned. This is because the Ministry of the Interior and Safety has jurisdiction over the National Police Agency. In addition, I think that it is possible to establish a more effective crime prevention strategy by including the chief of the National Police Agency and commissioner of a district police agency in the establisher of strategic plan.

#### 4. Conclusion

This study aimed at showing present condition and direction for revision of Urban Regeneration Act in relating to urban regeneration areas evidently and finding the way of the activation of urban regeneration project and crime prevention. To this end, we examined how the current Urban Regeneration Act can incorporate such crime prevention factors.

Considering the ultimate goal of urban regeneration, it should be revised considering the crime prevention and security aspects of residents of urban regeneration area.

First, the urban regeneration strategic plan should include additional items. They are the goal and scope of crime prevention, crime prevention through environmental design strategy, crime prevention situation analysis, the matters regarding the designation or change of the crime-ridden district; and so on.

Second, in this revitalization plan it should be revised to include additional contents by referring to the ordinance for prevention of crime. They are crime prevention certification system construction plan, crime-ridden district environmental design plan, crime prevention research plan and so on.

Third, including crime prevention activities similar to current voluntary crime prevention activities in the activities of community company is one way to strengthen crime prevention activities in urban regeneration areas. These activities should be included in the contents of the Urban Regeneration Support Center.

Fourth, in order to develop a cooperative system of crime prevention in urban regeneration areas, the Ministry of the Interior and Safety should be included in the head of the department concerned. This is because the Ministry of the Interior and Safety has jurisdiction over the National Police Agency. In addition, I think that it is possible to establish a more effective crime prevention strategy by including the chief of the National Police Agency and commissioner of a district police agency in the establisher of strategic plan.

The result of this study will be able to contribute to enhancing the quality of life of the residents by making the residents feel safe from crime in the residential area.

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## Analysis of Article 219 of the UNITED NATIONS Convention on the LAW of the Sea: with Reference to Port State Control

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### Abstract

*This paper has analyzed the provision of Article 219 and the weight of its presence within the United Nations Convention on the Law of the Sea. It is very important to see that the United Nations Convention on the Law of the Sea as the so-called the constitution of the oceans attempts to prove its presence by enacting such a rather detailed article regarding port State control although there are a number of port State control provisions provided for in International Maritime Organization(IMO) conventions such SOLAS, MARPOL or STCW. The significance of Article 219 is that it requires States party to UNCLOS that are not party to IMO Conventions to conduct port State control against visiting vessels that threaten the marine environment.*

*This paper has also discussed that it is permitted that based on the prevalent view amongst commentators, the wording "applicable rules and standards relating to the seaworthiness of vessels" provided for in Article 219 may be viewed as international 'Construction, Design, Equipment and Manning' rules and standards as this article clearly functions as the base of port State control.*

**[Keywords]** Port State Control, UNCLOS, Article 219 of UNCLOS, Port State jurisdiction, Article 218 of UNCLOS

## 1. Introduction

Article 219 reads:

"Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their off-shore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels, and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall

permit the vessel to continue immediately."

Article 219 of the 1982 United Nations Convention on the Law of the Sea<sup>1</sup>(hereinafter referred to as 'UNCLOS'), entitled "Measures relating to seaworthiness of vessels to avoid pollution", needs to be discussed in regard to port State control(hereinafter referred to as 'PSC') in general term. Although the title of the Article states that the measures are concerned with the prevention of pollution, it must ultimately relate to PSC aiming at ship inspection so as to avoid 'general' damage to the marine environment in view of its provision. Under Article 219, the port State checks if a vessel within its port or off-

<sup>1</sup> United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982. In force 16 November 1994.

21 ILM 1245 (1982).

shore terminals has violated applicable international rules and standards relating to seaworthiness of ships. Although Article 219 does not say whether a vessel within a port or at an off-shore terminal lies voluntarily, it would be permissible to consider that the vessel lies there voluntarily given that PSC is clearly contemplated in the provision of Article 219.

The questions to be asked here are whether rules and standards on 'Construction, Design, Equipment and Manning(CDEM)' can be applied to such vessel under Article 219 and why Article 219 on PSC was incorporated into UNCLOS in spite of PSC-related provisions contained in international maritime conventions such as SOLAS<sup>2</sup>. This section makes an analysis of Article 219 in order to answer these questions and to find out the real significance of Article 219. In addition, the analysis of Article 219 will be made along with section 7 of Part XII of UNCLOS, as mentioned in the text of Article 219.

## 2. Analysis of Article 219

Article 219 of UNCLOS stipulates that States 'shall, as far as practicable, take administrative measures' against a visiting vessel which has breached applicable international rules and standards relating to seaworthiness. One criterion which is needed for the port State to be able to initiate enforcement action is that a visiting vessel is in violation of applicable international

rules and standards. In order for the port State to be able to take action to prevent such a vessel from sailing, the other criterion is that the violation of applicable rules and standards relating to seaworthiness of vessels 'threatens damage to the marine environment'. To be more specific, such violation may make the ship unseaworthy and put at risk the ship or seafarers on board or present an unreasonable threat of harm to the marine environment.<sup>3</sup> Any deficiencies arising from such violation mentioned are so-called detainable deficiencies. When such detainable deficiencies are found on the ship, then it is required that the ship be detained in a port until the necessary repairs have been carried out. Any violation which does not threaten damage to the marine environment could not be subject to the enforcement action of the port State. This signifies that violations that do not threaten damage to the marine environment are not serious for the ship concerned to be detained and repaired and may be rectified immediately after the Port State Control Officer(PSCO) has detected such violations and ordered to rectify them.

Some aspects of Article 219 including the wording, such as 'applicable international rules and standards relating to seaworthiness of vessels', 'shall', 'as far as practicable', and 'administrative measures', need to be discussed so as to shed light on the nature of Article 219.

Whilst the application of Article 218<sup>4</sup> is circumscribed to discharge violations, the port

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<sup>2</sup> International Convention for the Safety of Life at Sea, London, 1 November 1974. In force 25 May 1980. 1184 UNTS 2.

<sup>3</sup> Paragraph 4.1.1 of chapter 4 of IMO Resolution A.787(19) – Procedures for Port State Control. It was adopted by the IMO General Assembly on 23 November 1995.

<sup>4</sup> Article 218 entitled "Enforcement by port States" reads: 1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

2. No proceedings pursuant to paragraph 1 shall be instituted in respect of a discharge violation in the internal waters, territorial sea, or exclusive economic zone of another State unless requested by that State, the flag State, or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of

the State instituting the proceedings.

3. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred.

4. The records of the investigation carried out a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. Any proceedings instituted by the port State on the basis of such an investigation may, subject to section 7, be suspended at the request of the coastal State when the violation has occurred within its internal waters, territorial sea or exclusive economic zone. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State.

State can deal with vessels in breach of 'applicable international rules and standards relating to seaworthiness of vessels' under Article 219. Discharge violations and breaches of 'applicable international rules and standards relating to seaworthiness of vessels' need to be compared and analyzed as such Articles are focussed on different notions. Under Article 218, a port State may investigate discharge violations of 'generally accepted international rules and standards' committed by ships visiting one of its ports or offshore terminals. The real difference is that Article 219 relates to PSC, not Port State Jurisdiction (PSJ).

One may ask whether 'applicable international rules and standards relating to seaworthiness of vessels' can be viewed as international CDEM rules and standards. The answer depends upon how the term 'seaworthiness of vessels' is interpreted. Keselj argues that international rules and standards relating to seaworthiness can be considered as 'a subcategory of international CDEM rules and standards'[1]. Keselj goes on to say that under Article 219 the port State may take measures against vessels in violation of international rules and standards regarding the safe navigation of vessels[1]. Nordquist observes that the wording 'applicable international rules and standards relating to the seaworthiness of vessels' can be assumed to encompass CDEM rules and standards by analyzing the basic meaning of the term 'seaworthy'[2] and by referring to Article 21(2) of UNCLOS. He states that the term 'seaworthy' "has been recently defined as meaning that reasonably safe and proper condition in which a vessel's hull and equipment, her cargo and storage thereof, machinery and complement of crew, are deemed adequate to undertake a specific sea voyage or to be employed in a particular trade." Also, Article 21(2) of UNCLOS provides that 'Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.'

With regard to CDEM rules and standards, Article 94 sheds more light on the meaning of Article 219 than Article 21(2) by setting out measures taken by every State to ensure safety at sea. The term 'seaworthiness of vessels' could be considered as a concept referring to CDEM

rules and standards. Bernhardt states that 'presumably there is more reason in equating the phrase to CDEM standards than to discharge standards'. He goes on to say that from the term 'and thereby threatens damage to the marine environment' the port State may exercise enforcement jurisdiction over violations of international CDEM rules and standards insofar as: 'they do not amount to mere technical violations of international CDEM standards; and a good probability exists that discharge in significant quantities will result due to their violation'[3]. From what Bernhardt states, a step further than a mere detention measure, namely, PSJ would be able to be exercised. It is permitted that the prosecution of the vessel for the breach of based on the prevalent view amongst commentators with the view of Keselj, applicable rules and standards relating to the seaworthiness of vessels may be viewed as international CDEM rules and standards.

From the wording 'shall' which was used in the text of Article 219, a duty is imposed on the port State. This wording is distinguished from 'may' in the text of Article 218(1). The wording 'may' suggests that the port State has been given some discretion to undertake an investigation. The wording 'shall' obliges the port State to take administrative measures, but this duty can, to some extent, be mitigated by the wording 'as far as practicable'.

Turning now to the wording 'administrative measures to prevent the vessel from sailing', such measures refer to detention which the port State takes against the vessel which is in violation of applicable international law and can cause damage to the marine environment in order to remedy such violation. Such administrative measures also include ordering the vessel to proceed to a shipyard for repairs. Such administrative measures are distinguished from legal proceedings involving prosecution. Under Article 231 of UNCLOS the port State is obliged to notify the flag State and any other State concerned of measures taken against foreign ships. However, with regard to violations committed in the territorial sea, the obligations of notification of the port or coastal State apply only to such measures as are taken in proceedings. The wording 'Subject to section 7' also implies that undue damage or loss attributable to the port State should be

safeguarded under Article 232 of UNCLOS (Liability of States arising from enforcement measures)<sup>5</sup>. States should be liable for damage or loss attributable to them arising from measures taken against foreign ships when such measures are unlawful or exceed those reasonably required in the light of available information.

Given that normally UNCLOS lays down general standards, framework and jurisdiction where more specific rules and standards are referred to by means of cross-reference, it is unique that Article 219, which is rather specific to the system of PSC, has been incorporated into UNCLOS. Specific provisions relating to the system of PSC are contained in IMO (International Maritime Organization) maritime conventions such as the SOLAS, MARPOL<sup>6</sup> and STCW<sup>7</sup> Conventions, but the real significance of Article 219 is that it obliges States party to UNCLOS that are not party to IMO conventions to take action against sub-standard vessels in their ports that threaten the marine environment.

Article 219 is a PSC provision which attempts to fill the gap in PSC performance by parties to UNCLOS and, at the same time, non-parties to IMO conventions. The laying down of Article 219 shows that it is a factor that the drafters of UNCLOS saw the significance of the exercise by the port State of its control over sub-standard vessels in port that threaten their safety and the marine environment.

### 3. Relationship between Article 219, Article 218 and Section 7 of Part XII<sup>8</sup> of UNCLOS

First, discussion needs to be made regarding the meaning of Article 218 in order to shed more light on the meaning of Article 219. Distinction can be made between 'juridical power' and 'administrative power' exercised by the port State.

It should be noted that Articles 218 and 219 concern 'juridical power' and 'administrative power' respectively. As is mentioned above, Article 218 of UNCLOS applies to 'discharge violations' which have been committed through breaking applicable rules and standards established through the competent international organization or general diplomatic conference. Article 218 provides that the port State may investigate a vessel lying in port and even institute legal proceedings for any illegal discharge from the vessel outside the internal waters, territorial sea or exclusive economic zone of that State. Given that the foregoing discussion refers to the exercise of 'juridical power', it could be said that Article 218 has granted the port State a power of PSJ, not PSC. PSC is a procedure where an administrative measure is taken by enforcing administrative laws for foreign vessels in port whereas PSJ relates to a judicial procedure.

Article 219 relates to port State control, not port State jurisdiction. As is mentioned in the section above, the port State is required by Article 219 to exercise an administrative power to prevent any unseaworthy ship from sailing. Legitimacy for the exercise of port State control inspections can be found in this Article. One may ask why the distinction between PSC and PSJ is made. This is because the focus needs to be placed on the theoretical difference of the notions. In the context of dealing with sub-standard ships dividing port State powers into PSC and PSJ is possible[4]. PSJ concerns the port State's powers to prosecute ships and to impose fines on them for violations of international rules and standards. The key distinction is that with PSC, the port State limits itself to taking an administrative measure, such as detaining a ship in port until various corrective measures have been taken or ordering it to proceed to the nearest shipyard for repairs[4]. In the case of PSC, unlike PSJ, the port State does not prosecute the vessel for an alleged breach of its law[4].

<sup>5</sup> Article 232 of the 1982 UNCLOS says: "States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for action in respect of such damage or loss."

<sup>6</sup> International Convention for the Prevention of Pollution

from Ships, London 2 November 1973, as amended by the Protocol, London 1 June 1978. In force 2 October 1983. 1340 UNTS 61.

<sup>7</sup> International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, London 1 December 1978. In force 28 April 1984. 1984 UKTS 50.

<sup>8</sup> Titled "Protection and Preservation of the Marine Environment"

Article 219 is to be interpreted subject to Section 7 of UNCLOS as it is cross-referred to in its provisions - “*Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their off-shore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels, and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing.*” It is important to know that the inclusion of the wording ‘subject to section 7’ in Article 219 is aimed at limiting the power of the port State in a way that its exercise is in accordance with criteria provided for in Section 7. First, Article 224 of Section 7 provides that “The powers of enforcement against foreign vessels under this Part may only be exercised by officials or ... clearly marked and identifiable as being on government service and authorized to that effect.” This means that PSC must only be conducted by officials designated by the relevant department of the State. Second, Article 227 should be looked at as it reads “In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.” As officials could be biased or bribed in the worst-case scenario, PSC must be carried out under the principle of equity regardless of whatever the flag State of the vessel is. Third, with regard to a procedural measure that must be kept by the port State, Article 231 of Section 7 provides that “States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State all official reports concerning such measures.” Finally, with regard to the liability of the port State arising from enforcement measures, Article 232 says that States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss. Under Article 232, PSC Officers must be always aware of importance that they ensure that PSC inspections must secure objectivity based on rules and regulations as much as possible. Law enforcement for

visiting foreign vessels even within the jurisdiction of the port State must be made with prudence.

## 4. Conclusions

This paper has analyzed the provision of Article 219 and the weight of its presence within the United Nations Convention on the Law of the Sea. In conclusion, it is important to see that UNCLOS as the so-called the constitution of the oceans attempts to prove its presence by enacting such a rather detailed article regarding port State control although there are a number of PSC provisions provided for in IMO conventions such SOLAS, MARPOL or STCW. The significance of Article 219 is that it requires States party to UNCLOS that are not party to IMO Conventions to conduct port State control against visiting vessels that threaten the marine environment.

This paper has discussed that it is permitted that based on the prevalent view amongst commentators, the wording “applicable rules and standards relating to the seaworthiness of vessels” provided for in Article 219 may be viewed as international CDEM rules and standards since this article clearly functions as the basis of port State control.

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## POLICE English Test Improvement Plan for Recruiting Competent Applicants

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### Abstract

*Purpose; The purpose of this study was to examine the characteristics and differences of English tests of the police officers in Korea and the internationally recognized English proficiency tests. It focuses on finding out the advantages and weaknesses of each type of the test and preparing improvement plans for the English test of police officers currently in operation.*

*In order to do this, we examined the types of test questions that have been made in the police officer test in the last few years(2016 ~ 2018), analyzed the types, and judged whether or not each type of questions is organized for judging the usefulness in police officer's actual work performance. In addition, we analyzed the types of official English proficiency tests and tried to identify their relative merits to suggest possibilities and methods for applying the in the police English test.*

*The following are the improvement points of the English test of the police officers based on the results of the research.*

*As a result of examining the case of the English public examination for the police officers in Korea, it is found that there is a strong tendency that the types of questions that judge the legitimacy of the vocabulary and grammar appropriate to the standards of those who use English as their first language. On the contrary, no type of problem has been identified that can be used to enhance practicality in real work environments using vocabularies and grammatical items that can be easily used by a foreign individual. The number of foreign residents who live in Korea is more than one million and the number of temporary foreigners visiting the Korea is expected to exceed over 15 million. Therefore, in order to select a police officer who can play an appropriate role in the era of globalization, it is necessary to overhaul and improve the police English test in a large scale.*

*The need for English in speaking and listening used in everyday vocabulary has been raised, and it seems to be the most realistic alternative at present to replace the existing police English test with the internationally recognized English proficiency test to improve these problems. Furthermore, based on various research and development, the Korean police officer's accredited certification test combining the ESP(English for Special Purpose) for police should be developed so as to improve and make the English examination suitable for the globalization era.*

**[Keywords]** *Police English Test, International English Proficiency Test, Vocabulary Usage Frequency, Domestic Settings, Practicality*

### 1. Introduction

Currently, it is said that the number of foreign workers living in Korea is over 1 million[1]. In addition, the number of foreign tourists visiting Korea has been steadily increasing. As of 2014, the number of foreign

tourists has reached 14.2 million[2]. If illegal foreign workers are combined, the number will be much higher than objective figures.

The increasing population of foreigners living in Korea as domestic workers and temporary tourists visiting Korea has brought about a variety of changes in the related work area

and performance of police officers. As a representative example, there are many foreigners who cannot or doesn't willing to communicate in Korean language. Therefore, there is an increasing need for official language for mutual communication in performing public service or providing services by police officers[3][4].

Currently, the most commonly used language is English, and foreigners of various nationalities are using English to communicate with each other whether they are working or just visiting Korea. For this reason, it is necessary to emphasize the necessity of English in the examination for selecting the police officers and to improve the disadvantages of the English test of the current type. However, there are some deficiencies in the current examination system. Thus, an English test is needed for finding out the English proficiency of the selected candidate and speculating how well the candidate can actually use English in the work field.

## 2. Preceding Research

### 2.1. Preceding researches

There is an examination for evaluating the applicant's English ability in the exam courses to select the police officers, and this English test subject is devised in the same design and setting standards as other test subjects[5].

**Table 1.** Principles of police examination.

Equal Opportunities for Applicants
Predict Candidate's job ability, behavior, post-exam mind-set
Assessing potential of the candidate
Evaluate and Rank candidate's grades transparently and objectively

The current police officer examination system focuses on examining questions on how to give an opportunity for ordinary people who have universal liberal arts education to take the entrance examination. However, this kind of question solving method can only be a matter of asking a piece of knowledge that can be learned through mere memorization.

Problems that require professional and comprehensive thinking are not likely to appear in the test. Therefore, it is convincing that there is a need to improve the direction of test questions focusing on various problems based on problem solving that can test the candidates' problem solving ability through in-depth comprehensive thinking.

Therefore, it is preferable to evaluate the English proficiency through the English test, which can produce meaningful results in the actual work environment, by evaluating the ability of the English language proficiency in the job performance process suitable for the globalized era. For this purpose, replacing the current English test of police officers with the official English proficiency test such as TOEIC or TOEFL is being seriously considered. In this way, studies to resolve the feasibility problem through various and careful examination have been continuously carried out in order to prepare a reasonable plan for the improvement of the English test[6][7].

## 3. Comparison between the Official English Test of the Police Officer and the International English Proficiency Test

### 3.1. Characteristics of the international English proficiency test

A variety of English tests, which can be recognized as accredited English tests, are currently being conducted in Korea. Typical official English tests that can be easily accessed by police officer candidates are TOEIC and TOEFL, which focus on listening, reading and grammar skills. And there is G-TELP, which focuses on reading, listening and speaking, and OPIC, which focuses on speaking skill.

1. TOEIC(Test Of English for International Communication) – TOEIC is literally an English language proficiency test for international communication. It is a test that marks the ability of English, which has the strongest position as a lingua franca for international affairs. This is a validation test that is useful for police

officers who are in the age of globalization by evaluating the English ability needed in everyday living environment rather than verifying their English ability in a professional area.

2. TOEFL(Test of English as a Foreign Language) – In the case of TOEFL, it is a necessary test when students in non-native English speaking countries apply to universities or educational institutions in countries where English is used as the mother tongue. It is a test in which the vocabulary or reading ability of the academic area is treated more important than the TOEIC because of the English proficiency test required when studying at a university in an English speaking country.
3. G-TELP(General Tests of English Language Proficiency) – Applicants are given a rating divided into grades 1-11 to assess the overall English language proficiency in speaking, grammar, vocabulary, pronunciation and fluency skills. It is one of the internationally accredited English proficiency tests. It is widely used as a national qualification aviation English speaking proficiency test for aviation industry, air traffic controllers, pilots and others.
4. OPIc(Oral Proficiency Interview-computer) – OPIc is a computer based conversational skill test which focuses on testing speaking ability of the applicants. The maximum grade that can be acquired in OPIc is advanced low. If the attendant needs higher grades they will have to take an OPI that is based on face to face interview. In the advanced grade, you will have to take an OPI interview that is not a computerized interview.

The above-mentioned four types of official English proficiency tests are designed to test universal English proficiency with a slight difference between the evaluation elements that are each focused on. Typical differences can be categorized into two types: question types that focus on understanding and analyzing English text information, and the types that focus on testing oral / verbal proficiency.

These internationally accredited English proficiency tests have a commonality in that they can be applied to English using situations that may occur in real working environment of police officers although there are differences in difficulty level.

### 3.2. The relative shortcomings of the current English test of police officers in Korea

Police officers are responsible not only for the protection of citizens, for arresting criminals, for cracking and guilty of illegal activities, for providing civil service, but also for providing services needed by the tourists with various nationalities. In addition, as the increasing population of foreign workers is subject to domestic laws and regulations, police force has to carry out administrative services or enforcement activities against them[4]. In this process, it became an essential element for the police officers to cultivate the necessary English ability as an official language that can be used internationally. However, in the case of the English test of the police officers, it is not enough to follow the current trend of Korea, and it is inevitable that there is a need for the development and improvement for a better English proficiency evaluation system[8].

The types of questions in the English test of the police exam in 2018 were analyzed as shown in the <Table 2> below.

**Table 2.** 2018 police English test question analysis.

Vocabulary	Word	4 questions
	Phrase	1 questions
Grammar		5 questions
Everyday English		1 question
Reading Comprehension		4 questions

As a result of analyzing the intention of the English grammar type problem among the question types, exam questions of asking about the prepositional phrase / sentence form / comparative / verb type / relative pronoun were made. Taking a more close look at

the question types, it tests the proper usage of the comparative structure 'the + comparative, the + comparative', and the difference of 'comparative + than' and 'comparative + to' structure which is only applicable when the comparative etymology of the word is Latin derivation. As mentioned, only the Latinate word is used in 'comparative + to' structure and this kind of exceptions is far from common sense in the perspective non-native individual. In the case of the question of verb type, a question was asked about whether the verb "explain" could be used as verb with double objects, indirect object and direct object. This is just a tool for asking the candidate's grammatical knowledge of English and it cannot assure that the candidate is good at English because he or she has met this problem. The reason for this is that the legitimacy of grammar is different from the possibility of using language to communicate with each other.

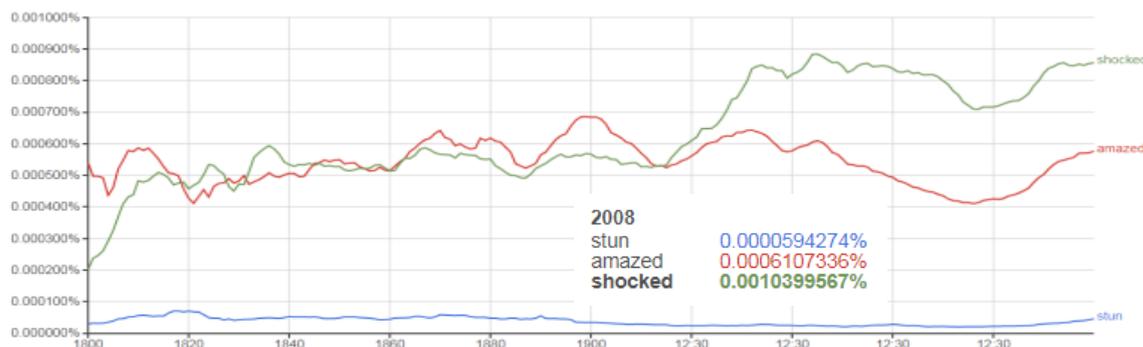
No one can deny the fact that the police officers should take priority in mutual communication over the legality of the grammar in view of the functional aspects of the common language. For professionals working in English, such as linguists and English interpreters / translators, the legitimacy of grammar will have a major impact on their endowments and capabilities but general police officers cannot be classified as such professionals. In addition, the situation in which police officers have to use English for mutual conversation is when the opponent is non-native speakers who use English for communication[9]. In other words, English is just a lingua franca not a language that makes conversation parties as easy to use as their native language.

Therefore, the ability to communicate better than the legitimacy of grammar should be given priority. The current English test of police officers is insufficient to meet these conditions. Another question type that shows this phenomenon is the vocabulary question type. The word 'stun' used in the question to test the candidate's vocabulary ability is a word for showing surprise. This word can be regarded as a commonly used vocabulary for an English native speaker. However, there are many more common words, synonym, that have the same or similar meaning to this word, such as 'amaze' or 'shock', and there are large differences in the frequency of vocabulary usage. <Figure 1> below is a graph that illustrates the visual frequency deviation of stun / amazed / shocked extracted from Google N-gram[10][11]. As shown in the graph, 'shocked' is the most commonly used word in frequency, and 'amazed' is the next most frequently used vocabulary. The frequency of 'stun' is very low, which proves that this word less universal than 'shocked' or 'amazed'.

<Figure 2> shows the frequency of the structure 'be + adjective' for testing candidates English proficiency used in the English test of police officers in 2018. Here, 'be amazed' shows a relatively higher frequency than 'be shocked', but it does not change the fact that 'be stunned' is used infrequently. Structure 'be amazed' is 11 times higher than 'be stunned', and be shocked is 7 times higher in frequency.

Higher usage frequency means that it is more universal and it can be categorized as an easy vocabulary that is easy to learn and use in the process of learning English by a

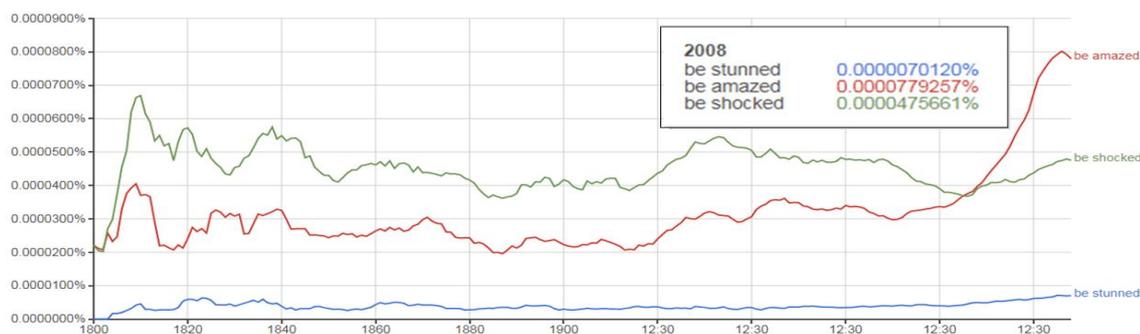
Figure 1. Usage frequency of stun/amazed/shocked[11].



non-native speaker. The use of advanced vocabulary and advanced grammar is one way to easily convey a lot of information in a single word or sentence. If the people using the language are not native speakers, adverse effects appear and it can cause confusion or be an obstruction in communication. In the case of people using English as the lingua franca, there is a difference in the vocabulary that can be used and understood according to the user's background knowledge of the language. Comparing *stun* / *amazed* / *shocked*, it is much more likely that non-natives will understand 'amazed' or 'shocked', since these are closer to core vocabulary than the word 'stun'. On the other hand, when the police officer tried to communicate using the word 'stun',

when the other person did not know the word meaning, communication problems occurs and the officer has to explain the situation with the more common vocabulary by repetitive communication attempts. In the case of an ordinary person using English for greetings in daily life, time lag which occurs in abstruse vocabulary wouldn't be much of a problem. The time lag that occurs in the course of performing police duties is very important because it can adversely affect case resolution and prevention. Therefore, in order to reduce the time delay phenomenon, it is necessary to verify the actual usage ability based on the universal core vocabulary as the ultimate goal to pursue the English test of the police officers.

**Figure 2.** Frequency usage ratio of be stunned/be shocked/be amazed[11].



### 3.3. Police English test improvement plan

It may be argued that precision and accuracy are important factors in communicating through documents and verbal information, in result, raising objections to replacing police officers' English test with an English test that focuses on universality. It is true that there is a need for smoother and more accurate communication skills when processing documents that must be written in English during the official work process or public presentations in the official setting. However, not all police officers are responsible for these tasks, so conducting a separate test for the police officers who perform professional tasks that require professionalism is in need to resolve this kind of problem. The purpose of this study is to find out whether the English test of the current police officer selection test, which is being used as a tool to select appropriate talented individual in the recruitment

process of police officers, are appropriate for selecting appropriate and find improvement and methods for a better recruiting process. Since separate English curriculum and education for these specialized occupations are being studied and implemented from various angles, it is not necessary to create a separate English test system for specific job group and it does not meet the purpose of this study.

Rather than simply adapting an internationally accredited English proficiency test for police officers, it is ideal to develop and implement an English test that focuses on practicality and applicability based on the development of a police special purpose English curriculum tailored to domestic circumstances. However, there is not much investment and nor ongoing research on the development of the ideal English test optimized for domestic situation[6]. It is necessary to invest in systematic research and development by

constructing a TF that develops English language proficiency tests suitable for domestic situations[13]. Until a certain result is achieved, it is considered to be a practical method to utilize the internationally recognized English certification test in recruiting process of police officers.

## 4. Conclusion

The purpose of the current English test of police officers is to provide a way to recruit suitable candidates for police duties. From its practical point of view, it is difficult to say that sufficient reasonable test items are presented. Therefore, in this paper, we analyzed the current test items and looked for improvement points and suggested a reasonable solution. Utilizing the internationally recognized English proficiency test can be a better alternative at this time. However, the proposed English language proficiency tests are not a perfect match for domestic police work activities, and the ultimate goal is to develop and use the most appropriate certification test in Korea. Since, until now, the research and development of the Korean type police special purpose English test is insignificant, it is reasonable to replace it with the internationally accredited English test until the stage of development application is completed.

The vocabulary or the grammar which conforms to the English native speaker's standards has its disadvantages because there is a difference in the background knowledge of individuals who use English as a lingua franca. If we develop and apply a Korean-style English-language test based on highly-used vocabulary and context that police officers should use at the job site, it will be a great help in selecting police officers for the globalization era. To this end, it is necessary to analyze the usefulness of the existing accredited English proficiency test and to combine the police ESP curriculum to develop a systematic and rational police English proficiency test.

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## A Study on the Sense of Social Distance of POLICE Trainees towards North KOREAN Refugees

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### Abstract

*This study was designed to identify the perception towards social minorities and the variables which influence such perception for 230 preliminary police trainees of the Central Police Academy. The data were collected through the survey questionnaires and a multiple regression analysis was performed to conduct frequency analysis, descriptive statistics, and learn about the sense of social distance. The analytical results are as follows.*

*First, the average value of the sense of social distance towards North Korean refugees perceived by police trainees is 5.10 or higher, whose hierarchical priority is not clear, yet the questionnaires of whether they are accepted as members of the family showed a relatively low average value(4.30).*

*Second, reviewing the final multiple regression analytical results by entering negative stereotypes and negative feelings, it was shown that negative feelings( $\beta=-9.887$   $p < .001$ ) have a significant influence on the sense of social distance of North Korean refugees of the police trainees. This indicates that the higher the negative feelings, the higher the sense of the social distance towards the North Korean refugees, which results in the difficulty of accepting them and the greater sense of social distance. This study is meaningful because it presented the relationship between the sense of social distance and the influential variables towards the North Korean refugees for the police trainees who will become the preliminary police officers. Notwithstanding the results of this study, there are limitations on the number of samples, sample selection method, and cross-sectional study.*

**[Keywords]** *North Korean Refugees, Police Trainees, Sense of Social Distance, Negative Feeling, Negative Stereotype*

## 1. Introduction

As of September 2018, there are 32,147 North Korean refugees conducting daily activities in Korea(Ministry of Unification, 2018). Since the multi-cultural phenomenon in Korea emerged, North Korean refugees have been perceived as social minorities or specific groups, and the state is actively formulating and providing policies and supports.

Some self-governing bodies and police have established a collaborative system to help protect North Korean refugees in the corresponding region and are making efforts and implementing projects to enable social adaptation and stabilize

settlement. As such, various settlement programs for North Korean refugees, education, employment, housing, and other various state supports have been extended, and the society has turned into one which respects diversity.

However, it was discovered that the suffering caused by prejudice against these refugees is even more difficult for everyday lives than the those experienced by refugees due to economic and cultural differences. Such a variety of inferiorities make North Korean refugees vulnerable

to crimes, thereby causing them to become victims of all types of fraud, identity theft, and unpaid wages, or even make them criminals.

In recent years, larger expectations for unification in the Korean society have emerged, and if one expects North Korean refugees to act as a member of the local community beyond mere coexistence, a thorough preparation will be required.

In this regard, the role of police officers who protect and keep them safe is very important. In particular, the issue of how the preliminary police trainees perceive the North Korean refugees is very important.

The North Korean refugees responded that they are dissatisfied with their lives in South Korea because they live away from the families as the first reason, and because of the discrimination and prejudice of the South Korean society as the second reason. In reality, excluding the separation from family, discrimination and prejudice may be said to be the most difficult factor.

Such discrimination and prejudice are not only caused by the ordinary citizens and social life but also by laws and systems. In particular, police officers often make face-to-face contact with the refugees due to incidents, accidents, protection and support. Accordingly, what is very important for the police officers is how they treat and perceive the refugees and the state of their mind when handling their affairs. In particular, the police officers' prejudice, discriminatory attitude, and how they handle the affairs of the North Korean refugees, who are recognized as the socially weak and minority, will cause various negative consequences.

Furthermore, it is very important how the preliminary police trainees, who will be responsible for law enforcement in the future, perceive the subjects of North Korean refugees.

Accordingly, this study investigates into the preliminary police officers' perception towards North Korean refugees through the concept of the sense of social distance, and explores the factors influencing them.

## 2. Theoretical Background

### 2.1. Concept of North Korean refugees

According to the definition of Article 2 of the North Korean Refugees Protection and Settlement Support Act, North Korean refugees are those who have addresses, immediate family members, spouses, and workplaces located in the north of the military demarcation (North Korea), and those who have not acquired foreign nationalities after departing from North Korea. In addition, according to the scope of application of Article 3 of the same Act, it can be understood that the North Korean refugees who indicated their intention to be protected by the Republic of Korea are included.

However, the North Korean refugees are different from the concept of multi-cultural families as they are distinguished from foreigners residing in Korea, married immigrants and naturalized individuals supported pursuant to the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea.

In addition, the concept of the North Korean refugee does not apply to the Chinese residing in North Korea holding Chinese nationality, North Koreans residing in China holding the North Korean nationality, and the children of the North Korean refugees who were born in third countries and who also had no facts of residing in North Korea after being born in third countries such as China as the children of North Korean residents.

According to Article 22 of the Enforcement Decree of the North Korean Refugees Protection and Settlement Support Act, the Minister of Unification may resolve issues of obstacles to living on one's own after being transferred from settlement support facilities to his or her place of residence, and may also provide protection necessary for gaining independence and ensuring settlement. Consequently, the North Korean refugees undergo social adaptation training for a certain period of time at Hanawon, which belongs to the Ministry of Unification, and receive personal protection from the security police.

### 2.2. Circumstances and status of North Korean refugees

According to the Ministry of Unification, as of September 2018, there are a total of 32,147 North Korean refugees, of which 23,043 are women and 9,104 are men, where the ratio of women turned out to be a high of 72%, respectively. As such, approximately 7 out of 10 North Korean refugees are women, 75.9% of who are living in South Korea for 5 years or longer (Settlement Status Investigation on North Korean Refugees in 2017). Accordingly, the second Hanawon was launched in 2012 to strengthen the facilities and training programs for women to help provide psychological stability and various support policies.

In addition, the status of economic activities of the North Korean refugees increased by 3.3% to 61.2% year on year, while the rate of employment increased by 1.9% to 56.9% year on year, yet is still low. To this end, various national policies such as employment support, educational support, social security support, residential protection and housing support systems are implemented, among various state policies, as well as the initial settlement payment system through which a certain amount is paid to everyone to help maintain basic livelihood in the early stage of their social life (Ministry of Unification, 2018, Handbook on the Affairs of Settlement Support for the North Korean Refugees).

## **2.3. Sense of social distance**

### **2.3.1. Concept of the sense of social distance**

The sense of social distance is a concept presented based on the assumption that it can be understood and measured as a psychological distance for an individual's perception towards the counterpart by measuring and quantifying physical space or distance generally speaking.

This scale has long been known as a proven tool of measurement across many areas of social science. Primarily, it has been used to measure prejudice against social minority groups or the weak (Wark and Galliher, 2007). Accordingly, just as many people express 'close' or 'far' in terms of expressing their interpersonal relationship, the sense of social distance means the level of intimacy and understanding from the perspective of the relationship (Bogardus, 1925). Accordingly, Bogardus' Social Distance Scale (Bogardus,

1925; Bogardus, 1933) was used to identify and learn about the sense of social distance the police trainees perceive towards the North Korean refugees. [1][2][3]

Reviewing the previous studies, the sense of social distance has been used for the purposes of objective quantification as an important tool of measurement in identifying relationships among groups or in studies dealing with issues of racial or ethnic conflicts (Laumann, 1965). Most representatively, Bogardus' Social Distance Scale was used primarily to measure the extent of discrimination and prejudice against minority races in the United States (Parrillo and Donoghue, 2005) [4][5].

### **2.3.2. Sense of social distance towards North Korean refugees**

As the interest in the multi-cultural phenomenon has grown in Korea, studies on foreigners and minority groups residing in the Korean society have also become more active than ever. Among them, the studies on the perception towards North Korean refugees and the sense of social distance are conducted against various groups.

In Tae-Jeong's (2009) study, college and university students were investigated on their sense of social distance towards races and their attitude towards cultural diversity against such as the new settlers, Chinese of Korean descent, Chinese, and Americans, among others. As a result of the study, the average score of the new settlers turned out to be the highest, indicating that they had the lowest sense of social distance relative to the other groups including the Chinese of Korean descent, Chinese and Southeast Asians. As such, ordinary citizens and college and university students perceived the refugees as being more favorable than Chinese, Chinese of Korean descent, or other groups because they are the of the same nation, yet the sense of social distance, when compared against South Koreans, is perceived to be larger (Lee Soo-Jeong, Yang Gye-Min, 2013) [6][7].

Hwang Jeong-Mi et al. (2017) has demonstrated that there is a significant influence on the perception of threat in the sense of social distance felt towards the North Korean refugees by the age group of 19 to 29 in Korea [8].

According to Park Jeong-Seo(2015), as a result of measuring the sense of social distance towards various groups, the Americans were the most favorable group, followed by the Chinese of Korean descent, North Korean refugees, and the children of multi-cultural families[9].

### 2.3.3. Factors influencing the sense of social distance

The sense of social distance is reported to yield different results depending on demographic characteristics. In particular, education and human rights movements are identified as the factors that reduce the sense of social distance(Parrillo and Donoghue, 2005).

It was found that as for the gender difference, the female adolescents felt less sense of social distance towards foreigners or the multi-cultural groups than the male adolescents, and they were more receptive to other cultures(Kim Hee-Ja, 2008; Lee Ja-Hyeong, Kim Kyeong-Keun, 2013; Jung Jin-Hwan, Lee Chang-Shik, 2011). In addition, a study on the sense of social distance targeting South Korean residents also demonstrated that males are more receptive towards the North Korean refugees and felt less sense of social distance than the females(Lee Soo-Jeong)[10].

Reviewing the relationship between income and the sense of social distance, it turned out that the higher the income level, the closer the sense of social distance to the North Korean refugees(Min Ji-Seon, Kim Doo-Seop, 2013)[11].

Another important demographic variable influencing the sense of social distance is religion. It was reported that the people having religion feel less sense of social distance to minority groups and have a more receptive attitude towards others than those who do not(Kang Ka-Yeong, Jang Yoo-Mi, 2013; Jo Hak-Rae, 2014; Triandis and Triandis, 1960)[12].

If the identity is high, it turned out that the fellowship towards the group of association increased and the sense of social distance towards other groups became far, so the level of acceptance towards them was low(Kim and Chung, 2015).

As such, two opposing results for the North Korean refugees may be had. First, as for the

South Korean residents who are highly proud of their citizenship, they have a view that the fellowship and acceptance towards the North Korean refugees are higher as they are influenced by the idea that they are of the same people (Park Jong-Cheol et al., 2015)[13]. On the other hand, there is also a view that, while they are the same people, since they have lived long as citizens of different countries and hence have different cultural identities, feelings of exclusion against the North Korean refugees may be had for those having high identity as the citizens of South Korea(Park Jeong-Seo, 2015; Kim and Chung, 2015).

### 2.4. Previous studies

As for the studies related to the North Korean refugees and police activities, Kim Yoon-Yeong (2007) studied the rate of criminal victim and damages of the North Korean refugees. As a result of examining the rate of criminal victim and damage reported to the police, the number of the refugees who entered South Korea from 1998 until January 31, 2007 was 8,885, 19% (1,687 people) of whom were convicted for crimes including traffic violations, and 10.1% (899 people) committed violent crimes such as homicide, rape, and assault and battery(Kim Yoon-Yeong, 2007). While the North Korean refugees use the same language as ours, they must be seen as being vulnerable to the occurrence of crimes and victims of crimes due to the legal systems and cultures that are different from North Korea society.

North Korean refugees indicated the prejudice and discrimination by residents to be their difficulties experienced in the local community (Park Young-Hee, 2008). Domestic studies on the sense of social distance were primarily conducted on the disabled people and disabled children, North Korean refugees, multi-cultural families and children, foreign workers, Chinese of Korean descent, and homosexuals. And measurements were taken on the perception of the sense of social distance towards relatively diverse groups such as ordinary citizens, youth and college and university students, nurses, physiotherapists, and teachers, among others.

According to Yoo In-Jin and Song Young-Ho (2011), citizens of the Republic of Korea think of the North Korean refugees as the same people,

but they are reported to be large in terms of the sense of social distance, and in the studies of Lee Soo-Jeong and Yang Gye-Min (2013)[14]. Experience of various contacts with the North Korean refugees turned out to be a factor decreasing the sense of social distance and increasing the extent of understanding.

According to the study of Kim Hee-Jin(2018), measurements were taken on the youth on their sense of social distance towards North Korean refugees and examined the influential factors. Reviewing the study results, regular religious activities proved to have weakened the youth's sense of social distance towards the North Korean refugees. In addition, the stronger they perceived threats of the North Korea refugees, the more difficult it was for them to accept the refugees and the larger the sense of social distance[15][16].

### 3. Research Method

#### 3.1. Investigative method

For this study, a self completion type of questionnaire survey was conducted for 300 police trainees at the Central Police Academy from October 29, 2018 until November 2, 2018. Excluding those who failed to respond completely from the coding process, a total of 228 people responded, whose answers were used for the analysis.

#### 3.2. Variables and measurement tools

##### 3.2.1. Control variables

As a demographic variable, gender, age, educational history, monthly average household income, presence or absence of religion, and the path to being admitted as police were entered as control variables.

As for gender, dummy variables of male 1 and female 0 were entered, and for age, dummy variables of 1 for those in the 20s and 0 for those in the 30s were manipulated for the continuous variable measured as they are. As for the educational history, it was manipulated such as 1 was entered for 4 year college or university or higher and 0 for community college or college or university drop out.

The average monthly household income was entered values measures from 1 to 5, classified into an average monthly household income of '2 million won or less,' 'over 2 million won and 3 million won or less,' 'over 3 million won and 4 million won or less,' and 'over 4 million won and 5 million won or less,' where the higher the score, the higher the economic level. Religious status was manipulated by the dummy variable of 0 for no religion and 1 for having religion. As for the path to being admitted as police, 1 was entered for 'general police officer,' and 0 for '101 unit,' 'special recruitment via police administration department,' 'special recruitment via combat police,' 'cyber investigation and security investigation,' and 'other.'

##### 3.2.2. Key variables

###### 1) Sense of Social Distance

Bogardus, Westie, and others' Social Distance Scale were applied, while the criterion of "degree of acceptance of social system" was applied for reformation. In this study, the level of acceptance for 7 items such as 'I just know them', 'Joining a club', 'Participating in a club', 'Neighbors', 'Colleagues', 'Friends', 'Spouse of a family' were measured with 1 point for 'I do not agree at all' for being very low for each level of agreement and 2 points for 'I do not agree', whereas neutral points of view were measured at 3 and 4 points, respectively. Five points were manipulated for 'Agree' and 6 points for 'Agree to a large extent' with the values measured from 1 point to 6 points were adjusted to 3 points including neutral points, after which 4 points were given to 'Agree' and 5 points to 'Agree to a large extent.' It may be interpreted that the higher the total score, the lower the sense of social distance of the police trainees towards the North Korean refugees (higher acceptance level), and the lower the score, the higher the sense of social distance towards the refugees (lower acceptance level) (Parrillo and Donohue, 2005). In this study, the reliability of the sense of social distance scale, the value of Cronbach's , turned out to be .970.

###### 2) Negative Stereotypes

The stereotypes towards the North Korean refugees represent beliefs about the subject,

which is characterized by the cognitive complexity of the subject of the attitude. In this study, the negative stereotypical items for the group were measured with 1 point of 'I agree' to 7 points of 'I do not agree' for each of the items of 'They hurt others', 'They expect excessive reward', and 'They are not reliable.' After the measurements, they were reverse coded and the total of each variable was turned into parameters and used for analysis, so that the higher the score, the more among the negative stereotypes were manipulated. In this study, the reliability of negative stereotypes turned out to be .903 for Cronbach's .

### 3) Negative Feelings

The measurement of negative feelings takes on a relatively simple characteristic because the emotional aspect towards the subject has a tendency to manifest in a simple form. The items that express negative feelings were measured as 'I want to avoid', 'I do not feel good towards them', and 'It would be awkward to be with them'. They were asked to respond on the degree of sympathy for 1 point for 'I sympathize' to 7 points for 'I do not sympathize'. Likewise, they were reverse coded and the total of each variable was turned into parameters and used for analysis, so that the higher the score, the more among the negative feelings were manipulated. In this study, the reliability of negative stereotypes turned out to be .963 for Cronbach's .

### 3.3. Analytical method

Frequency analysis and descriptive statistical analysis were conducted to review and examine the demographic characteristics of the police trainees, who are the investigation subjects, and the sense of social distance towards the North Korean refugees. A multiple regression analysis was performed to analyze the effects, which are the final model of this study on the police's sense of social distance towards the North Korean refugees. SPSS 21.0 was used for the tool of the statistical analysis.

## 4. Research Results

### 4.1. Demographic characteristics of investigation subjects

Examining the demographic characteristics of a total of 228 police trainees who are the investigation subjects, 86.4%(197 people) were males and 13.6%(31 people) were females. Policemen from age 21 to 40 participated in the survey, and the average age of the respondent policemen was 27.34. Of them, 76.3%(174) were in their 20s and 23.7%(54) were in their 30s or older. As for the level of education, it was distributed from high school graduate to master's degree or higher, where 54.4%(124 people) graduated from college or university(4 years) and 45.6% (104 people) dropped out of college or university(4 years). As for the average monthly household income, 23.2%(53 people) had 'over 3 million won and 4 million or less' followed by 22.9% (52 people) had 'over 5 million' and 21.9%(50 people) had '2 million won or less', respectively, while 16.7%(38 people) had 'over 2 million won and 3 million won or less' and 15.4%(35 people) had 'over 4 million won and 5 million or less' demonstrating similar levels, respectively. As for religion, those having religion were found to be 34.2%(78 people) and 65.8%(150 people) did not have religion. As for the path to being admitted as police, 'general(police officer)' was 78.9% (180 people) comprising the most, followed by 'combat police' for 9.6%(22 people), 'others' for 7.0%(16 people), '101 unit' for 3.9%(9 people), and 'special recruitment for police administration department' for 0.4%(1 person), while those who joined police other than through the path of police officer were 21.1%(48 people), respectively.

### 4.2. Police trainees' sense of social distance towards North Korean refugees

In order to examine the status of the sense of social distance of the police trainees towards the North Korean refugees, and if you examine the average value for each question, 'I will not hesitate to be an acquaintance with the North Korean refugees' turned out to be 5.22, followed by 'I will not be reluctant to the North Korean refugees joining the club to which I belong' for 5.15, 'I will not be reluctant to be a neighbor to the North Korean refugees' for 5.11, 'I will not be reluctant to be a personal friend to the North Korean refugees' for 5.12, 'I will not be reluctant to be a personal friend to the North Korean refugees' for 5.14, 'I will not be reluctant to the North Korean refugees becoming a spouse of my

family member' for 4.30, respectively. While the hierarchical priority of the social distance scale was not clear, the extent of accepting them to be the members of their family showed a lower average value than the other items, thereby demonstrating a relatively lower acceptance level.

### 4.3. Analysis of factors influencing the police trainees' sense of social distance towards North Korean refugees

A multiple regression analysis was performed to analyze the factors influencing the sense of social distance of the police trainees towards the North Korean refugees, and the results were confirmed as in <Table 1>. In Model 1, the demographic variables such as gender, age, educational level, level of monthly household income, presence or absence of religion, and the path to being admitted as police were entered. As explained earlier, in this study, it can be interpreted such that the sense of social distance, as a dependent variable, is the sum of the scores measured with 7 items, and so the higher the score, the closer the sense of social distance, meaning that the level of acceptance of the North Korean refugees is high.

**Table 1.** Correlation of the newly recruited South Korean police officers' sense of social distance towards the North Korean refugees(n=228).

Variables	Model 1		Model 2	
	$\beta$	t	$\beta$	t
Gender	.027	.304	.004	.078
Age	-.150	-1.560	-.066	-1.270
Education	-.051	-.541	-.056	-1.099
Economic level (household)	.114	1.262	.054	1.104
Religion	-.008	-.096 <sup>+</sup>	.003	.056
Path to being admitted as police	-.170	-1.907	-.020	-.414
Negative stereotypes			-.027	-.330

Negative feelings		-.819	-9.887 <sup>***</sup>
Constant value	26.375	30.370	
R <sup>2</sup>	.066	.737	
Adj R <sup>2</sup>	.022	.719	
F(sig)	1.484	42.986 <sup>***</sup>	

<sup>+</sup>p<.1, \*p<.05, \*\*p<.05, \*\*\*p<.001

In Model 1, it turned out to be  $\beta=-0.084$ , which is statistically significant at significance level of  $p <.1$ . This signifies that the level of acceptance of the North Korean refugees is lower if the path to being admitted as police is police officer, that is, the sense of social distance is far. In addition, the explanatory power of the model for which only demographic variables were entered was low, represented by only 6% (Adjusted R<sup>2</sup> = .022), was not significant at the significance level. As for Model 2, which was the full model, demographic variables of Model 1 were entered as control variables, and the key variables of the study, which are negative stereotypes and negative feelings, were entered. Examining the results of Model 2, it turned out that negative feelings( $\beta=-9.887$   $p<.001$ ) had a significant influence on the police trainees' sense of social distance towards the North Korean refugees. That is, the higher the negative feelings, the higher the sense of social distance and the more difficult it was to accept the North Korean refugees, thereby yielding a larger sense of social distance. The Full Model's explanatory power turned out to be very high at 73% (Adjusted R<sup>2</sup> = .719), which was statistically significant at the significance level of  $p <.001$ .

## 5. Conclusion and Implication

According to Article 15 of the National Police Agency and Its Affiliated Institutions, the basic areas of duties of security police are specified to be (1)planning and education of security police work, (2)guidance on security observation, and

(3)work for the management of the North Korean refugees and security guard and safety measures. It is likely that the roles of security and the management of the North Korean refugees for the police activities will increase in the future.

When the North Korean refugees arrive in South Korea, they are provided with initial self reliance support, social adjustment education, settlement support, and personal protection. However, so many of them fail to adapt to the Korean society due to economic problems and social prejudice, and consequently, they increasingly become criminal victims and assailants. Police officers must achieve goals by exercising their professional capabilities as volunteers for the people when carrying out their duties(Lee Hwang-Woo, Kim Jin-Hyeok, Yim Chang-Ho, 2014). In addition, the Rules on Police Investigation also provides that the police officers must be considerate for the socially weak in performing their duties. How the preliminary police trainees, who will be responsible for the law enforcement in the future, perceive the subject of the North Korean refugees is absolutely important. Accordingly, this study has examined the preliminary police officers' sense of social distance towards the North Korean refugees and also examined the factors influencing them.

As a result of the study, the police officers' personally held negative feelings were found to have a significant influence on the police trainees' sense of social distance towards the North Korean refugees. It was also discovered that the higher the negative feelings, the higher the sense of social distance towards the North Korean refugees, that is, the lower the level of acceptance of them.

Accordingly, various training programs must be prepared to help minimize the prejudice and discriminatory attitude of the preliminary police officers. In addition, it will be necessary to identify ways for resolving the negative feelings and negative stereotypes towards the North Korean refugees and provide what is required from the school education, which is the initial step of education. Furthermore, studies at various levels must be conducted spanning from police activities to understanding the North Korean refugees, care and consideration, and their perception.

This study will be meaningful and valuable in that it provides the basic data for the study of the police officers' perception towards the North Korean refugees and crime prevention activities.

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## Changes in Security Environment Following Crimes of Leaking the Republic of KOREA's Industrial Technologies and Directions for Introducing DETECTIVE System

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### Abstract

Recently the Republic of Korea has increasingly competitive with the growth of global IT companies such as Samsung and LG in terms of industrial technology. According to the International Institute for Management Development of Switzerland in March 2014, Korea is ranked 6th in the world in terms of science and technology competitiveness and has the world's best technologies in mobile, semiconductor, LCD, shipbuilding, petrochemical and smartphone.

However, as industrial technology competitiveness increased, technology leakage crimes are also rising. According to the Korean police, the arrest rate of the industrial technology leakage in Korea is higher each year, and the damages amounted to approximately USD 80 million per year in terms of their economic value.

Therefore, such industrial technology leakage crime can not be prevented by the national authority alone, and now, Korea, just like other leading developed nations, can cooperate with national institutions and private companies to prevent and respond to industrial technology leakages, and in the case of hybrid policing, a detective system should also be introduced.

Such a detective system was positively perceived in August 2012 when two of the 60 OLED TVs that were shipped by Samsung Electronics to exhibit at the IFA 2012 in Germany were stolen and it was not the German police but the local detective hired by Samsung Electronics who resolved the case. Starting with this case, Korean companies began to positively perceive the activities of detective in order to prevent and respond to industrial technology leakages.

Therefore, in this study, I intend to examine changes in the security environment and the directions of introducing detective system following the industrial technology leakage crimes in Korea.

**[Keywords]** *Korea's Industrial Technology Leakage and Police, Security and Crime, Industrial Espionage, Economic Security, Detective System*

## 1. Need for Research

### 1.1. Research background

Since the Korean War until 1960, Korea was a closed economy of agricultural base and the GDP per capita was merely \$121, but in the 1970s, the market expanded from light industry to heavy industries, and in the 1980s, regulation was relaxed and market economy was privatized, and in the 1990s, it became an OECD member state,

and currently, it has become the 11th largest economy in the world in terms of GDP.

In Korea, the technological competitiveness of global companies such as Samsung has grown very rapidly, but the Korean government has failed to provide legal grounds and organization to help protect their core technologies, and the

leakage of core technologies have reached KRW 100 trillion each year, they said.

However, North Korea's Kim Jong Un regime has been expanding overseas espionage activities due to the failure of earning foreign currencies and in facing the economic sanctions by the United Nations. Since the 1990s, North Korea has actively engaged approximately 6,800 men officially by Kim Il-sung Military University, Kim Chaek University of Technology and Pyongyang University of Science and Technology to rob industrial technologies of the neighboring countries including Korea, Japan and the US through its professionalized industrial espionage training programs, and in this field, has been ranked 4th in the world after the US, China, and Russia.

In addition, in order to prevent the loss of competitiveness of Korean companies due to the leakage of key technologies of industrial technologies to developing countries such as China and Southeast Asian countries, Korea now needs to introduce a detective system like major developed countries and prevent and respond to the leakage of industrial technologies along with the national public authorities, and it is also the time to discuss with those in charge legal matters that are considered as obstacles to the legislation of the detective system in Korea and make legislative proposals.

## 1.2. Previous studies

Korea joined the OECD in 1996, and the detective companies of major developed countries entered Korea and began to operate, following which the National Assembly started to legislate it in 1999, but it has not been introduced yet. However, study of the detective system has begun by scholars, but only a few studies have been conducted in Korea on the introduction of the detective system as a way for preventing industrial technology leakage. The following <Table 1> illustrates previous studies conducted with the same topic.

**Table 1.** Previous studies.

Researcher	Key details
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Hwang (2006)	Globally speaking, publicly accredited detectives are a product of capitalist development, and the social system created under the premise that state law enforcement alone can not completely ensure protection for corporate assets. However, in the capitalist Korea, detective system is still illegal. However, the reality of the Korean society is that various disputes that can not be resolved only by the police force and the national government power are accumulated across various areas, and there is a limit to solve these social disputes through proper procedures recognized by laws and institutions. In most capitalist countries trading with Korea, information gathered by detectives to pursue economic interests such as trade is utilized, and so a detective system must be introduced to increase the international competitiveness of economic activities[1].
Sin & Park (2009)	As Korea entered the post cold war period through the 1990s, the concept of national security shifted from military power to economic power as various security risks emerged. With the change in the concept of national security, each country secured national interests and focused on economic intelligence and industrial intelligence activities. The US and other major developed countries have legislated to protect their advanced industrial technologies to a large extent, yet Korea has weak industrial intelligence activities in place despite its world class technologies across the areas of IT, shipbuilding, steel and automobiles[2].
Lee & Jo (2012)	Korea has achieved economic growth, and it is now unfeasible to control crimes with the power of public authorities alone. Recently, following the development of industrial technologies, the demand for detectives is growing, and the laws for detective activities are needed. This is because the importance of Korea's highly advanced science and

technologies is rising, and it is necessary to use detectives to overcome the limitations of national law enforcement agencies to help prevent the leakage of industrial technologies[3].

## 2. Crisis of Leading South Korea's Industrial Technologies

According to the data of the National Police Agency's industrial technology leakage cases by each year, it is growing to 40 cases in 2010, 140 cases in 2011, 140 cases in 2012, 97 cases in 2013, 111 cases in 2014, and 98 cases in 2015, respectively[4].

Furthermore, there was a case of AM-OLED Core Technology Leakage to China Incident as an example of the industrial technology leakage of the National Intelligence Service, Korea's intelligence agency. This incident was planned by a Chinese named A, who planned and joined company B, which had retained core processing technology for OLED of Korea, and leaked the technology developed as a national task by utilizing personal email, online messenger, and USB before resigning from his job. Another incident was a person who used her Korean husband named C, who worked for company C developing display equipments, to leak display technologies for the next generation military and provide them to company D of China. The following <Figure 1> is the relationship diagram of this incident[5].

**Figure 1.** Accidents of attempting to leak core technologies of AM-OLED to China.



It is said that a large proportion of industrial technology leaks in Korea are executed by the Korean Chinese<sup>1</sup>. There are 75,000 to 800,000 Korean Chinese in Korea, meaning that 1 out of 3 Korean Chinese is in Korea.

As such, as the Korean Chinese in Korea expanded in engaging in organized crime, corporate crimes, and industrial technology leakage crimes, the judicial authorities have enacted a system of professional investigators who investigated only cases in these areas, and the National Police Agency also instituted a system for recruitment to hire specialized investigators[6].

Furthermore, according to the Korean Ministry of Unification, the number of North Korean defectors in Korea has reached 25,025 officially from 2005 to the end of 2017. This indicates that approximately 30,000 North Korean defectors are living in Korea as of 2018. This phenomenon is closely related to the human rights issue of Kim Jong Un regime of North Korea.

North Korea is sensitive to this situation because the defectors who have already arrived in South Korea often bring over their remaining family members through brokers after saving up funds, and in fact, this is the case with the most of those who enter South Korea.

<sup>1</sup>Chinese people of Korean descent, or Korean Chinese, are mainly used to refer to Koreans who migrated to and lived in the Gando area of Manchuria before 1945.

However, the issue is that the defectors still have connections to North Korea after their departure from North Korea, and in this process, there are case in which the list of name is leaked by resident spies, who had infiltrated into South Korea by the North Korean intelligence agency. Based on such information, it is said that North Korean defectors in South Korea are utilized for double espionage at the expense of the lives of their family members in North Korea. North Korean defectors in South Korea, who have been involved in such double espionage, have handed over South Korea's industrial technologies to North Korea, they said. The following <Figure 2> is the yearly compilation of North Korean defectors disclosed by the Korean Ministry of Unification[7].

**Figure 2.** Current status of North Korean defectors who entered South Korea.



### 3. Current Status of Introducing Detective System in South Korea

#### 3.1. South Korea's detectives

In Korea, the detective business is regulated by law, but due to the increase in demand for security, the number of detective service companies for expediency has been rising, and these types of businesses are also further subdivided according to the client's request. According to the survey by the police, 68% (27 cases) were private life investigations, 18% (7 cases) were provision of personal information, 12% (5 cases) were location tracking, and 2% (1 case) were illegal debt collection, and in terms of clients, 34% (196 people) were housewives, 27% (152 people) were salaried workers, 14% (78 people) were self-employed, and 6% (35 people) were professionals, respectively, demonstrating how they are commonplace in the Korean society[4].

Meanwhile, in Korea, introduction of detective system has been hesitant as press released on illegal acts of contract assault using Korean Chinese, causing controversies. In November 2011, a show entitled SBS We Want to Know of Korean broadcasting services reported on the status, management and supervision issues of contract assault and half of the detective services operated by Korean Chinese replied that they can provide contract assault services, among which even said that contract skilling services can be provided. In the report, details were provided on pricing for the varying extents of assault and injury. The following <Figure 3> is the press release discussed in the above[8].

**Figure 3.** Illegal activities of Korean Chinese detective businesses.



However, detective role has been successful such as when it was positively perceived in August 2012 when 2 of the 60 OLED TVs that were shipped by Samsung Electronics to exhibit at the IFA 2012 in Germany were stolen and it was not the German police but the local detective hired by Samsung Electronics who resolved the case. Starting with this case, Korean companies began to positively perceive the activities of detective. The following <Figure 4> is the Samsung Electronics booth displaying OLED TVs at a home appliance exhibition in Germany (IFA 2012).

**Figure 4.** Samsung electronics booth displaying OLED TVs at a home appliance exhibition in Germany (IFA 2012).



Concerning this case, there are claims made based on such theories as theory of threshold<sup>2</sup>, theory of privatization<sup>3</sup>, and theory of hollowization<sup>4</sup> towards the introduction of detective system in Korea and actively utilizing the system for protecting corporate technologies.

### 3.2. South Korea's legislative efforts and issues for detective system

The largest issue in delaying the introduction of detective system in Korea is the confrontation between the National Police Agency and the Ministry of Justice, and there were 5 proposals for the Agency and 5 proposals for the Ministry in attempts for legislation. The following <Figure 5> is the National Assembly of Korea, which is discussing the legislation of such a detective system.

**Figure 5.** South Korea's national assembly.



During the 19th National Assembly of Korea, the issue was, amending the private security

<sup>2</sup> The need for security arises only if the economic scale and high value added technological development reach above a certain level.

<sup>3</sup> Provision of more efficient services by achieving shift from internal supply to external supply of services, in whose process the concept of competition is adopted.

business, which was legislated in Korea, and including the detective business to have the National Police Agency as the agency in charge, whereas allowing attorneys to inquire detectives on the areas needed from within the clients cases they take on and having the Ministry of Justice as the agency in charge.

However, since the two agencies have confronted over the issue, detective system has not yet been introduced in Korea.

## 4. Research Method and Analytical Result

### 4.1. Research method

To accomplish the purpose of this study, reference study and empirical analysis were performed concurrently. First, the research analysis model was set based on data such as books, academic papers, research reports, periodic publications, the Internet, and legislative materials on the detective system.

And the empirical analysis tried to analyze the interview contents of experts. This is an inferential methodology for exploring research questions rather than validating hypotheses and is a suitable method for identifying the types formed by the subjective structure of on site actors.

This study reviewed the previous studies related to this study in June 2018 and started to study the references, after which I conducted an empirical study through in depth interviews with attorneys (15 people) and police officers (15 persons) and discussed and organized analytical results from September 2018.

The sample of data presented was determined by the Factor of Redundancy. This meant that interviews were conducted until new information was no longer available, and in this study, from the 14th interview, new questions were not added to the next interview, and responses

<sup>4</sup> It is a theory which provides that private security supplements for the vacuum state created by the reduction of human and material capabilities to provide services such as crime prevention and control, which are functions or roles conferred to the police.

to the interviewing questions began to repeated. This meant that enough resources were secured to answer research questions through the interviews.

The interviews took between 50 and 70 minutes per participant. The conversations during the interviews were recorded with a digital tape recorder and were transcribed into documents after the interviews. The transcribed conversations were categorized again by research questions and detailed topics through the content analysis, and the categorized data were analyzed through the narrative analysis.

## 4.2. Analytical result

This study conducted in depth interviews with the Interview Guide secured through the Pilot Study for performing research tasks regarding the characteristics of setting agency in charge if detective system is introduced in Korea and for the directions of the introduction along with changes in the security environment following the crimes of Korean industrial technology leakage, and the following is a transcription of the parts which repeated by analyzing the details of the interviews of the experts and the coding number of the interview details were excluded after the incineration of data.

"Currently, North Korean defectors and all types of crimes committed by Korean Chinese have become social problems in Korea."

"There are many cases of North Koreans and Korean Chinese taking out personal information of Koreans."

"There is a limit to how the police and prosecutors can satisfy all the rights of companies in possession of industrial technologies."

"By protecting the industrial technologies of the company, detectives will contribute to protecting the interests of the national enterprises."

"Industrial technological protection is mainly carried out by industrial espionage who have infiltrated abroad, so Korean detective manpower should appropriately be utilized to perform tasks where there is no reach of the national public authority."

"Because the clues of criminal investigation arising from within the private lives of industrial

espionage are many that are not within the reach of national public power....."

"Intelligence gathering and fact finding should be conducted to the extent permitted by law, but it is difficult to investigate industrial technology leakage only by the manpower concentrated in Korea."

"I think investigation by the use of private enterprise for the overseas activities of industrial espionages will be far much more efficient because they do not confer authorities such as arresting criminals in the commission of crimes, requesting warrants, and urgent arrests as under Korean law."

"We need to be competent in our task performance overseas because we are gathering evidence outside the scope permitted by the Korean law."

"If there is a problem in gather intelligence overseas, it will be just a crime report."

"To track down industrial espionages in Korea, we need to find organizations overseas, but we need to have intelligence of a variety detectives cannot know about."

"In order to avoid diplomatic conflicts and confrontations that have arisen abroad, we need more careful review such as by using enterprise activities of the private sector."

"To thoroughly supervise detectives, the expertise and reliability of the agency in charge should be high."

## 5. Discussion and Conclusion

### 5.1. Discussion

As seen in the background of this study, Korea has made a lot of effort at the national level to respond to the industrial technology leakage crimes, and most representatively, the National Intelligence Service, Korea's intelligence agency, established the Industrial Secret Protection Center in October 2003, has conducted preventive activities such as industrial security training and security consulting in conjunction with industrial espionage detection activities to prevent illegal

leakage of highly advanced technology and management intelligence of Korean enterprises and research institutes overseas. The following <Table 2> illustrates key tasks of the Industrial Secret Protection Center.

**Table 2.** Key tasks of industrial secret protection center.

Classification	Details
Highly advanced technology leakage blocking activities	Cracks down on industrial spies attempting to illegally leak overseas South Korea's highly advanced technologies of global competitiveness and corporate business secrets thereby blocking leakage of national wealth and also supports the corresponding corporations or prosecutors and police.
Hosting of industrial security training, consulting and presentation	Conducts industrial security training and diagnosis for corporations and research institutes and offers industry security presentations for corporations in conjunction with related government agencies to expand security awareness of corporations and build self regulated security system.
Defense industrial technology and strategic materials' illegal export blocking activities	Undertakes activities of blocking illegal exports of strategic materials and defense industry and military technologies overseas, prevents new economic security infringement acts and tracks spy activities.
Intellectual property right infringement related counter response activities	Conducts counter response activities in collaboration with related government agencies against damages incurred overseas such as those related to intellectual property rights including Korean companies' patents, trademarks, designs, and copyrights.
Foreign economic disorder disturbance blocking activities	Conducts intelligence activities against infringements of economic security by speculative capital connected with foreign countries and illegal activities of leaking technologies disguised as M&A transactions.
Industrial spy reporting center operation	Takes reports and offers consultations for 24 hours via phone(111), website(report 111) and mobile website.

The police also recognized the gravity of the industrial espionage threatening Korea's industrial technological competitiveness since 2010 and established an industrial technology leakage investigation team across 8 local provincial of-

fices in Korea. The Industrial Technology Leakage Investigation Team is said to have patent attorneys who comprise 65% of its manpower. In addition, the National Police Agency has decided to expand the Team for all 17 provincial offices nationwide from 2016, and the investigative manpower will also be expanded, they said[9].

However, the national public authority alone cannot resolve Korea's industrial technology leakages. In Korea, the private security market has already become commonplace, and the majority of citizens are receiving security services at their expenses. In Korea, it will also not be able to satisfy the range of responses to industrial espionage which have become increasingly internationalized and diversified solely based on the availability of the manpower and budget of state agencies.

Therefore, it is desirable to expand the hybrid polishing area by expanding the intelligence gathering and response of the industrial espionage to the common area with the private enterprises, deviating from the area unique and proprietary to the national public authority.

## 5.2. Conclusion

The conclusion of this study is that Korean companies are suffering a great deal from foreign industrial espionages including those of North Korea and China, which cannot be handled by the national public authority alone, and should introduce a detective system as with other key developed countries to respond in the context of the private sector.

However, in terms of the characteristics of industrial technology protection, the investigation of industrial espionage requires an overseas intelligence network, and in this respect, it is necessary to adequately consider which should be the agency in charge to support legislation and supervision. The following <Table 3> illustrates the current status of overseas dispatch of its officers by the Korean police[4].

**Table 3.** Current status of dispatching resident officers overseas by South Korea's police.

Region	Classification	Details
China	9 diplomatic Offices (12 people)	China (3), Shanghai (2), Shenyang, Qingdao, Chengdu,

		Guangzhou Xian, Wuhan, Hong Kong
North America	7 diplomatic offices (7 people)	United States, L.A., New York, Chicago, Atlanta, Vancouver, Toronto
Central and South Americas	5 diplomatic offices (5 people)	Mexico, Guatemala, Sao Paulo, Paraguay, Argentina
Europe	7 diplomatic offices (7 people)	England, France, Italy, Spain, Frankfurt, Russia, Vladivostok
Japan	5 diplomatic offices (6 people)	Japan (2), Osaka, Nagoya, Yokohama, Fukuoka
Southeast Asia Central Asia	12 diplomatic offices (16 people)	The Philippines (3), Cebu, Vietnam, Ho Chi Minh (2), Thailand (2), India Mumbai, Cambodia, India, Mongolia, Singapore, Laos
Pacific	2 diplomatic offices (2 people)	Sydney, Auckland
Africa Middle t	5 diplomatic offices (5 people)	Kenya, South Africa, Egypt, Nigeria, Dubai

Korea has not been able to decide as to whether it is going to be the National Police Agency or the Ministry of Justice by introducing a detective system for a long period close to 20 years. As a result, Korea has not been able to legislate a detective system in Korea yet, and the economic security is shaking due to the crimes of leaking industrial technologies which cannot be handled by the national public authority alone.

Through this study, I have claimed that the Korean government should introduce a detective system as a countermeasure for the protection of industrial technology in Korea, and in the legislative stage of the Korean detective system, the agency in charge needs to establish an overseas intelligence network as a matter of the study result.

In a subsequent study, if the protection of industrial technologies requires overseas intelligence network, which agency will be the proper agency in charge should be promptly investigated and reflected in the legislative stage.

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