

# Regulations

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## A Reflection on the Preventive Measures Against Damages of Unlawful Fund Raising -With a Focus on the Deterrence Theory-

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### Abstract

**Purpose:** The economic crimes targeting an unspecified majority are beyond imagination in terms of economic development and the extent of their damages incurred. Among the typical examples is the crime of unlawful fund raising. Despite the continuous crackdowns and punishments at the pan-government level, it threatens the economy of the commoners. The most unlawful fund raising companies are not subject to financial supervision, yet promise to pay a fixed interest rate or high dividends several dozen times larger than the financial institutions as a bait of high returns. However, there is no source of income, and it is just a 'Ponzi scheme' which preserves the profits of existing investors with the investment of new investors. This is a method through which the unlawful fund raising companies guarantee the principal and interest from an unspecified number of people without authorization, permission, registration, or reporting. Furthermore, defrauding multi-level investment by paying referral allowances or commissions when introducing sub-investors is a typical behavior of the unlawful fund raising crimes.

**Method:** This study reviews previous studies through the literature study, and examines the actual situation via the empirical studies along with theoretical review of unlawful fund raising act, which is deceived by high returns, and deceptive behavior through multi-stage investment.

**Results:** This study based on the gravity of the crime of unlawful fund raising, the latest trends in the crime types including the impersonation of financial companies and virtual currencies are analyzed. Sanctions against those who engage in an unlawful fund raising act should be strengthened, and good traders should be protected.

**Conclusion:** Furthermore, the gravity of punishment in the deterrence theory for the crime prevention is presented as a theoretical grounds. As a measure to prevent damages, it is necessary to raise the criminal punishment, and introduce punitive damages and a special judicial police officer system.

**Keywords:** Unlawful Fund Raising, Financial Crime, Investment Fraud, Deterrence Theory, Ponzi Scheme

## 1. Introduction

Advanced science and technology and the rapidly changing social environment have changed the criminal map into a new one, thereby breaking away from the traditional crime patterns. The modern people's largest interest is finance, and the criminals' interest would also be finance. In the case of financial crimes, unlike the past, where they primarily were committed between individuals, the speed of spread to unspecified people has increased with the development of the Internet, and various crimes occur both online and offline. A typical example of financial and economic crimes is the crime of unlawful fund raising. The "Act on the Regulation of Conducting Fund-Raising Business without Permission"(hereinafter, "Unlawful Fund Raising Act") prohibits and punishes the unlawful fund raising act. However, despite the fact that 20 years

have passed since the enforcement of the Unlawful Fund Raising Act, the annual crime trend has increased. By abusing the legal network of financial authorities in non-institutional areas, the criminals promise to pay higher dividends and interest rates than the legitimate financial institutions, pay recruitment allowances to the investors, and attract even more investors. Given the economic downturn and ultra-low interest rates, money flows from the banking sector to stocks, real estate, and virtual currencies more and solidly, and the unlawful fund raising crimes seek money flows and diversify the types of deception in line with trends.

Government agencies and financial supervisory authorities have realized the seriousness of the crime of unlawful fund raising, and are also making efforts to mitigate the risks and impact by preparing various countermeasures, yet the effect has been minimal at best. Furthermore, while the court has set the sentencing standards for the unlawful fund raising act, it raises an issue with the effectiveness of the law by issuing a suspended sentence for those other than their representative or key person. Naturally, the characteristics of unlawful fund raising criminals are both the victims and perpetrators. However, the unlawful fund raising crime has a high recidivism rate. Most of the surveillance of the unlawful fund raising act relies on information and reporting by victims. If an unlawful fund raising company evades or refuses an on-site investigation by the financial authorities, it would be difficult to prevent damages and the spread, such as being unable to conduct a basic investigation.

However, the unlawful fund raising act is an act of raising funds from a large number of unspecified people without securing permission or registration or reporting, and is often more malicious and intentional than the general illegal acts. To preclude damages, it is urgent to strengthen criminal punishments and introduce a punitive damages system which compensates for a higher amount than the compensatory damages of the "Civil Act". Sanctions against those who engage in an unlawful fund raising act should be strengthened, and good traders should be protected[1].

This study intends to suggest the criminal policy measures against deceptive behaviors through the unlawful fund raising act and multi-level investments. Furthermore, in terms of crime prevention, it is intended to prepare appropriate and effective damage prevention measures by examining the deterrence theory and the rational choice theory.

## 2. Theoretical Discussion

### 2.1. A consideration of the unlawful fund raising act

A financial company can engage in taking, making and extending deposits, installments, loans, receipts, and loans only after securing the approval and permission from the financial supervisory authority such as under the Banking Act and the Savings Bank Act. In the case of companies, the usual methods of financing are borrowing money, issuing bonds, and issuing new stocks. In the process of raising funds, a form of unlawful fund raising emerges. The unlawful fund raising act refers to an act which raises funds to many unspecified people without securing the relevant approval or permission, or registering or reporting, etc[2].

① The act of taking an investment with an agreement to pay the full amount or an amount exceeding this amount in the future, ② the act of making an agreement to pay the full amount or an amount in excess of the principal's amount in the future, in the name of deposits, savings accounts, installments, deposits, etc., ③ the act of issuing or selling debentures under an agreement to repurchase more than the issue price or sales value in the future, and ④ the act of agreeing to compensate for the future economic losses with money or securities, and taking money in the name of membership fees, etc., are prohibited.

Furthermore, similar trade names in the financial industry such as finance, finance, capital, capital, credit, credit, investment, investment, asset management, asset management, fund, guarantee, factoring, and futures are prohibited under any name which may be recognized as a financial business[3].

Unlawful fund raising companies cannot attract the investors' money by guaranteeing principal or offering a fixed rate of return. Nevertheless, the business method cleverly disguises as if it were a normal business even though there is no profit model. Furthermore, they lure the investors by deceiving them as if they could make several dozen times more money at any instant through the jackpot projects or cutting-edge businesses. They use the psychology of victims who seek large returns to raise funds and defraud them of their money[4].

Among the reasons as to why the crime of unlawful fund raising continues is the long-term economic recession and the criminal environment in which suitable investment targets or opportunities cannot be found due to the low interest rates. It is also the result of the wrong investment tendencies to achieve high returns over such a short period of time. The target of unlawful fund raising crimes is to apply fraudulent techniques for the industries that make easy money and are easily enticed to invest. Unlawful fund raising under the guise of non-performing loans and unlisted stocks that require specialized knowledge, anonymous cooperatives to avoid regulation of unlawful fund raising by law, unlawful fund raising under the guise of planning real estate development and consulting business with the booming real estate market, and as the price of virtual currencies such as coins and Ethereum soared, the number of unlawful fund raising companies with similar virtual currencies have also increased.

The situation in which liquid funds in the market cannot find suitable investment targets or opportunities due to the low interest rates and the economic recession is a target for financial crimes, and deception is constantly evolving with high returns as a bait. Victims raise the fundamental question of whether they invested knowing that it was an unlawful fund raising company or did they want to earn profits by investing in a sound company. For the victims of unlawful fund raising crimes, when it comes to attracting investments from companies, the definitive phrase of principal and return will be considered an attractive and safe investment targets or opportunities from the investor's point of view. It cannot be recognized as an illegal, unlawful fund raising company by itself. The criminals designing an unlawful fund raising act and recruiting victims explain a plausible business model for the victims and recruit their victims by emphasizing only the high profits that follow, deceiving them as if they would give them a fixed return. Furthermore, multi-level investment attraction, such as paying a referral allowance when introducing investors while guaranteeing both principal and high returns, is a typical example of the unlawful fund raising.

## 2.2. Previous studies

The studies related to the unlawful fund raising were primarily discussed with the issues of the Unlawful Fund Raising Act, financial crimes, and economic crimes from a macro perspective. The previous studies are as follows.

According to Joongjin Doh(2002), as the ultra-low interest rate situation prolonged, it was easy for the vicious financial offenders who emphasized high interest rates to surface, and he claimed that the issue of illegal fund raising companies must be addressed continuously with measures to prevent damages against the commoners' economy by the government, and also claimed for increased fines as punishment[5].

Cheonwon Lee et al.(2009) found that about 20% of the respondents were victims of crimes that infringe upon the livelihood and economy. This is high compared to 8% of the total crime victimization rate, such as theft, robbery, assault, and sexual assault, and as the countermeasures, the claim for strengthening public relations and education activities, preparing measures for damage relief and victim protection, securing stricter law enforcement, and strengthening incentives for whistleblowers.

Jitae Hwang et al.(2010) analyzed the actual types of various transactions for the investment fraud that is developing in a variety and complex ways. Arguing that it affects many victims, it is argued that the problem of investment fraud is not limited to a single country, yet has become so complex that it has to be approached globally by intervening with organized criminal organizations due to the development and informatization of the communication technology[6].



Seungdon Yang(2009) analyzed the relationship between speculative spirit, dependence, impulsivity, and obsession with the personal characteristics of victims of multi-level illegality, and claimed that the victims arise across all groups regardless of age, income, educational background, etc. Furthermore, considering the fact that it leads to financial, mental, and relational damages, and not only personal damages but also social damages lead to the social costs, the senior management of illegal companies must be subjected to strict punishment [7].

Kisoo Lee(2016) claims that, due to the prolonged low interest rates and worsening economic conditions, the market's liquid funds cannot find suitable investment opportunities due to environmental factors, and the criminal justice environment where criminal punishment is weak compared to the crimes' damages, re-offending is easy, and criminal proceeds cannot be recovered[8].

Hyeonsoo Kim(2017) claimed that relevant institutions such as the Public Prosecutor's Office and the Financial Supervisory Service must establish a close cooperation system and eradicate unlawful fund raising crimes, and prove whether the business is substantive by investigating the progress of the business explained to investors(contractual provisions) at the business briefing session, specific profit structure(model) of the business explained to investors(agreement), feasibility of compensation plan, and continuity of the business, etc[9].

Examining the current status of such previous studies, it is difficult to find a case where the deterrence theory was applied for the analysis of the unlawful fund raising act as an independent topic and measures to prevent damages were presented. Hence, this study intends to present the practical measures differentiated from the existing studies.

### **2.3. Gravity of punishment of the deterrence theory**

The deterrence theory focuses on the punishment of the judicial agencies. For the unlawful fund raising crimes, the judicial authorities must promptly arrest criminals, punish criminals with certainty, and impose strict punishments commensurate with the crimes they committed. According to the deterrence theory based on the classicism, crime prevention emphasizes a reasonable level of punishment and its execution because humans are axiomatic beings who make rational choices according to their free will[10]. By focusing on the criminal acts, certain and severe punishment for crimes and appropriate punishments for deterring crimes are of the utmost importance. That is, if the punishment is certain, speedy, and severe, crimes can be prevented[11]. It also emphasizes the individual's own responsibility to maximize pleasure and minimize pains. It is assumed that all men have free will and make economic choices in their pursuit of pleasure. The strong psychology of committing a crime occurs primarily when the criminal environment has a greater benefit from the crime than the pain of punishment due to the crime[12]. The certainty of punishment for a crime shows that potential offenders are effective in crime prevention by saying that if they break the law, they will be punished. As for the gravity of punishment, it is assumed that the more strict criminal punishment is applied for the criminals, the lower the extent of violation of the law.

The issue of the unlawful fund raising crime is that the recidivism rate for unlawful fund raising is relatively higher than for general financial crimes. Hence, while the certainty of punishment and speed of punishment are important, the correlation of crime prevention will increase only when the punishment is strict[13].

According to the State Inspection Data(2018), only 1,145(16.4%) of the 6968 cases handled for violating the Unlawful Fund Raising Act between 2012 and June 2016 were sent to trial. 494 cases(7.1%) were summary indictments, and 2199 cases(31.6%) were non-prosecutions. The court sentenced 1,273 people for unlawful fund raising, but only 224 people(17.6%) were sentenced to imprisonment. The number of probation sentences was 505(39.7%), which was more than twice the number of prison sentences. Consequently, in the criminal structure where only the representatives of unlawful fund raising crimes are punished and the executives and recruiters are lightly punished, the effect of deterring the offenders is inevitably insignificant [14]. In

order to prevent repeat offenders from committing a crime again due to fear of punishment, the level of criminal punishment for unlawful fund raising crimes should be raised.

Furthermore, there must exist a perception that unlawful fund raising crimes are punishable and the sentence is very heavy. Then, the individual offenders' criminal activities may be deterred through their fear of punishment. However, the current law, which requires a person who engages in the unlawful fund raising act of the Unlawful Fund Raising Act to be punished by imprisonment for not more than 5 years or a fine of not more than KRW 50 million, the level of punishment in terms of the crime deterrence is significantly low. As the control according to the punishment level of the Unlawful Fund Raising Act is loosened, crime constantly increases the likelihood of occurrence for ever. If the punishment is severe, crime can be reduced. There are intelligent criminals who are well aware of the contents and regulations of the Unlawful Fund Raising Act, and know how to use them against it based on very thorough advance preparations as planned.

For the Unlawful Fund Raising Act to deter crimes, at the same level as the current 'fraud', and if the amount of funding is between KRW 500 million and KRW 5 billion, it may be raised to a fixed-term imprisonment of 3 years or more, and if it is KRW 5 billion or more, an imprisonment for life or 5 years or more, and accordingly, such damages can be prevented by strengthening the punishment to an aggravated imprisonment up to a maximum of life imprisonment[15].

Furthermore, it stipulates liability for compensation not exceeding 10 times the amount of damage to the person who performed an unlawful fund raising act, and if the value of money, valuables or other profits acquired through the unlawful fund raising act exceeds a certain amount, it is necessary to increase the effectiveness of sanctions against the unlawful fund raising act by making it aggravated and subject to the criminal punishment. The gravity of the punishment relates to the gravity or intensity of the punishment, such as the length of imprisonment or the amount of a fine. The deterrence effect of punishment will have an effect on not only the potential offenders but also the unlawful fund raising's repeat offenders.

### **3. Analysis of the Current State of Unlawful Fund Raising Crimes**

#### **3.1. Notification of investigative period and the arrest status of companies suspected of unlawful fund raising**

Since the Unlawful Fund Raising Act was enacted on January 12, 2000, the crime of unlawful fund raising has continuously increased in line with the investor sentiment eager to increase their wealth taking advantage of the low interest rates and low economic growth. The number of unlawful fund raising crimes reported increased 10.7 times from 83 in 2013 to 889 in 2018, respectively. The number of investigation requests increased 2.86 times from 65 in 2012 to 186 in 2019. The traditional types of unlawful fund raising crimes, which have primarily emerged in finance, manufacturing, and sales businesses, have diversified and intelligentized new unlawful fund raising along with the flow of financial techniques such as digital currencies, venture business investments, and the individual-to-individual Internet direct investment[16]. However, the unlawful fund raising, despite the fact that there is no revenue model, exploits the psychology of people who aim for high returns to deceive that it guarantees a higher return than the market interest rate, and the method of raising funds differs for the type of crime, yet the structure and method of raising funds render no difference[17]. Meanwhile, the increase in the number of reports is related to the unlawful fund raising act related report and reward system. The Financial Supervisory Service operates a reward system to improve the efficiency of investigations by activating reports on the unlawful fund raising act and prevent damage to commoners due to the unlawful fund raising.

**Table 1.** Notification status of the investigative agencies of companies suspected of unlawful fund raising.

Classification	2012	2013	2014	2015	2016	2017	2018	2019	2020
Report	181	83	133	253	514	712	889	482	692
Investigation requested	65	108	115	110	151	153	139	186	82

Note: The number of unlawful fund raising related reports/consultations filed with the Center for Unlawful Fund Raising Related Damages from 2012 to 2020, Partial Amendment for the Act on the Regulation of Unlawful Fund Raising Act <Suspension of Payment for the Accounts Used for the Unlawful Fund Raising Act, etc.> Review Report (Agenda No. 2108306) February 25, 2021. Reorganized.

<Table 2> illustrates that from 2016 to August 2020, 3,001 cases of unlawful fund raising were spotted nationwide, and 11,152 people were arrested. Unlawful fund raising is an organized crime targeting an unspecified majority. Considering the amount of consumer damage caused by unlawful fund raising, the effectiveness of sanctions should be increased by increasing liabilities for compensation and strengthening the criminal punishment.

**Table 2.** Status of arrests for unlawful fund raising act.

Classification	2016	2017	2018	2019	2020 (1-8 months)	Total
No. of arrests	632	598	519	711	541	3,001
Personnel arrested	2,052	2,134	2,022	2,575	1,369	10,152

Note: "152 arrests made for committing unlawful fund raising crimes in 1 year over the past 5 years", National Police Agency 2020 State Inspection, Honorable Jaeho Park, Press Release, Date of Distribution : October 21, 2020.

As illustrated in <Table 3>, the regional distribution of the companies accused of unlawful fund raising from 2014 to 2018 accounted for 74% in the metropolitan areas such as Seoul, Gyeonggi, and Incheon. Among which, 59.0% were located in Seoul and 11.1% in Gyeonggi-do. Nationwidely, unlawful fund raising companies are concentrated in Seoul. According to the Financial Supervisory Service(2017), Seoul is concentrated in Gangnam and Seocho, with 62.4% of them located in Seoul[18].

This is primarily distributed in the metropolitan areas and metropolitan cities with large populations and active economic activities given the nature of unlawful fund raising companies which raise funds for an unspecified majority[19]. In particular, Gangnam area can be seen as an optimal area for the investor recruitment in which unlawful fund raising companies pretend to be legal as a symbol of wealth.

**Table 3.** Locations of companies accused of unlawful fund raising.

Classification	Seoul	Incheon	Gyeonggi	Daejeon	Jeonbuk	Busan	Other regions	Total
2018	79	13	10	7	7	6	17	139
2017	93	1	26	2	3	11	17	153
2016	37	2	2	2	1	2	18	64
2015	66	5	11	2	3	4	19	110
2014	68	5	16	6	3	5	12	115
Subtotal (%)	343 (59.0%)	26 (4.4%)	65 (11.1%)	13 (2.0%)	17 (2.9%)	28 (4.8%)	89 (15.3%)	581 (100%)

Note: The Financial Review. "The 2019 Report on Unlawful Fund Raising, Consultation Status and Cautions for Consumers", Vol. 36, No. 9, Vol. 427(September 10, 2020), pp. 99-108; Financial Supervisory Service. "The 2018 Report on Unlawful Fund Raising, Consultation Status and Cautions for Consumers" No. 2019-16 Vol. 1033, pp. 15-24; Financial Supervisory Service, People's Financial Support Bureau, June 23, 2015, Press Release; Financial Supervisory Service, Illegal Finance Response Unit, Press Release dated August 9, 2016 was reorganized.

### 3.2. Analysis of the handling status of offenders of the unlawful fund raising act and the sentencing standards

The number of unlawful fund raising act crimes which raise funds without authorization or permission, such as the "Banking Act" and the "Saving Bank Act", or without a registration or report, is increasing rapidly. However, as illustrated in <Table 4>, from 2012 to June 2016, out of 6968 cases handled for violating the Unlawful Fund Raising Act, only 1145 cases(16.4%) were sent to trial. 494 cases(7.1%) received summary indictment, and 2199 cases(31.6%) received non-prosecution. The court sentenced 1,273 people on the charges of unlawful fund raising, yet the rate of imprisonment was 224(17.6%) and 505(39.7%) probation, which was 2.25 times higher than the actual sentence.<sup>1</sup>

Judicial treatment has been largely limited to some of the top-level executives, and middle-level executives in charge of recruiting executives or investors are often excluded from punishment[20]. The money which may be secured from committing crime is tremendous. To lower the recidivism rate for the crime of unlawful fund raising, the target of punishment should be broadened and the level of punishment must be raised[21][22].

**Table 4.** Status of handling of offenders under the unlawful fund raising act.

Number of handled personnel										
Year	Number of received personnel	Total	Free type	Probation	Property type	Suspended sentence	Not guilty	Charge exempted	Decision to dismiss indictment	Others
2012	295	311	47	87	136	-	13	2	1	25
2013	291	240	62	90	79	-	4	-	1	4
2014	231	282	45	128	77	-	18	1	-	13
2015	301	273	42	132	83	-	3	-	-	13
Jan-Jun. 2016	181	167	28	68	65	-	2	-	-	
Total	1,299	1,273	224	505	440	-	40	3	2	59

<sup>1</sup> According to the Supreme Court's probation sentencing standards, if there is a special reason for taking part in a crime or committing a crime as a major extenuating reason, if there is a reason for taking part in a crime, or if the amount of money received from a crime or the scale of business is very small, and if the reason is that there is no criminal punishment history in the case of complete and voluntary initiation of punishment for self-initiation, whistle-blowing, or complete crime(type 2), or in the case of recovering a substantial part of the damages. Furthermore, as an accomplice for extenuating circumstances, passive participation as an accomplice, if the actual profits are insignificant, general investigation cooperation, no criminal record beyond probation, clear social ties, serious reflection, recovery of some damage, if the defendant is old, and the defendant's health is very poor, and if it is argued that the detention of the accused entails undue hardship for the dependents.



Note: The data on the 'Violation of the Act on the Unlawful Fund Raising Act' among the cases of violation of the Special Act for first trial for criminal charges(Source: State Inspection Data, October 4, 2016, Supreme Court).

<Table 5> illustrates the sentencing standards for the crime of unlawful fund raising. The sentencing standards for the crime of unlawful fund raising act are applied for adult(19 years of age or older) defendants who have committed crimes as applicable under Article 6 Paragraph 1 of the Unlawful Fund Raising Act. Organized crime refers to a case where multiple people share their roles and plan in advance for the purposes of violating the Unlawful Fund Raising Act, and commit the crime systematically and professionally. It is evident that the level of punishment for the crime of unlawful fund raising is low in connection with the scale of the damages. It is necessary to discuss the sentencing standards for unlawful fund raising crime based on the amount of profits under the "Act on the Aggravated Punishment of Specific Economic Crimes, Etc." or the "Financial Investment Business and Capital Markets Act". This will be effective in preventing recidivism.

**Table 5.** Punishment type and sentencing standards for the crime of unlawful fund raising.

Type	Classification	Exemption or reduction	Standard	Aggravated
1	Unorganized commission of crime	8 months	4 months - 1 year	8 months - 2 years
2	Organized commission of crime	10 months	6 months - 1 year and 6 months	1 year - 4 years

Note: The supreme court's sentencing standards for the crime of unlawful fund raising.

## 4. Issues and Improvement Measures for Preventing Damages of the Crime of Unlawful Fund Raising

### 4.1. Development of the standards for the imposition of appropriate criminal punishments in line with the standards of profit amounts

In the case of the unlawful fund raising crime, the higher the crime rate when the economy is depressed and the interest rates on savings and savings deposits are lower. Given the recent COVID-19 triggered economic recession, low interest rates, real estate booms, stock market surges, and virtual currencies speculation related craze, commoners want to find safe investments in order to increase their wealth and move towards safe assets. However, without a prior or objective prior information on investments, they fall for the high dividend related inducement of promising companies. As is evident in the statistical data of investigation agencies of companies suspected of unlawful fund raising of <Table 1>, the number of requests made with investigation agencies from 2012 to 2019 has continuously increased. The reason criminal psychology does not decrease is that the benefits of crime are large when considering the criminal environment and the level of punishment. Furthermore, as evident in the sentencing standards, even if a prisoner is sentenced, it can be seen that the actual sentence is lower than the proceeds from the crime.

Strict punishment of the deterrence theory can lower offences. This is because the criminals make rational choices by empirically analyzing the risks of arrest and punishment [23][24]. Only then can the effectiveness of sanctions and punishments related to the unlawful fund raising act, which destroys the economy of people's livelihood, be increased. This will be effective in reducing recidivism. Key stakeholders in unlawful fund raising practice the habit of committing a new type of crime by planning and complicating new crimes, from the habit of making easy money psychologically. Furthermore, the fundamental reason that the unlawful fund raising act is not eradicated or reduced is that the fear of criminal punishment is weak, while it is a crime

with a large social impact which produces a large number of victims and paralyzes the local economy[25]. Since the benefits of the unlawful fund raising crime outweighs the expected punishments, they act as a strong criminal incentive.

This is a phenomenon which occurs in economic crimes, especially financial crimes. In order to preclude the unlawful fund raising crime, the punishment related provisions of the Unlawful Fund Raising Act should be further strengthened. However, the Unlawful Fund Raising Act “provides the imprisonment of up to 5 years or a fine of up to KRW 50 million.”<sup>2</sup> It is a light sentence and punishment compared to the crime committed. Excluding the representatives and key people, the level of punishment is not as high as the probation rate is high. Considering the characteristics of both the victims and perpetrators of the crime, in order to preclude the unlawful fund raising crime and prevent the recidivism, the level of punishment based on the amount of profit as specified under the “Act on the Aggravated Punishment of Specific Economic Crimes, Etc.”<sup>2</sup> or the “Financial Investment Business and Capital Markets Act”<sup>3</sup> should be raised. Imposing appropriate criminal punishment will inevitably give rises to the effect of prevention and punishment in crime prevention. Recently, even at the academic level and the National Assembly, there has been a strong argument that the level of criminal punishment should be raised[26].

#### **4.2. Development of the standards for the imposition of punitive damages system according to the standards of compensation amount**

To prevent damages incurred from the unlawful fund raising crime, not only strong criminal punishments but also the punitive damages system of the “Civil Act” should be introduced. It can strengthen sanctions against those who have committed an unlawful fund raising act and protect good traders. The damages of the unlawful fund raising is so serious that it is necessary to introduce punitive damages that are higher than the compensatory damages of the Civil Act. Furthermore, if a prompt and strong, planned investigation is not carried out from the initial stage of the case, it is highly likely to escalate into a large-scaled financial investment case and recovery from damages would be very difficult. For the victims of unlawful fund raising, the punishment of criminals is important, but the recovery of economic damages will be the top priority.<sup>4</sup> The compensatory damages only compensates for the amount of damages caused, but the punitive damages must be made to prevent the malicious and intentional unlawful fund raising related damages.

In the case of unlawful fund raising act, property damages suffered by the investment victims must be compensated on top of the principal and interest, along with the amount as a penal element. The purpose of this provision is intended to prevent repeating such crime or unfair act in the future by awarding large amounts of damages[27]. The crime of unlawful fund raising causes not only monetary damages, but also relationship damages with close friends. Unlawful fund raising attracts close groups such as family, friends, and acquaintances as the sub-investors to receive a recruitment allowance, which ultimately leads to terminal damages around the victims. Furthermore, in the case of large-scaled unlawful fund raising crime, the economic ripple effect which paralyzes the local economy is not insignificant. Considering the vicious illegality,

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<sup>2</sup> Article 3 Paragraph 1 of the “Act on Aggravated Punishment of Specific Economic Crimes, Etc.” provides for a fixed-term imprisonment of 3 or more years for fraud, embezzlement, and professional negligence, etc., if the profits are KRW 500 million to less than KRW 5 billion, and if the profits are KRW 5 billion or more, imprisonment for life or 5 or more years.

<sup>3</sup> According to Article 443 Paragraph 2 Subparagraphs 1 and 2 of the “Financial Investment Business and Capital Markets Act,” if the amount of profits gained or losses avoided are KRW 500 million or more and less than KRW 5 billion, a fixed-term imprisonment of 3 or more years, and if the profits are KRW 5 billion or more, it is punishable by imprisonment for life or 5 or more years.

<sup>4</sup> Kim Daegeun, Jeon Hyeonsoo, Kim Hyunsoo, “A Study on the Types of Multiple Fraudulent Crimes : with a Focus on Telecommunication Financial Fraud and Unlawful Fund Raising”, Research Report commissioned by the Supreme Prosecutor’s Office(2016).

large-scaled damages, and huge proceeds of the crime, and punitive damages should be sought.<sup>5</sup> When the punitive damages system is introduced against the unlawful fund raising act, in order to sanction the unlawful fund raising company that has committed an illegal act, it will give the victim the satisfaction of retaliatory psychology and also deter any repeated unlawful fund raising act.

## 5. Conclusion

Unlawful fund raising attracts investments with dividends from additional recruitments as well as large returns and principal guarantees even while there is no real profit model. They deceive their investors by saying that they can make a lot of money by investing in the early stages of their business. It can be successful only by recruiting a large number of members, and it uses a Ponzi scheme which pays out incentives according to the performance of investment attraction. Funds are raised by advertising business registration certificates and multi-level door-to-door sales registration certificates as if the government had permitted them to raise funds. The damages cannot easily be uncovered since the introduction and recommendation of existing investors or investment solicitations blind people, and hence, it is difficult to distinguish between a legitimate company and an unlawful fund raising company at the initial stages of the crime. In order to prevent damages of the unlawful fund raising crime, macroscopically, a close cooperation among related agency such as the National Police Agency, the Public Prosecutors' Office, the National Tax Service, and the Financial Supervisory Service will be of the utmost importance[28]. The consideration of the unlawful fund raising and multi-level fraud prevention measures are as follows.

First, it is necessary to prepare appropriate standards for the imposition of criminal punishments according to the standards of profits. In the case of criminals, the "Act on the Aggravated Punishment of Specific Economic Crimes, Etc." or "Financial Investment Business and Capital Markets Act" should be taken as a reference point since a strict punishment is rationally selected by empirically analyzing the risks of arrest and punishment. Second, a standard for the imposition of the punitive damages system according to the compensation standard should be established. The focus of the debate over the punitive damages system is the calculation of the amount of compensation. In the "Credit Information Use and Protection Act", a punitive damages system which compensates up to 3 times the amount of damage is implemented. On top of the strong criminal punishment for precluding the unlawful fund raising, sanctions should be strengthened and good traders should be protected via the punitive damages system of the "civil Act"[29]. Third, a special judicial police officer in charge of the unlawful fund raising should be introduced. To prevent the increase in crime related damages, the Financial Supervisory Service, which is consisted of professional personnel, should conduct investigative activities equivalent to those of an investigation agency from the early stages of the crime [30].

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<sup>5</sup> While such punitive damages are primarily practiced in countries based on the British and American law, such as the United Kingdom, the United States, and Canada, there are laws where the punitive damages system has been introduced in Korea. For example, up to 3 times the amount of damages is compensated. There are the Fair Transactions in Subcontracting Act, the Credit Information Use and Protection Act, the Personal Information Protection Act, and the Act on the Fair Agency Transactions Act.

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## 7. Appendix

### 7.1. Author's contribution

	Initial name	Contribution
Lead Author	SY	-Set of concepts <input checked="" type="checkbox"/> -Design <input checked="" type="checkbox"/> -Getting results <input checked="" type="checkbox"/> -Analysis <input checked="" type="checkbox"/> -Make a significant contribution to collection <input checked="" type="checkbox"/>
Corresponding Author*	KL	-Final approval of the paper <input checked="" type="checkbox"/> -Corresponding <input checked="" type="checkbox"/> -Play a decisive role in modification <input checked="" type="checkbox"/>
Co-Author	GD	-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/> -Participants in Drafting and Revising Papers <input checked="" type="checkbox"/> -Someone who can explain all aspects of the paper <input checked="" type="checkbox"/>

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## The Innovation of Social Enterprise Certification Regulations through Social Value: The South Korea's Case

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### Abstract

**Purpose:** The purpose of this study aims to find the way in which policy implementation structure is established to support social enterprise applicants. Together with it, the study proposes the social innovative measures of the social enterprise certification program based on bureaucratic administration through the discovery of social values.

**Methods:** The article examines public data on social enterprise certification from 2007 to 2022 and interviews with the stakeholders in social enterprise by utilizing Enroljas' mimetic institutional isomorphism that focuses on the system, actors, and the interaction among actors as variables. Chapter 2 discusses social enterprise, administrative decentralization, social value and social innovation. Chapter 3 conducts an institutional analysis of the certification support administrative system. Chapter 4 undertakes an institutional analysis of the designation support administrative system. Chapter 5 pinpoints the limitation of the certification in the realization of social value, suggest the social purpose company as innovation, and compares the independent legal entity of social enterprise between Korea, UK and US.

**Results:** The certification and designation system are operated by the dual management mode of administrative organization and intermediate organization. The policy implementation structure consist of vertical structure between administrative organizations and horizontal structure between administrative ones and intermediary. The certification system suppresses the realization of the social value of social enterprises and experiences the organizational identification.

**Conclusion:** The independent legal entity of social enterprises is an institutional innovation instead of bureaucratic certification program. This outcome is confirmed by comparing the institutions of social enterprise legal entities in the United States and the United Kingdom.

**Keywords:** Social Enterprise, Certification, Designation, Social Value, Social Innovation

## 1. Introduction

Since the Asian financial crisis in 1997, the Korean government has paid attention to social enterprises that provide jobs and welfare. Unlike in Europe and America where social solidarity organizations and nonprofits establish social enterprise relying on a registration system that limits the discretion of administrative agencies, the government of Korea controls the decrease and increase of social enterprise and develops based on the national licensing that determines the approval of social enterprise. In 2007, the government enacted the Social Enterprise Promotion Act including the national certification, the first national certification institution in Asia. Afterward, there is a rapid development of social enterprise through the national control of the social enterprise in Korea. Up to the first half of 2022, the government granted social enterprise qualifications to 3266 companies and social organizations, a 59-fold increase compared to the 55 social enterprises in 2007. However, some argue that

the certification is changed to a registration based on the independent legal entity of social enterprises because it curbs the realization of social values.

The purpose of this study is to present the innovative measures of the administrative support system of social enterprise certification through the discovery of social values. Institutional isomorphism is well-suited for the analysis because there is confusion in organizational identification when social enterprise pursues both profit and public interest, finally tending to be reliant on one dominant value and lose the hybrid identity. Through the analysis of the administrative support system of social enterprise certification, it is found that there is the vertical and horizontal relationship between public and civic actors in the policy implementation. At the same time, the national certification of social enterprise fails to embody a variety of social values and give way to an innovative measure of the registration based on an independent legal entity to realize multiple social values. Research materials include government data on social enterprise certification from 2007 to 2022 literature and interviews with stakeholders on the site.

## 2. National Certification of Social Enterprise and Its Innovation through Social Value

A social enterprise is an organization that seeks both profit and public interest, and invests the profits for social purpose rather than maximizes profits. The hybrid is seen separately from the perspective of Europe and the United States[1]. The former sees social enterprises as a means of social security for the socially disadvantaged, based on a sense of solidarity, while the latter sees social enterprises as an innovative solution for expanding profits by investing charitable capital in promising projects for donation purposes[2]. Notwithstanding the regional difference, there is a common feature that social enterprise has an ambivalent feature pursuing profit and philanthropy.

In a situation where social enterprises seek both for-profit and non-profit, there is confusion in the identification for an organization while performing profits and charity. Namely, there arises a doubt on the purpose of for-profit social enterprise that seeks profits when the for-profit social enterprises uses the profit for charitable donations. Conversely, one is doubtful of the purity of the non-profit social enterprise when it tries to expand the profit for charitable purposes. Therefore, social enterprises tend to be dominated by one value rather than the other, and eventually experience losing their legitimacy as a hybrid. The heavy dependence on a dominant value causes institutional isomorphism in which organizations in a particular area lose their sense of identification, and resemble, or conform to, dominant patterns. The organizations experiencing structural homogeneity transform into public or commercial organizations by imitating dominant models within specific areas[3].

The certification of social enterprise refers to national license that government grants the legal status of social enterprise to company and social organizations through administrative standards. In the bureaucratic certification process, social enterprises receives the support from government and quasi-government organizations. The actors and the interaction between the actors consist of the administrative system in which civic bodies participate. As Smith(1985) pinpointed, the administrative system has the nature of decentralization that transfers the central authority to local government. In the decentralized administrative echelon, there are administrative agencies, quasi-government organizations, and civic bodies interacting with each other in order to provide the services for social enterprise. Analysts of policy implementation structure say that the decentralized administrative system, in nature, has dual function with a vertical structure in which administrative agencies interact based on the principle of hierarchy and a horizontal structure in which public actors and civic organizations interact based on the principle of coordination[4][5]. In the context, Atkinson, Dörfler, and Rothfuß properly comments that public and private actors in a decentralized administrative system has the feature of both governance-based co-production and hierarchy[6].

Recently, there has been a voice on the innovation of the bureaucratic certification of social enterprise complying with social value in Korea. As to the social value, the academic debate focuses on community and values. In general, social values are normative benefits that contribute to the devel-

opment of the public interest and local or social development, including safety, service, solidarity, cooperation, balance, ecology, ethics, and fairness. With a great focus on such normative and distributional characteristics of social value, Walzer proposes communitarianism. The mainstream thinker says that social value has a close relevance to the conundrum of local community[7]. In the context of communitarianism, social values are created in the process of solving difficult problems, which achieves public interest[8].

Reforming the administrative support of social enterprise loyal to social values leads to social innovation of the existing supporting institution. About social innovation, there is not an agreement on the definition in the current academic community, but the main research into social innovation concentrates on the connotation of social innovation, the international comparison of social innovation, the relationship between social organization development and social innovation, and the path to realize social innovation[9][10][11]. In addition, social enterprise-related issues such as the introduction of foreign social enterprise concepts and social enterprise implementation plans are also at the core of social innovation.

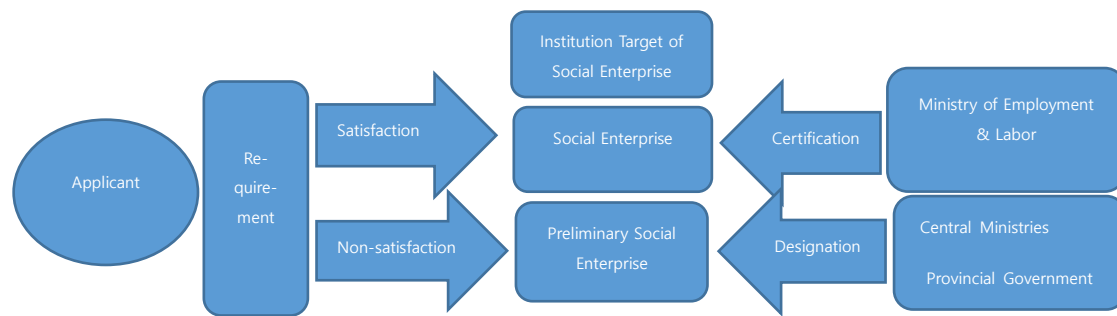
The research into innovative social enterprise certification support system based on social value is in the early stage. South Korea's social enterprise certification system research is mainly carried out in three aspects. First, it is about the status quo of the certification system, analysis of social enterprise certification standards, and quantitative research on the administrative system evaluation[12]; Second, a comparison of certification systems between the central government and local governments, a comparison of certification systems between social enterprises and other business fields, a comparative study of social enterprise certification systems in South Korea and the United States[13]; third, the advancement of certification systems has been studied[14].

The above research has made great contributions to the current status of certification, comparison between countries, and improvement of the system, but has not fully explained the policy implementing structure between public and private actors in the administrative decentralization system of social enterprise certification, especially with a focus on social innovation through social value. The research questions posed in this essay run as follow. First, the essay deals with in which frame the administration and quasi-administration support social enterprise. Second, the essay addresses what there is a limitation of the certification system in the light of social value. Third, the essay pose a question on what the alternative form of the administrative certification of social enterprise is in terms of social innovation.

### **3. Administrative Support System of Social Enterprise Certification**

In Korea, companies and social organizations become social enterprises through certification and designation. Certification is a system in which the Ministry of Employment and Labor grants social enterprise status to the applicant who passes the certification conditions. In addition, there is a designation in which the central departments other than the Ministry of Employment and Labor and local governments set up a kind of certification preparatory stage for applicants who do not pass the certification requirements, which is a certification incubator system. This certification and designation routes together constitute the social enterprise support administrative system <Figure 1>.

**Figure 1.** Certification and designation route of social enterprise.



The administration support system of social enterprise certification consists of laws and regulations, policy implementers, and their interactions. The laws and regulations are the requirements and procedures of certification. The policy implementers are public actors including administrative agencies and intermediate organizations. Interactions between policy implementers are divided into the interactions between administrative agencies and between administrative agencies and intermediate organizations.

### 3.1. Institution of certification

Above all, the requirements for certification concern the seven provisions of the Social Enterprise Promotion Act. First, the applicant should be one of the following types of law: a legal person under civil law, a legal person under commercial law, and a special legal person. Second, so-called paid workers. Third, applicants should fall into one of five functional categories; employment-providing, social-service, mixed, community-contributing, and others. Fourth, democratic decision-making mechanisms among stakeholders should be established. Fifth, more than 50% of the total labor costs should come from business activities. Sixth, there should be rules or regulations. Seventh, when distributable profits occur in the fiscal year, more than two-thirds of those profits should be reinvested for social purposes. Next, there are three stages of intermediate organization. First, a certification plan is formulated by the central administration. Second, the intermediate organization provides consulting services and receives applications for certification of applicants. Central ministries and local governments recommend applicants to the Ministry of Employment and Labor through an intermediate organization. Third, central administrative agencies examine and decide.

### 3.2. Administrative support actors of certification

Administrative agencies and intermediate organizations support applicants for certification. First of all, administrative agencies are the Ministry of Employment and Labor and other government departments at the central level, and the provincial government at the regional stage. The Ministry of Employment and Labor oversees the certification system as the central actor in the certification system. The other central ministries and provincial government are all supplementary implementers within the system, although the former is located at the center and the latter at the province. The auxiliary implementers are all coordinated by the Korea Social Enterprise Promotion Agency that serves as hub in the public organizational linkage. The hub organization recommends the candidate of social enterprise to the Ministry of Employment and Labor. To be strict, coordinating administration, NPO, and social enterprise centers on two actors; Social Enterprise Promotion Agency and the provincial intermediate organization[15].

### 3.3. Interaction mode of support actors for certification

First, interactions between administrative agencies are based on the principles of command and control[16]. The Ministry of Employment and Labor asks other central and provincial authorities to recommend the candidates of social enterprise for certification, but the final certification approval is

up to the ministry. The interaction has a nature of hierarchy. Second, the interaction between administrative agencies and intermediate organizations is a way for the intermediary to mediate the interests of both parties. The intermediary does not only review applicants for certification recommended by the central government or the provincial government but also conducts on-site surveys of those applicants who want to deliver their opinions to the Ministry of Employment and Labor and provincial government. In this process, administrative agencies and intermediate organizations understand that the parties concerned have a horizontal network centered on the intermediary. Thus, the interaction of actors within the system is an interaction in which longitudinal relationships based on governance coexist with horizontal network relationships for joint production and management between stakeholders[17].

## 4. Administrative Support System of Social Enterprise Designation

The administrative support system of designation also consists of three variables; requirements and procedure, actors, and interaction. Policy implementers are central ministries, local governments and intermediate organizations. The interaction between policy implementers are divided into the interaction between administrative agencies and the interaction between administrative agencies and intermediary organizations. The designated companies and social organizations are called preliminary social enterprise, which is divided into departmental types designated by central ministries and regional types designated by provincial government.

### 4.1. Institutions of designation

First of all, the requirements for designation are the regulations for preliminary social enterprise by central ministries and local governments. The comparison between certification and designation is shown in <Table 1>.

**Table 1.** Comparison between certification and designation.

		Certification	Designation	
Target		Social enterprise	Ministry preliminary social enterprise	Regional preliminary social enterprise
Rule		Social enterprise promotion act	Ministry guideline	Ordinance, enforcement rules
Condition	Organizational form	Commercial law companies, public corporations, non-profit private organizations, social welfare corporations, consumer life cooperatives, basic law(social) cooperatives, federations, etc.		
	Paid employment	Employ one or more paid workers more than six months carry out business activities	Employ paid workers more than three months carry out business activities	
	Achieving social purpose	Employment-providing, social-service, mixed, community-contributing, and others		
	Decision-making structure	Decision making structure involving stakeholders		No
	Expense	The social enterprise certification application date belongs to the total income of the business activities through the organization during the first 6 months of the month. During the same period, the total labor expenses paid by the organization should be more than 50%.		
	Article of incorporation	The agency's articles of incorporation or regulations must be legally stated.		
	Invest interest	Distribute more than 2/3 of profits for social purpose reinvestment		Re-investment for social purposes of 2/3 or more of the distributed profits (for the enterprise required) )



There are seven requirements for certification of social enterprises, but the requirements for designation of preliminary social enterprises, excluding four, are similar to those for the certification. Next, in the designation process, the central ministries and the provincial governments themselves develop action plans. Intermediary organization conducts on-site inspections and deliver designated candidates to central ministries and provincial governments. After the two governmental actors designates and manages preliminary social enterprises, the intermediary recommends candidates for certification to the Ministry of Employment and Labor.

#### **4.2. Administrative support actors of designation**

The actors to support designation are divided into two domains; departmental and regional preliminary social enterprise. The former includes central ministries other than the Ministry of Employment and Labor, Korea Social Enterprise Agency, and the intermediate organizations responsible for ministerial preliminary social enterprise. In the domain, other central ministries are in charge of designation and management, and KOSEA recommends candidates for certification to the Ministry of Employment and Labor. The ministerial intermediate organization is responsible for supporting designated preliminary social enterprises. The latter includes provincial government, regional intermediary organizations, and grassroots-leveled social enterprise support centers. The designation and management are carried out by the provincial government and are recommended through the provincial intermediary organization. The social enterprise support center usually establishes social relations with the candidates of social enterprises for designation.

#### **4.3. Interaction mode of support actors for designation**

The interactions between administrative agencies and between administrative agencies and intermediary organizations follow the principles of command and cooperation as done in the certification system[18]. In the field of ministerial and regional preliminary social enterprises, the higher-level and lower-level administrative agencies establish vertical relationships from the angle of the interaction between administrative agencies. In the field of ministerial and regional preliminary social enterprises, administrative agencies and designated social enterprise use intermediary organizations including ministerial intermediary organizations and provincial intermediary organizations and social enterprise support centers from the perspective of the interaction between administrative agencies and intermediary organizations. That is to say, the interaction operates within a vertical structure based on hierarchy and a horizontal structure based on public-private co-production[19].

### **5. Innovation of Social Enterprise Administrative Support System by Social Value**

#### **5.1. Limitations of certification system in social value**

According to the certification system, the purpose of the existence of social enterprises is to realize social value for the community. However, there is criticism that certification standards and procedures, which focus on expanding employment and providing services, have limitations in creating social values and reduce the category of values by failing to accommodate the various new values in society. First of all, the essay pays attention to the limitations on the social value realization arising from certification standards[20]. The limitations and imperfections of the content of the certification standards prevent the realization of social value. First, the "criteria for realizing social purposes" is not suitable for accepting various social values. The reason is that the criteria that stated that the purpose of a company's existence is to provide jobs and services for the vulnerable do not reflect reality. During the decade of implementation of the certification system, various values emerged in the social and economic fields. For example, fair trade, the environmental movement, shared services, culture, and arts, traditional culture preservation, eco-friendly agriculture, international development assistance, information technology(IT), information & communication technology(ICT), social housing, alternative energy, and pets. Despite the rise of various values, due to the limitation of the certification standard

that the provision of job opportunities for the vulnerable is the realization of social values, social organizations that advocate these values are excluded from the application for certification.

Second, there is a limit to social value realization because the number of social enterprise types is small. According to the "criteria for determining the realization of social purposes," an applicant for certification is eligible for application only when he or she belongs to five social enterprise types, but there are cases where he or she cannot belong to any type. Before applying, social enterprise applicants must have an organization of a size that can allocate 30% of the total paid jobs and services to the vulnerable to apply for the job provision type and the social service type. However, partnership companies and single-person companies founded by a small number of people are not even eligible to apply in the first place because they can only create a limited number of jobs. Due to the narrow certification standards for social enterprise types, there is a certification application organization that cannot realize social value.

Third, it is possible to prioritize financial value and neglect social value by using the loophole in the "standard of use for social purposes of profit"[21]. A company or limited partnership in commercial law must, for social purposes, use or donate at least 2/3 of the distributable profits generated in the fiscal year and the remaining distributable assets generated during corporate dissolution and liquidation. However, the major shareholder of a for-profit social enterprise can change its articles of association and dispose of profitable business and assets using its dominant position in the capital ownership structure after returning the certification status for the purpose of owning profits and assets that are the result of various government support. For-profit social enterprises optimized for profit-seeking use loopholes in certification requirements, which leads to curbing social value realization.

Next, the essay draws attention the limitation on the realization of social value coming from the certification procedures. There are a variety of limitations in realizing social value in the certification process. The first element that prevents the realization of social value in the certification process is the cooperation system between organizations centered on central actors in certification deliberation. Unlike local organizations that observe applicants' social value realization items based on field surveys and face-to-face interviews, the Central Certification Subcommittee and Social Enterprise Development Committee focus on controlling the number of certified companies, so they do not properly evaluate the applicant's suitability, willingness, and ability to realize social value. The second factor is the restriction of participation of the parties to the social enterprise in the certification deliberation process. Non-governmental members and social enterprise experts who participate in the certification review subcommittee and the social enterprise development committee are usually professors, bureaucrats, and legal professionals. The civic value of the social enterprise party, which is regarded as an interested party and restricts attendance, is not reflected in the certification procedure. In conclusion, the realization of social value is limited due to the misunderstanding that job creation is the realization of social values of social enterprises, and the lack of a cooperation system between central actors and governance involving stakeholders. Therefore, despite the contribution of the national certification system to foster social enterprises in a short period of time, the need for innovation in bureaucratic certification administrative support that inhibits the realization of social value is raised.

## **5.2. Social innovation of certification institution**

The reason why social enterprises cannot realize the public interest through the certification system is that there is no independent legislation for areas where profit and non-profit are mixed. This means that social values cannot be realized properly due to contradictions that arise when certified social enterprises, which belong to commercial or civil law corporations, pursue both profit and non-profit principles, rather than separate corporations. In order to overcome these contradictions, this study argues for an independent social enterprise corporation as a subject of exercising rights that can pursue profits and public interests at the same time.

There is an attempt to create a third legal personality to overcome the confusion in organizational identity[22]. Currently, the only path to becoming a social enterprise in Korea is to obtain approval from the Ministry of Employment and Labor for the use of the name "social enterprise" after obtaining

government certification. Therefore, even after certification, certified for-profit social enterprises belong to commercial law corporations, and certified non-profit social enterprises belong to civil law corporations, not independent corporations.

In this state, if a certified for-profit social enterprise practices the provisions for realizing the public interest in the certification standard, it violates the principle of profit-seeking under the Commercial Act. In other words, for-profit social enterprises must allocate profits generated according to the commercial law to shareholders, and if managers use more than 2/3 of their profits to realize the social value to comply with the regulations on reinvestment of profits on the certification basis, it conflicts with the commercial law. On the other hand, if a manager makes a decision to guarantee dividend profits for shareholders according to the commercial law, it is difficult to secure funds for public interest activities that meet the "realization of the social purpose of profits" of the certification standard. Because of this legal contradiction, there is an institutional isomorphism in which for-profit social enterprises hesitate to do public services, reduce expectations as social enterprises, return to their original private interests, and finally lose their identity as social enterprises[23][24]. In addition, if a certified non-profit company conducts a profit business, it violates the civil law.

Next, if a certified non-profit social enterprise, a civil law corporation, conducts a profit business in accordance with the certification standard of "generating profits through a certain level of business activities," it violates the legal principle of pursuing non-profit under the civil law. Specifically, under the Civil Act, non-profit social enterprises that are not aimed at pursuing profit-making in business can only conduct profit-making business within the scope of achieving public interest. However, if a non-profit corporation makes a large amount of profit by expanding its profit business for the purpose of realizing the public interest and accumulates it as a corporate asset, investors for charitable purposes are reluctant to donate because they doubt the identity of the non-profit organization. The competent authority revokes the permission to establish a non-profit on the grounds of violation of civil law. As a result, non-profit social enterprises hesitate to engage in for-profit business activities and try to return to familiar non-profit enterprises. Afterwards, it relies on government subsidies, and the state's mandatory employment system for the vulnerable and wage subsidies for the vulnerable become tools for the same public policy execution, increasingly adapting to the goals and values of the national policy.

To overcome such legal conflicts and institutional isomorphism, an innovative social enterprise independent corporation that combines the two values within an organization is needed by breaking both the barriers of restrictions on profit activities taken for granted by non-profit corporations and a wall of restriction on social contribution activities that is taboo in for-profit corporations.

Let us discuss the Innovativeness of social purpose company. Social purpose companies are easy to establish based on for-profit companies as companies under commercial law, but they are socially innovative for the following reasons as a convergence corporate model of an independent legal personality that aims for a strong social mission[25]. First, it revolutionizes conventional thinking and creates a legal personality. Social purpose companies raise funds for realizing social purposes and promote sustainable charity projects in the form of for-profit businesses by allowing the prohibition of traditional non-profit corporations from acquiring profits in a limited way. As a result, it revolutionizes the stereotype that traditional non-profit corporations are mainly engaged in non-profit projects. On the other hand, social purpose companies guarantee legal restrictions on the distribution of profits and asset disposal of traditional profit-making corporations, thereby breaking the fixed notion that companies are committed to maximizing profits and securing the trust of charity-purpose investors. In this way, social purpose companies subvert mutually exclusive thinking about profit and non-profit, establishing an independent legal personality in the area where the two values converge.

Next, private autonomy is respected through the registration system. If the certification system is a selective selection process by the administration in which the administrative agency sets difficult standards and complicated procedures and selects social enterprises at its discretion, the registration system that respects the autonomous choice of the private sector can be established only by reporting and accepting.

Finally, social purpose company has a socially inclusive nature[26]. Unlike the certification system that excludes applicants seeking social value, which is far from the screening criteria, the applicants in

the registration system becomes an independent corporation and make themselves easy to enter a social enterprise although various applicants pursue various values. The vulnerable groups of social purpose companies include not only the unemployed but also traditional labor exclusion groups that are not included in the general labor market, such as severely disabled, mentally disabled, person released from prison, and drug addicts. Therefore, the category of social value is expanded through social purpose companies.

In summary, the third legal entity, Social Purpose Company, is an innovation for the certification system as a bureaucratic support system, in that it respects private autonomy and pursues social inclusive values as a corporate model that revolutionizes stereotypes.

### 5.3. Comparison of independent social enterprise corporations: Korea, the United States, and the United Kingdom

Innovative attempts to create a corporation that pursues social value based on for-profit companies have been made in various countries. Focusing on the contrast between the United States and the United Kingdom, the legal status, restrictions on profit distribution and asset disposition restrictions, the method of establishing a corporation, organizational change, and the method of government support are discussed as comparative issues.

**Table 2.** Comparison of third legal personality.

	Korea	US	UK
Name of incorporation	Social purpose company	Low-profit limited liability company/ benefit-corporation/ public benefit Corporation/ social purpose company	Community interest company
Legal status	Special incorporation other than commercial law	Incorporation within commercial law	
Distribution of interest	Upper limit 1/2 or 1/3	Indirect limit	Upper limit 35 percent
Asset disposal	Ban		
Establishment procedure	Principle of report		
Change of organization	2/3 consent of voting shareholders		75 percent consent of voting shareholders
Supporting methods	Indirect support of government	Indirect support of private foundation	Indirect support of government

First, let us compare the legal status among three countries. The social enterprise according to the law of the US and UK is a corporation within the commercial law, whereas the Korean corporation aims to be a special corporation under individual laws other than the commercial law. The US and UK amend the existing commercial law, which has five company types, and create a new type of company in the commercial law to grant social enterprise corporate personality. All of these new companies apply the limited liability company regulations of the Commercial Act *mutatis mutandis*. In the US, they are Law-Profit Limited Liability Company(L3C), Benefit Corporation, Public Benefit Corporation, and Social Purpose Corporation. In the UK, the new type of company is Community Interest Company(CIC). Meanwhile, Korea discusses a bill to create a special corporation under the Social Enterprise Promotion Act. The special corporation is seen as an individual corporation other than the Commercial Act and as Limited Liability Company that has the provisions of stocks.

Second, the issue of restricting profit distribution is the method and level of restriction. First of all, the method of restricting profit distribution between the three countries is different. The US has no

explicit provision for the restriction method. However, there is a legal possibility of restricting the distribution of profits through the articles of association and general meeting, as the purpose of the company is not to increase profits but to create social value. The UK's CIC has explicit regulations on restrictions on profit distribution, which is similar to Korea. Next, regarding the upper limit of the profit distribution limit, *Salamon* regarded the asset freeze of social economic organizations as an obligatory clause, reviewed each country's cases, and presented the upper limit of the profit distribution limit as 50%[\[27\]](#). According to this study, both the three countries have a simple upper limit in the dividend limit. Korea discusses 1/2 or 1/3 of social purpose companies. In the US, the National Tax Service sets standards for corporate revenue growth and indirectly limits the distribution of profits. In the UK, dividends account for less than 35% of distributable profits.

Third, there is no difference between the three countries when it comes to the asset disposition constraints. In the three countries, the assets of a social enterprise is not the property that it owns, but the resources that it is given to communities as a right or responsibility. In case that there are total assets of a social enterprise minus its total liabilities when it is to close down and sell all the assets, it is prohibited to sell the net assets to a third-party company. Then, the community holds a disposable right to the immediate possession and enjoyment of the net assets. When liquidating a company, the company in Korea must donate or give assets to other social enterprises. In the United States and the United Kingdom, company assets must also be vested in non-profit organizations when liquidating the assets.

Fourth, when comparing the company establishment procedure, the three countries commonly choose the principle of report. However, the UK has a separate evaluation process to judge the pursuit of social purposes of CIC within government agencies[\[28\]](#). The CIC, like a general company, must report its establishment to the Registrar of Companies, a registered administrative agency, and then undergo a community interest test, a strict screening procedure unique to the CIC that is not in the general company. The reporting procedures and contents of Korean social enterprise corporations are currently discussed, like the UK's CIC. That is to say there is a strict procedure to determine the social purpose above the level of confirming the reason for disqualification for basic requirements. The United States follows the principle of report in the establishment process, but there is no strict screening process for pursuing social purposes such as the United Kingdom.

Fifth, the three countries are similar in terms of organizational change standards. Under the Commercial Act, when a social enterprise, a corporation, converts from a social purpose company corporation or from another general company to a social enterprise, the United States requires 2/3 consent of voting members and the United Kingdom requires 75% consent of its members. It is under discussion that two-thirds of its members in Korea are needed.

Sixth, when comparing government support, all three countries choose indirect support rather than direct one. Taking financial support as an example, the UK and Korea are choosing an indirect support method. First, the UK provides tax reduction or funding support if the government passes the business-related investment review rather than subsidizing corporations. Korea also aims for indirect support methods such as tax benefits, such as corporate tax reduction, local tax reduction, and social insurance premium reduction for employees. Additionally, Korea discusses the establishment of an evaluation system such as the 'tentative excellent social enterprise system', which is similar to the UK Community Interest Company's community interest test[\[29\]](#). Unlike the UK and Korea, the US has insufficient legislation on financial support. In the US, the financial support is led by private foundations that provide the support for each project applicable to social enterprises, and allow a preferential purchase of social enterprise products.

In conclusion, the three countries have differences and commonalities for each issue. The difference is the form of the corporation and the supporting body. In the US and the UK, social enterprise is a commercial law corporation, and in Korea the counterpart is a special corporation under individual laws. Moreover, administrative agencies in Korea and the UK lead the support. However, in the United States, private foundations lead the support. Three countries are all identical in restrictions on the distribution of residual profits and disposal of assets, establishment procedures, and organizational changes[\[30\]](#). In conclusion, Korean social purpose companies are similar to CIC in the UK. It is a kind



of non-profit-oriented company model in which dividend income is reinvested in society. The social purpose company of Korea imposes restriction on its profit distribution, but does not set a limit on the investors' corporate control. As mentioned above, the net asset minus liabilities are attributed to social ownership.

## 6. Conclusion

Through administrative intervention that aims at fostering social enterprises and an empirical study on the relationship between the support administrative system and social value-innovation, this study found that the state-led social enterprise policy under the dual management system of administrative and intermediate organizations enables the initial growth of social enterprises. However, due to the selective and controlled state approval system for socio-economic organizations, the horizontal executive structure between government agencies and intermediate organizations has limitations in establishing a system for implementing governance. In addition, due to the legal contradiction of social enterprise actors under the administrative support system, there occurs a phenomenon of institutional isomorphism, in which the social enterprise actors lose their organizational identity. The essay argues that the solution to the isomorphism is the institutional innovation through rearrangement and adjustment of the existing systems.

The results of the Korean national case study on the correlation between government-led social enterprise policies and social value realization can be used as theoretical sampling when studying government-led social enterprise development cases. In particular, policymakers can see from this Korean case study that the state-funded administrative system is useful for short-term growth in incubating social enterprises, but after a certain period of time, the quantitative and qualitative growth of enterprises slows. It is necessary to understand that the root of the problem is due to the contradiction of legislation and the lack of governance, and that a turning point in institutional innovation to overcome the problem takes place. Furthermore, the Korean case study, in which social enterprise independent corporations under the certification and registration concurrently exist as social enterprise support, will have validity in the comparative research into the stage, degree, and institutional setting of state-led social enterprise development.

However, due to the limitations of data collection and the ongoing system setting situation, this study could not discuss the differences and similarities between the deliberation standards of the certification system and the social value evaluation of the registration system. In relation to this, future research believes that it is necessary to study the composition of social value evaluation indicators for independent social enterprises in each country under the registration system, comparison between countries, and private participation methods in the social value evaluation process. Therefore, this study proposes to continue to pay attention to social value realization and evaluation methods through institutional innovation.

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## 8. Appendix

### 8.1. Authors contribution

	Initial name	Contribution
Author	CW	<ul style="list-style-type: none"> <li>-Set of concepts <input checked="" type="checkbox"/></li> <li>-Design <input checked="" type="checkbox"/></li> <li>-Getting results <input checked="" type="checkbox"/></li> <li>-Analysis <input checked="" type="checkbox"/></li> <li>-Make a significant contribution to collection <input checked="" type="checkbox"/></li> <li>-Final approval of the paper <input checked="" type="checkbox"/></li> <li>-Corresponding <input checked="" type="checkbox"/></li> <li>-Play a decisive role in modification <input checked="" type="checkbox"/></li> <li>-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/></li> <li>-Participants in Drafting and Revising Papers <input checked="" type="checkbox"/></li> <li>-Someone who can explain all aspects of the paper <input checked="" type="checkbox"/></li> </ul>

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## Control and Punishment of Women -Wide Sargasso Sea

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### Abstract

**Purpose:** With the focus on Jean Rhys's *Wide Sargasso Sea*, the author shows how women were possessed by men as objects, what was expected of women as men's property, and the punishment imposed on women who do not meet those expectations in the Victorian era. Following the Industrial Revolution, women also had a desire to live by choosing what they wanted with their own free will, not as the property of men, but society only gave them the role of the angels in the house obeying men and taking care of the family and if this expectation is not met, they were portrayed as madwomen and discarded by men.

**Method:** First, it will be discussed how women at the time, represented as Annette and Antoinette, married men as objects, and what men expected of women as wives. Second, it will be discussed how women were punished when they did not act as submissive wives deviating from what the society of the time expected of women, such as yelling, swearing, drinking, or expressing sexual desire; and why they were treated as madwomen and imprisoned like Annette and Antoinette who were chosen and later discarded by Mason and Rochester. Third, it will be examined how Annette and Antoinette discarded by Mason and Rochester were judged as madwomen and imprisoned, and how they were punished for behavior beyond what the society of the time expected of women.

**Results:** Annette shouted, criticized, and ridiculed Mason when her son died because Mason ignored her thought of leaving Coulibri. In return, she was sexually harassed by black people; her daughter Antoinette was portrayed as a madwoman to an extent that she even thought, 'This is not my mother'; and Antoinette was portrayed as a madwoman who laughed out loud like crazy and hit stones with her fists for the reason that she expressed her sexual desire and lost her chastity before marriage, and were imprisoned by Mason and Rochester respectively.

**Conclusion:** Victorian English society made women men's property and never tolerated women who were not obedient to men or invaded men's domains and tried to dominate them. Seeing that the thoughts, desires, and wills of women at that time represented as Annette and Antoinette through the "*Wide Sargasso Sea*", the author thinks that even in our present day, it is worth considering whether our society make someone's thoughts, desires, and will crazy and punish them for reasons of order maintenance or public interest.

**Keywords:** *Wide Sargasso Sea, Regulations, Violations, Punishment, Women*

## 1. Introduction

The social status of women in the 19th century in England was about to face major changes following the Industrial Revolution that brought dramatic changes to the population, politics, social structure and institutions, and economy of the society. Rather than waiting for men to choose them for marriage in a social structure in which women could not live with their own free will, they hoped become independent by breaking away from the image of women required

by the society. However, in those days, it was simply not acceptable for women to become independent with their own free will. Since the gender ideology was preventing women from improving their social status, even with more opportunities for intellectual achievement than before, they could attain only refinement, yet were not given opportunities for social activities[1]. In British author Edwin A. Abbott's *Flatland*, the first science fiction novel published in 1884 during the Victorian Era(1832-1901), the social status of women at the time was portrayed as the lowest class. Women could use only the women-only entrance, and if a woman became ill with a fatal disease, she should be immediately discarded of, that is, she should die. As such, in the society at that time, women were merely objects to be discarded, and women as objects were unable to evade punishment if they invade men's domain in a male-centered society, or try to escape the family, the domain of women, defined by society.

In the Victorian era, the successful life of a middle-class woman was marrying an economically capable man, and doing elegant women's works, that is, supervising the servants and doing housework, having artistic hobbies such as painting, playing musical instruments and vocal music, and socializing with others from the same class in clubs, and the marriage was considered the only occupation for middle-class women[2]. Praised as "The Angel in the House" in this way, women were forced to raise their children morally, and become a refuge for their husbands<sup>1</sup>. Only the honor of the angel in the house was given to them. Women had no right to vote, and no legal right at home. By the law, women were not allowed to own their own property, nor could they claim legal authority over their children or division of property from their husbands<sup>2</sup>[3]. A husband and a wife became one through marriage, but a woman's activities were only allowed under her husband's protection. A woman married to her husband was considered only part of her husband[4][5][6][7]. The oppression over women in the society at that time was also in sync with the growth of education for women. Women were considered intellectually inferior to men, so women old enough to marry were educated only in simple arithmetic and reading, and more importantly, how to marry a man and become a good mother and wife[8][9][10].

A woman only needed a sensual body or something like that to satisfy a man's sexual desire, not intelligence. However, women's sexual desire was allowed only when men wanted it. It should be led by men and only as much as men wanted. The Sexual desire beyond this was infidelity, and it was not suitable for the angels in the house[11]. The moment sexual desire is revealed from a woman's body, it is labeled madness, not love. Paradoxically enough, a woman's sexual desire was what should not remain as a woman's[12]. Women were utterly destroyed in exchange for displaying and satisfying their sexual desires. Antoinette took the initiative to satisfy her sexual desires, and Antoinette, a Rochester's property, was not allowed to do so. She eventually became a greedy woman and was punished. Men in the 19th century who wanted to make women their property tried to dominate women's minds and hearts, not just to make them submissive to men[13][14][15]. In any case, women who deviate from this males view-point or try to rise to the position of men are severely punished in the work. Men want women to be completely under their control by showing that even women had economic freedom, even if they are educated at universities and have intelligence, they are never equal to men and they are still treated as men's property and even wives can be traded, and that they would be condemned as a madwoman and punished<sup>3</sup>[16].

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<sup>1</sup> Victorian England considered women as passive and dependent beings in the home, submissive to their husbands, taking care of children and households, and praised such women as the angels in the house.

<sup>2</sup> Before 1870, all property owned by a woman before marriage became her husband's property, and all income earned by the wife and inherited to the wife also belonged to her husband.

<sup>3</sup> In England in the 18th and 19th centuries, husbands sold their wives openly, and trading wives was done in public places, even through newspaper advertisements. The advertisement of "I am selling my wife Jane Hubbard for five shillings. She is healthy and her limbs are strong. She sows, harvests, plows." and her auction process is shocking. Her husband strapped her wife around her neck and took her to the square, where her husband instructed her to go up to the stage and sold like cattle to the man offering the highest price. After the auction, the husband, wife, and the men who bought the wife even had a drink in a tavern to celebrate the deal. The last recorded auction of a wife in England was in 1913.

**Figure 1.** 'Selling wives by auction', an illustration from *Harpers Weekly* (1876).



Antoinette asks her mother, Annette, about her nanny Christophine, how old she is, and whether she has been together since long ago, but Annette says that Christophine is just one of her husband's wedding gifts. On the other hand, Antoinette and Annette are treated like an object just like the black slave Christophine by Rochester and Mason. Rochester accused Antoinette of a drunken liar, a clown, and took her to his realm, England, where she was imprisoned, while Mason treated mourning Annette after losing her son as a madwoman. Antoinette and Annette were just objects deserved to be possessed by men like Rochester and Mason.

In this paper, the author will examine how 19th century society treated women as possession and how women, who were men's possession and deviated from social expectations, were treated and punished through Antoinette and Annette in the *Wide Sargasso Sea*.

## 2. Possession and Expectation - Marriage

The British imperialism in the 19th century created the strong and stern male power of the masculinity in the Victorian era, making the paragon of conservative and dominant patriarchal men, whereas women were defined as weak beings [17]. Victorian women were simply men's possessions. They had to be obedient to men in the house, and were to become the angels in the house as men pleased, the rulers of that society. Therefore, Annette and Antoinette were portrayed as men's property. Annette was just a pretty and good dancing object to her husband Mason. At the wedding between Annette and Mason, people gossip.

A fantastic marriage and he will regret it. Why should a very wealthy man who could take his pick of all the girls in the West Indies, and many England too probably?  
'Why probably?' the other voice said. 'Certainly'....but Annette is such a pretty woman. And what a dancer. Reminds me of that song "light as cotton blossom on the something breeze", or is it air? I forget. (WSS 17)<sup>4</sup>

They treat women like an object that a wealthy man can choose by saying that a Mason, a man with wealth, can choose any woman to marry from England or the West Indies.

Such treatment of women also can be seen in Mason's attempt to marry Antoinette to Rochester. Mason tries to marry Antoinette to Rochester, but he does not give Antoinette any explanation and makes the excuse that he wants Antoinette to live a happy without worries.

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<sup>4</sup> The text citation from the *Wide Sargasso Sea* follows the *Wide Sargasso Sea* (New York: W. W. Norton, 1999), and the text citation after that is abbreviated as WSS and the number of pages is entered.



I want you to be happy, Antoinette, secure, I've tried to arrange, but we'll have time to talk about that later....I have asked some English friends to spend next winter here. You won't be dull....one of them will. I'm certain of that. (WSS 35)

The one Mason was talking about was Rochester, who came to marry Antoinette. In her marriage, Antoinette's opinion was not considered at all. Antoinette was just moved from Mason to Rochester just like an object, and Rochester came to Jamaica with his own free will to see Antoinette and choose her or not like an object. Rochester chose Antoinette for marriage. He was confused as to whether he bought her or she bought him, but in the end he came to a conclusion. Even though he did not love her, if he possessed Antoinette, a pretty object with her fortune, it was not a bad choice at all.

A woman, who is nothing but a man's property, is forced to be obedient to a man. In some cases, if a man says "It's wrong" to a woman's thoughts without a valid reason, the woman's thoughts become really wrong, and ignored or ridiculed. A woman accustomed to this is hesitant to act because she doubts that she may be wrong. A woman, as a man's property, was just an object that could not and should not have their own thoughts. So, even if the man is wrong, she is the one who will be ultimately punished. Annette tells Mason to leave Coulibri with the increasing threat of black slaves but Mason does not take Annette's words seriously, sneering at her. In rebellion against Mason ignoring her, Annette says she will leave Coulibri, but she doubts herself, wishing that Mason would not oppose her thoughts.

How do you know that I was not harmed? We were so poor then. We were something to laugh at. But we are not poor now....As you refuse to consider it, I will go and take Pierre with me. You won't object to that. I hope? (WSS 19-20)

While Mason hesitates, unable to decide whether to leave Coulibri, the black slaves set their house on fire. Eventually, Annette's disabled son Pierre is in danger of death, and Annette yells and swears at Mason.

Calling him a fool, a cruel stupid fool. I told you what would happen again and again. Her voice broke, but still she screamed, you would not listen, you sneered at me, you grinning hypocrite, you ought not to live either, you know so much, don't you? Why don't you go out and ask them to let you go? Say how innocent you are. Say you have always trusted them. (WSS 24)

While Annette doubts herself, and Mason hesitates, her son Pierre dies. Even though Annette was right and Mason was wrong, Annette did what was the exact opposite of obedient wife, swearing, yelling, and laughing at Mason. After Pierre's death, the shock caused her to be seen as a madwoman, acting strangely to the Mason. And it was Annette who was finally punished. Mason could not admit that he was wrong and Annette was right because Annette was his own property, imperfect, uncertain, pathetic and inferior[18][19].

To escape the flames spread to her house, Mason tries to drag Annette away, and Annette says she will not go due to her shock from losing Pierre. To her Aunt Cora asking Mason why she does not leave, Mason bluntly says that Annette is going to take her parrot Coco with her (WSS 24). Rochester also ignores Antoinette's thoughts. Rochester thinks Antoinette is always uncertain and hesitant. When he asks Antoinette if snakes are poisonous, Antoinette replies with hesitation. Antoinette may be right, but Rochester feels pathetic about that attitude.

When I asked her if the snakes we sometimes saw were poisonous, she said, 'Not those. The fer de lance of course, but there are none here,' .... 'But how can they be sure? Do you think they know?....Our snakes are not poisonous. Of course not.' (WSS 52)

Rochester who married Antoinette is guided to her bedroom. Rochester wears a wreath that

lied on her bed on his head, stands in front of a mirror, says it does not match his handsome face. He asks Antoinette for her opinion. Antoinette tells Rochester that he looks like a king and an emperor, as a sign of her respect and love for Rochester, but Rochester regards those words as a mockery.

'God forbid,' I said and took the wreath off. It fell on the floor and as I went towards the window I stepped on it. The room was full of the scent of crushed flowers. (WSS 43)

It is unacceptable for Mason and Rochester that their wives, Annette and Antoinette disobey them, even swear and ridicule them, and the easiest punishment is to imprison Annette and Antoinette as madwomen. Mason and Rochester try to undo the choice they make by making Annette and Antoinette madwomen and imprisoning them. It was the greatest punishment for Annette and Antoinette, who were not treated as women in society at the time unless they belonged to men. In the end, an excuse to throw Annette and Antoinette away was needed, heralding a disastrous end for Annette and Antoinette[20][21].

### 3. Violation - Undoing Choice

Annette, who became mad because of the loss of Pierre, is eventually imprisoned in the countryside by a Mason, and Antoinette enters a convent. Mason shows the reason why he had no choice but to send Annette and Antoinette, his belongings, to a sanatorium and a convent, respectively, that is, why he had to undo his choice thoroughly from his viewpoints. Before entering the convent, Antoinette hears what a strange-looking boy and a black girl following her, are telling. It was the reason why Mason abandoned Annette.

Look the crazy girl, you crazy like your mother. Your aunt frightened to have you in the house. She send you for the nuns to lock up. Your mother walk about with no shoes and stockings on her feet, she sansculottes. She try to kill her husband and she try to kill you too that day you go to see her. She have eyes like zombie and you have eyes like zombie too. Why you won't look at me. (WSS 29-30)

The story they tell Antoinette is that it is natural for mad Annette is imprisoned. Mason uses the mouths of a strange boy and a black girl to explain to Antoinette the good reason for Annette is bound to be imprisoned and discarded by him. If Annette had left Coulibri immediately, Pierre would not have died, and Annette would not have gone mad. While Mason hesitates, mocking and ignoring Annette's thoughts, Annette loses her son, but Mason makes her a madwoman for the reason of yelling at him and trying to kill him. And her daughter, Antoinette, is also treated as a madwoman and the eyes of a ghost.

Rochester also makes an excuse for discarding Antoinette as a useless object. Rochester excuses his marriage to Antoinette as his father's choice, not his own, but in the end he chooses to marry Antoinette, whom he does not love, in order to possess her fortune. However, Rochester made an excuse for his choice, saying that Antoinette was meaningless to him, and that he kissed Antoinette's hand and danced to win her heart, but that he was only acting according to his role (WSS 45). Rochester deceives Antoinette who does not want to marry him with his sweet words without sense of guilt. Rochester deceives innocent Antoinette by saying he will leave Antoinette with a sad heart, and Antoinette, who loves Rochester, is deceived without any doubt and dresses up for him. However, without any sense of guilt, Rochester denigrates his relationship with Antoinette, saying that he and she have nothing to do with each other, and that every single action he takes is based on his will and effort, not love. Rochester's choice is always right and Antoinette is just an object, so it does not matter what feelings Antoinette has. Antoinette, unaware of Rochester's sincerity, naively loves Rochester.

I never wished to live before I knew you. I always thought it would be better if I died. (WSS 54)

However, the feelings of Antoinette were completely ignored by Rochester. To Rochester, Antoinette was nothing more than a being that satisfied his own lust that thirsted for his woman, and his possession that could be deceived when it was wrapped in his love. Rochester regarded her as an object of his sexual desire, and one day he saw Antoinette's clothes taken off on the floor of her bedroom, and aroused his lust, and indulged in sex with her caused by his sadistic and masochistic impulses[22]. Although Rochester did not love Antoinette, he deceived Antoinette in order to gain control over her legacy that Mason left to her, her body, and her mind and heart.

Rochester disdains and preises Antoinette expressing her sexual desire as her love for Rochester deepened, "You wouldn't have to kill me. Say die and I will die. Die then! Die!" (WSS 55). Rochester despises Antoinette's sexual desires and makes excuses that he has to discard Antoinette. During the Victorian era, patriarchal society was deepened, and the imperialism following the Industrial Revolution and colonial expansion was male's, and women were forced to obey and serve their husbands. Therefore, the sexual desire of women was to satisfy men. Lee, Soon-koo, in his research, introduces French medical scientist Auguste Debay's book giving advice on women's sexual desire[23].

A reasonable woman should always be contented with what her husband is able to do and should never be demanded more. Where an overly vigorous husband indulges too frequently in genital activity, it is the duty for a wise wife to use all the power she has over him, to moderate his ardor, assuage his fires and make him understand that venereal excesses are not only damaging to the conversation of his virile faculties, but even more deadly to children conceived in a state of exhaustion....Submit to the demands of your husband in order to attach him to you all the more. Despite the momentary aversion for the pleasures he seek, force yourself to satisfy him, put on an act and simulate the spasm of pleasure, this innocent trickery is permitted when it is a question of keeping a husband.

Rochester continues to insist that he can discard Antoinette because there is no love between them even though he gains a fortune from his marriage to Antoinette. So, he creates the biggest reason to discard Antoinette without sense of guilt. One of the important virtues for a Victorian woman was maintaining chastity for her husband, and she had to maintain her dignity anytime anywhere. Otherwise, a woman would be pointed out by the society by reason that she was depraved. The society does not ask for any proof from a woman, and if men and the society that men lead consider her depraved, she is discarded from her home and society.

Rochester uses the letters and words of Antoinette and her half-brother Daniel Cosway's accusations against Antoinette and Annette to throw Antoinette away like trash without sense of guilt. Daniel says that Rochester was deceived, that the Cosway family had been wicked and loathsome slave masters for generations, that they were plagued with evil as well as madness, and that Antoinette had the blood of wickedness and madness from their ancestors. Also, Daniel says that Antoinette's mother also expressed the madness of white Creoles. Daniel makes a remark that suggests Antoinette is not only mad but also is an unfaithful woman. Daniel tells Rochester that Sandy, son of his half-brother Alexander, was the first man she dated, and that Antoinette deceived Rochester.

She start with Sandi. They fool you well about that girl.... You are not the first to kiss her pretty face. (WSS 75-76)

Rochester found the greatest reason to abandon Antoinette, a possession he did not love, which became the most severe punishment for her in society at the time. Since Antoinette was

a promiscuous woman prior to his marriage, a wicked and mad Cosway, a mad white Creole and the descent from useless woman Annette, Antoinette was also a madwoman and could be abandoned by him. Antoinette's nanny Christophine tells Rochester how much Antoinette loves him and how much Antoinette thirsts for his love and asks his love to her, but he ridicules Christophine.

She thirsts for anyone-not for me. She'll loosen her black hair, and laugh and coax and flatter (a mad girl. She'll not care who she's loving). She'll moan and cry and give herself as no sane woman would-or could. Or could. Then lie so still, still as this cloudy day. A lunatic who always knows the time. But never does. Till she's drunk so deep, played her games so often that the lowest shrug and jeer at her. And I'm to know it-I? No, I've a trick worth two of that. (WSS 99)

Rochester believes, without any doubt, the truth about Antoinette's past, which he learned from Daniel's letters and words. This contrasts with Mason making a mockery of Annette's previous request to leave Cleveland and Antoinette's hesitant response when Rochester asked Antoinette whether snakes were poisonous. Since Daniel is also a man, Rochester is convinced without a doubt even if Daniel treats Antoinette and Annette as madwomen with mixed anger. Rochester treats Antoinette as a woman fooling around with men and hates her as a madwoman[24][25][26].

#### 4. Punishment - Defined as a Madwoman and Imprisoned

Mason makes Annette, who expressed her anger by yelling and swearing at him after the loss of her son Pierre, a madwoman. Annette is portrayed as a madwoman who tries to save a parrot that Mason deems insignificant even when the house is enveloped in flames, laughs loud when she learns that Pierre is dead, and talks to herself without talking to anyone. Annette is even portrayed as a madwoman by Antoinette. Even Antoinette think she is not her mother. So Mason made Annette, who is his wife and a daughter of a slave owner, a mad woman, and imprisoned her in the countryside under the protection of black people, whom she treated like her own. In Antoinette's eyes, Annette is completely destroyed. She is not treated as a person by blacks and is even sexually harassed, yet unable to respond and drooping helplessly.

I saw the man lift her up out of the chair and kiss her. I saw his mouth fasten on hers and she went all soft and limp in his arms and he laughed. (WSS 80-81)

Rochester also punishes Antoinette suspected of having a promiscuous life before marriage. Rochester spends one night in a thin partition behind his bedroom with Amelie, the black maid who beat and quarreled with Antoinette after drinking. However, to Rochester, it is not at all unfaithful. He has no regrets and punishes Antoinette, who truly loves Rochester. In Rochester's eyes, Antoinette is a madwoman who strikes stones with her fists, screams, drinks liquor, impersonates Rochester, and laughs madly. Rochester calls his Antoinette "Marionette, Marionette, Antoinette"(WSS 92). Even though he knows Antoinette dislikes, he calls her "Bertha"(WSS 81), destroying her personality and utterly ignoring her.

Don't laugh like that, Bertha.

My name is not Bertha; why do you call me Bertha?

Because it is a name I'm particularly fond of. I think of you as Bertha. (WSS 81)

Rochester punishes Antoinette by taking Antoinette to England and imprisoning her. Imprisoned by Rochester, Antoinette continues to be portrayed as a madwoman. Antoinette attacks her brother Richard, who had come to see her, with a knife, and when he takes the knife, she

bites his arms with her teeth. But Antoinette doesn't even remember what she did. It is apparent to anyone that she is a madwoman[27][28][29].

But Grace Poole hired as Antoinette's maid by Rochester sees a passionate soul in Antoinette's eyes and doubts she is a madwoman.

I'll say one thing for her, she hasn't lost her spirit. She's still fierce. I don't turn my back on her when her eyes have that look. I know it. (WSS 106)

Antoinette is confused as to whether she really is mad or not.

There is no looking-glass here and I don't know what I am like now. I remember watching myself brush my hair and how my eyes looked back at me. The girl I saw was myself yet not quite myself....Now they have taken everything away. What am I doing in this place and who am I? (WSS 107)

D. Pole argues that Antoinette is not mad and acts deliberately[30]. However she is a madwoman because Rochester determines her as a madwoman whether Grace Poole suspects Antoinette's madness, or whether Antoinette herself is confused as to whether she is mad or not.

## 5. Conclusion

In the Victorian era in England, where society was extremely chaotic despite economic prosperity following the Industrial Revolution, men are supposed to go out and solidify imperialism, and women are supposed to obey men and take care of their families, contributing to the imperialism. However, as if the change of seasons can not be resisted, women gradually longed for freedom. The more they did, the more society emphasized the women's domain. In these turbulent times, Jean Rhys brings out Bertha, who was treated as a madwoman in *Jane Eyre*, and shows why she was treated as a madwoman.

Judging whether Annette and Antoinette were really mad or not depends on various imagination in the realm of literature, but it is clear from the perspective of Mason and Rochester that Annette and Antoinette were mad and treated as madwomen. At that time, men wanted to marry a woman and possess her body, property, and spirit. It was not the greed or cruelty of men at that time, but the greedy era when people were frantic to create a colony. By creating roles and territories of men and women, they tried to maintain order by imposing harsh punishment on women if women tried to invade or dominate men's territory after making women the property of men.

Mason and Rochester easily and comfortably could discard their belongings, Annette and Antoinette, because Antoinette, who had financial freedom with a legacy left by her stepfather Mason and Annette, who had no economic freedom, were all women, regardless of whether they had property or not, and they were the property of men. As these are taken for granted and continue to progress, women are unable to leave their territories. Even if women think something is wrong, they doubt themselves and become unable to act[31]. In situations of self-doubt, people cannot easily act against inequality and oppression and become incapacitated. Antoinette remembers her combing her hair with a comb in a mirror-less room, imprisoned by Rochester, and her eyes looking at herself in the mirror. The mirror is Antoinette's self, and Antoinette tries to find herself. She is really confused as to whether she is mad or not. In her mirror-less room, she recalls herself in the mirror, complaining that "they took everything away from me." The "they" Antoinette refers to is the society at the time that tried to solidify imperialism by making women merely obedient angels in the house, and the men who were the masters of such a society. The men gave women their share and place in society so that they

could not deviate from that boundary, and they never tolerated and severely punished women who tried to escape from the boundaries or enter the boundaries of men, thoroughly suppressing women's free will and desires.

Annette and Antoinette were punished for acting differently from the obedient angels in the house which was required from women by the society at the time. Annette yelled and cursed at Mason, and danced well, unfaithfully. Antoinette she had a fortune that Rochester did not have, and told that she would not marry Rochester. When she saw the wreath Rochester wore on his head, she made a mockery and did not conceal her sexual desire unfaithfully. For these reasons, Annette and Antoinette chosen by Mason and Rochester to become their possession are harshly punished, treated as madwomen, and imprisoned. Annette dies in custody, and Antoinette, though not dead yet, is confused while struggling to find her own self. However, Rochester punishes Antoinette by imprisoning her, treating her as a madwoman, regardless of whether Antoinette is mad or not.

Through the *Wide Sargasso Sea*, the author saw that Victorian women were possessed by men, and if they did not perform the role expected of them, they were eventually punished by being defined as madwomen and imprisoned. Being able to empathize with Annette and Antoinette and being able to understand them, the author thinks that although the pattern and intensity of punishment are different for us living in this era, it is still ongoing for women, and the Victorian era is not so far apart from the present.

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## 7. Appendix

### 7.1. Author's contribution

	Initial name	Contribution
Author	NK	<ul style="list-style-type: none"><li>-Set of concepts <input checked="" type="checkbox"/></li><li>-Design <input checked="" type="checkbox"/></li><li>-Getting results <input checked="" type="checkbox"/></li><li>-Analysis <input checked="" type="checkbox"/></li><li>-Make a significant contribution to collection <input checked="" type="checkbox"/></li><li>-Final approval of the paper <input checked="" type="checkbox"/></li><li>-Corresponding <input checked="" type="checkbox"/></li><li>-Play a decisive role in modification <input checked="" type="checkbox"/></li><li>-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/></li><li>-Participants in Drafting and Revising Papers <input checked="" type="checkbox"/></li><li>-Someone who can explain all aspects of the paper <input checked="" type="checkbox"/></li></ul>

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## The Effects of Installing the New Police Box or Constabulary on Crime

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### Abstract

**Purpose:** The purpose of this study is to understand the effect of police force on crime. To discuss in more detail, it is intended to understand the change in the number of crimes caused by the police's new police box. Among the various variables that measure police force, police substations such as police constabulary and police box are important variables. In particular, if the police force is improved through the opening of a new police box, crime suppressive effects are also expected to increase. Therefore, the purpose of this study is to compare the difference between the number of theft and violent crimes caused by the police's new police box.

**Method:** The data used in this study are data on theft and violence in a city of 500,000 people located in Gyeongsangbukdo region. More specifically, a specific administrative dong (Gupyeong-dong in Gumi City) of the city are subject to analysis. Data for a total of 39 months from 2012(January) to 2015(May) were analyzed. More specifically, this study compared and analyzed the number of thefts and violent crimes that occurred before and after the opening of the police box in October 2013. In this study, a T-test was attempted for average comparison.

**Results:** As a result of statistical analysis, it was confirmed that the police force has the ability to suppress crimes in this study. In many existing police studies, it is understood that the police force has a positive or meaningless effect on crime. In addition, few previous studies have identified the relationship between the establishment of new police substations and crime.

**Conclusion:** Through this study, it is an important result showing that the establishment of a new police box by the police has a suppressive effect on crime. As shown in this study, it can be seen that the newly established police box statistically significantly reduced theft and violent crime. In other words, police forces have reduced crime. This result is important evidence to support the discussion of existing classical criminology and neoclassical criminology. The theory of inhibition developed in classical criminology is understood as an important mechanism by which police can suppress criminals. In particular, it is understood that the establishment of a police box has increased the fear of punishment for criminals. In addition, based on neoclassical criminology, it is understood that the establishment of a police box would have worked to strengthen surveillance and increase the risk of punishment. Based on the results of this study, more policy discussions should be held to maximize the effect of reducing and inhibiting crime opportunities by establishing more small police boxes than large-scale police substations.

**Keywords:** Police Box, Police Forces, Policing, Crime, Deterrence

## 1. Introduction

Research on the relationship between police and crime has long been the focus of many scholars in police studies[1][2][3][4][5][6][7]. Police activities were mainly important subjects of research on how the police affect the occurrence of crimes. Early studies on police and crime attempted to examine how police forces held by police are related to crime rates. Police Force often refers to police budgets and manpower. Normally many studies refer to the number of police officers per 1,000 people, police

patrol cars per 1,000 people, police centers and police boxes per 1,000 people, and police arrest rates for major crimes. Most of the preceding studies attempted to examine how the number of police officers, police arrest rate, police equipment, and police patrol activities affect the crime rate. However, in recent years, as police activities have changed from traditional police activities to innovative police activities (community police activities, problem-oriented police activities, disorder police activities, etc.), various police-related variables are being used. Traditionally, studies on the relationship between police force and crime rate have not reached a clear conclusion on the relationship between police activity and crime.

The expectation that police activity will reduce crime is rooted in the existing classical criminology. Classical criminology assumes human-being having a 'free will' and 'rationality'. The theory of deterrence and neoclassical criminology, which developed from classical criminology, is also assumed that police activities will suppress criminals' participation to crime and reduce criminal opportunities. Thus, the theoretical basis for the current study is deterrence theory[7], rational choice theory[8], crime opportunity theory[9], and situational crime prevention[10]. Most of the research on the relationship between police and crime was done by American researchers. In recent years, empirical studies on the deterrent effect of police forces have been conducted in Korea, focusing on police patrol activities and crime prevention[11], the impact of police manpower and equipment enhancement on crime[12], the relationship between police and crime rate[13], police force and crime environment improvement[1]. However, existing domestic studies were not national-level studies. In addition, there were not many studies that analyzed the experimental effect through time series data analysis. In addition, the economic and sociological variables of the community and police activities should be examined at the same time, and terminology is recommended[14][15]. In addition, an area that has not been verified in previous studies is to understand the effect of the new police substations on the crime rate.

The lowest level of units for the police is a police box in Korea. The introduction of new police substations is required when population inflow increases or crime increases in certain places. In particular, there is a tendency to introduce police precincts or police boxes that have not existed before in places such as new cities. In addition, when it is difficult to respond to one police substation from an existing residence, the need to introduce a new district or police box is raised. However, few previous studies have studied changes in the crime rate due to the introduction of new districts or police boxes. Therefore, this study aims to examine the changes in the occurrence of crime (theft, assault) following the introduction of a new police box.

## **2. Theoretical Background**

### **2.1. Deterrence and neo-classical theories**

#### **2.1.1. Deterrence theories**

One of the main arguments in criminology is whether the criminals choose the criminal act. A representative criminology theory that assumes that criminals reasonably choose criminal behavior is classical criminology. Classical criminology has developed into a theory of deterrence and a theory of rational choice (neoclassical criminology). Humans consider the possibility of punishment in advance and calculate it carefully before deciding on a crime. The basis of classical criminology lies in utilitarianism. Utilitarianism is the idea that public policymaking should maximize pleasure and minimize pain. Therefore, since criminals maximize profits through crime and minimize losses, an effective way to prevent criminals is to strengthen losses.

Cesare Beccaria, known as the father of modern criminology, published a book titled 'On Crime and Punishment'. Beccaria argued that the imposition of punishment should be effectively carried out to suppress crime on the premise that humans are rational, pursue pleasure, and act by free will. Accordingly, it was argued that the effectiveness of punishment can be maximized, such as certification of punishment, severity of punishment, and swiftness of punishment, and consequently crime can be

prevented. Classical criminology develops into a theory of deterrence. The deterrence theory emphasizes the criminal deterrent effect of punishment. Deterrence theory supports the three principles of imposition of punishment emphasized in classical criminology. However, the results of empirical studies are somewhat disappointing or difficult to reach conclusions[16][17].

First, the severity of punishment is the principle that the size of punishment should be punished a little more strongly than the infringement of legal interests caused by criminal acts. However, there is a lot of controversy as to what level of strict punishment should be considered. A key study in the discussion of the severity of punishment is the work of Kennedy[18], who was in charge of the Boston Area Gang Project and established the pulling levers theory. In this study, the result showed that all criminal justice agencies in Boston expressed their willingness to strongly deter gang-related killings and then resulting in a significant reduction of murder[18]. The pulling levers theory is a classification of representative deterrence theory and is applied at the police field. In addition, Braga and Weisburd found that the severity of punishment had a significant effect on crime reduction in 9 out of 10 studies that properly analyzed the impact effect of 26 experimental studies applying the pulling levers theory for crime reduction[19]. Overall, existing discussions on the severity of punishment admit that simply punishment alone has limitations in the effect of reducing crime[16]. Next, the certainty of punishment is related to how reliably the punishment will be applied. If punishment is necessarily imposed, criminals will be more likely to be punished for crimes, which will show the effect of reducing crimes. However, as a result of the existing discussions, there is still a limit to verifying the effect of the certainty of punishment. This is because almost all criminals are punished for their crimes, but most are not detained and are subject to probation, fines, or other low sentences. Nevertheless, there are considerable consequences that the likelihood of criminal inclusion decreases if criminals have the recognition that they will be definitely punished[20][21]. Paternoster[21] analyzed studies of inhibition theory in the 1970s and 1980s, and showed that the certainty of punishment had a certain reduction effect on criminal charges. Finally, the swiftness of punishment. The assumption is that the possibility of prompt punishment for criminals will help prevent crime. However, almost all criminal damage reports are reported after the crime occurs. Therefore, it is highly likely that the criminal has already fled and the crime has already occurred. In other words, it is difficult to expect the effect of crime prevention. However, there is little evidence to support this in existing discussions[17].

Recent discussions in deterrence theory are expanding to a new concept of possibility of informal punishment, not limited to formal punishment. Williams and Hawkins argue that the deterrent effect of informal punishment should be introduced into the theory of inhibition[22]. Informal punishment refers to individual social costs, which are divided into commitment costs, attachment costs, and social stigma of arrest. Loss of commitment means anxiety and fear that arrest for criminal acts may restrict social activities such as work, education, and marriage. Next, attachment loss is the fear of relationship loss that if punished for a crime, the relationship with family, friends, and lovers will be damaged. Finally, the stigma of arrest is the fear that being punished for a crime will undermine one's reputation and reputation.

### **2.1.2. Neoclassical theories**

Neoclassical criminology, which is rooted in classical criminology, tries to understand the crime phenomenon by focusing on the situation of crime occurrence. The crime opportunity theory, which has developed into neoclassical theory or the Opportunity Theory of Crime, is more interested in blocking crime opportunities through the control of the situation of crime than the importance of punishment for criminals. Representative crime opportunities include Rational Choice Theory, Routine Activity Theory, Pattern Theory, Crime Prevention Through Environmental Design, and Situational Crime Prevention.

Rational choice theory goes beyond the suppression theory, which simply emphasizes the fear of formal punishment, to argue that criminals decide whether to proceed to crime by considering both personal needs(money, status, sexual desire, entertainment) and criminal contextual factors(such as probability and level of protection of crime)[23]. Unlike economic choice theory, rational choice theory describes the process of criminal choice based on limited rationality, excluding the complete rationality

of criminals in criminal situations[23]. The theory of everyday behavior is the occurrence of three crimes: synchronized criminals, attractive targets, and the absence of supervisors. It is argued that when a cow converges at a specific time and space, the likelihood of a crime occurring increases without a change or increase in the structural conditions of the synchronized offender[9]. People travel to and from certain sections in everyday activity spaces, and it is said that both crime victims and perpetrators share these sections. If a person frequently and repeatedly passes a section where criminal opportunity factors are likely to be combined, he or she will be likely to be subject to criminal damage. Situational Crime Prevention is the most comprehensive and multifaceted crime prevention technique among the crime opportunity theories. The situational crime prevention theory explains the crime opportunity structure and suggests opportunity reduction techniques to block criminal situations caused by the crime opportunity structure[10]. The theory of situational crime prevention is divided into three ways to reduce crime opportunities. First, it directly intervenes in specific forms of Crime to reduce criminal opportunities. Second, maintain, design, or manipulate the immediate environment in a systematic and permanent manner. Third, it is to make crime more difficult(Difficulty), risky(Risky), less compensatory(Less Reward), and less excuse for the criminal to rationalize[10]. Situational crime prevention presents 25 current situation control techniques[10].

## 2.2. Police forces and crime

Studies on the ability of police to deter crime are theoretically based on the official control of criminal justice agencies through human free will and punishment, which is claimed by classical criminology. After classical criminology, neoclassical schools were proposed. The common assumptions of these theories argue that humans can reasonably calculate profits and losses and that crimes occur depending on the situational presence of formal punishment or inhibition factors that can control human behavior. Therefore, any human can commit a crime, and the reason for committing a crime is determined by the presence or absence of situational control factors. Criminals act by reasonably calculating punishment and losses from crime, which must be swift, severe, and certain[7]. In addition, the role of the police is important in maximizing the punishment effect for crime control because it is assumed that official supervision to monitor the crime situation among the basic elements of situational crime occurrence(subject to crime damage, lack of supervision). It is assumed that the police are the front-line criminal justice agency that recognizes criminal cases or criminal situations through citizen's reports, police personnel, and equipment, and plays a role in increasing the threat of punishment and arrest to potential criminals. In particular, the police's ability to suppress and control crimes can be obtained by notifying criminals of the existence of the police through the enhancement of the manpower and equipment of police agencies and increasing the crime arrest rate.

The results of existing studies evaluating the influence of police force and police activity on crimes do not provide a single result. For example, many studies conclude that police forces can reduce social disorder and crime[14][24][25][26][27]. Meanwhile, several other researchers argue that police activity increases crime or has no significant relationship with crime[28][29][30].

Using data collected from 98 cities in the United States, Greenberg and Kessler found that arrest rates and crime rates did not have a significant relationship[14]. In a later study, they re-used longitudinal panel data to overcome statistical limitations. And then they concluded that there were no significant impacts of police arrest on crime. As a later study, Chamlin's longitudinal study through Philadelphia's monthly official data can be examined[24]. He looked at the relationship between police arrest rates and crime rates in seven cities in Philadelphia, where police departments with consistently high arrest rates can reduce burglary, burglary, theft, and car theft. In Addition, Marvell and Moody found that a 10 percent increase in crime would increase the number of police officers from state and city governments by about 1.5 percent, and that hiring one more officer could reduce 24 crimes[31].

Other studies attempted to verify the effectiveness of specific programs employed by police stations. In many studies, renovated policing programs such as order maintenance policing, hot spots policing, problem-oriented policing can reduce crime and disorder[26][27]. On the other hand, some studies have shown that aggressive or proactive policing by police rather increases crime rates[29][30]. Similarly, Kane found that New York City tends to arrest more of these residents for violent crimes in



areas inhabited by socially marginalized lower-class people, and that violent crimes in these areas will increase in these areas in the future[32]. Finally, many other studies conclude that there is no evidence to empirically prove police deterrence. For example, Rosenfeld and his colleagues argue that the new police activities employed in some cities before 1994 did not show significantly different results compared to those that did not[33]. The results of existing studies show that the use of police force can show a positive or negative relationship to the crime rate, and in some cases, there is no relationship.

The results of these U.S. studies are not very different from those of limitedly verified studies in Korea. For example, it shows that the police force, which increased in the short term due to the protests against Buan Bangbangjang and Busan APEC, did not have a significant deterrent effect on the five major crimes, but resulted in a decrease in crime or traffic crimes[12]. In a study by Lee[11], police patrol and police visibility can reduce crime to a certain extent in an observation and investigation study on patrol activities at police boxes in Daegu. In addition, Yun[1] conclude that police arrest can reduce crime.

### **3. Research Method**

#### **3.1. Research model**

The hypothesis to be verified in this study is the crime reduction effect of the new police box. More specifically, since a new police box was opened in October 2014, it will be possible to compare the difference between the number of thefts and assaults that occurred before and after the police box was opened. Through this, it is possible to analyze the deterrent effect due to the new police box in the area. The opening of the new police box will lead to increased surveillance and deterrence in crime-prone areas. This will increase the fear because of increasing the likelihood of arrest rather than the benefit of crime for criminals in the area. As a result, it will lead to crime suppression and reduce the incidence of crime in the region. Therefore, the following hypotheses can be verified.

Hypothesis 1. A new police box will reduce the incidence of crime.

Hypothesis 1-1. The opening of a new police box will reduce the number of theft crimes.

Hypothesis 1-2. The opening of a new police box will reduce the number of assault crimes.

#### **3.2. Data and analysis**

To achieve the purpose of this study, this study intends to analyze using official crime statistical data obtained from the police station. In detail, the police will use theft and assault data that have been reported as a crime. The theft and assault crimes are data from January 2012 to March 2015. Since a new police box was opened in October 2014, it is possible to compare the difference in the number of crimes before and after the new police box was opened. Since the effect of opening a new police box will be the greatest in the early stages, data for 6 months after the opening of the police box were used for analysis. Statistical analysis was conducted using descriptive statistical analysis, frequency analysis, and T-test using SPSS 22.0.

### **4. Result**

#### **4.1. Descriptive statistics**

The table below shows theft and violent crimes that occurred for a total of 39 months from January 2012 to March 2015. There were 10.7 thefts per month and 6.2 violence crimes. The month when the most theft occurred was 25 cases, in June 2012, and the month when the least theft occurred was 4 cases, from November 2014 to March 2015. Next, the month when the most violent incidents occurred was March 2013, with 13 violent incidents. Overall, it can be seen that theft and robbery have decreased considerably since the establishment of a new police box.

**Table 1.** Descriptive statistics for theft and violence crime from January 2012 to May 2015.

Crime occurrence from Jan 2012 to May 2015			
Theft		Violence	
Mean	10.769	Mean	6.282
SD	4.676	SD	3.203
Minimum	4	Minimum	1
Maximum	25	Maximum	13

## 4.2. New police box and crime

The situational crime prevention theory proposes 25 ways to reduce crime opportunities. All methods of reducing criminal opportunities are to influence the rational choice of criminals to prevent them from proceeding to criminal acts. In particular, it emphasizes the importance of increasing the likelihood of punishment for criminals rather than benefits through criminal acts. It also proposes to improve the ability to protect crime victims. The deterrence theory also induces criminal deterrence by emphasizing the possibility of receiving official punishment from criminals. From this point of view, the establishment of a new police box is expected to reduce theft and violent crimes at the same time. However, on the other hand, the establishment of a new police box may increase the possibility of detection of criminal acts, and rather, it may appear that the occurrence of crimes has increased by attracting more criminals than before. This is because more crimes that have not been previously discovered will be revealed due to the strengthening of the police's surveillance capabilities. However, such an argument is virtually unreliable. This is because almost all crimes are filed through 112 phone calls. In other words, crimes are discovered by voluntary reporting by citizens. Without the help of citizens, the police themselves are only very few to recognize the occurrence of crime. Therefore, the location of the new police box is expected to reduce the occurrence of crimes by maximizing the effect of crime suppression and surveillance. In order to verify this hypothesis, an average comparison was conducted in this study. The average comparison target is the number of thefts and violent crimes. Among the 39-month analysis data, the average number of theft and violent incidents was compared between 18 months after the establishment of the police box and 21 months before the establishment. As a result of the comparison, both theft and violence were significantly reduced compared to before the construction of the police box <Table 2>. In other words, it was found that the establishment of a police box reduced theft and violence in the community.

However, these results may be affected by other social factors. Therefore, in this study, a regression analysis was conducted using the divorce rate, which has the greatest influence on community bonds, as a control variable. However, the limitation of this analysis is that the number of divorces per month can be confirmed, so the number of divorces per year was used. As a result of regression analysis, the establishment of a police box in theft crimes showed a significant reduction effect even after controlling the divorce variable <Table 3>. Divorce has also been shown to increase theft crimes. This is a result understood in terms of the fact that divorce is understood as an important variable symbolizing social bonds in existing social ecology studies. Next, in violent crimes, even after controlling the divorce variable, the establishment of a police box showed a significant reduction effect <Table 4>. Divorce was found to have no effect on violent crime. In other words, the establishment of a police box is an important police force variable that has the effect of suppressing crime and reducing criminal opportunities.

**Table 2.** Mean differences between the installation of the new police box on theft and assault.

	Mean differences			
	Theft		Assault	
New police box	Mean	T	Mean	T
Before	12.904	-3.509**	7.428	-2.589**
After	8.277		4.928	

Note: \*p<.05, \*\*p<.01, \*\*\*p<.001.

**Table 3.** Multiple regression to verify the deterrent effect of the new police box on theft.

	Theft			
	b	Std.E	$\beta$	t
Coefficient	-68.209	26.804		-2.545*
New police box	-6.601	1.360	-.713	-4.854***
Divorce	.097	.032	.445	3.028**
Adjust R <sup>2</sup>	.369			
F	12.100***			

Note: \*p<.05, \*\*p<.01, \*\*\*p<.001.

**Table 4.** Multiple regression to verify the deterrent effect of the new police box on assault.

	Assault			
	b	Std.E	$\beta$	t
Coefficient	-26.476	21.102		-1.255
New police box	-3.309	1.071	-.522	-3.091**
Divorce	.041	.025	.271	1.607
Adjust R <sup>2</sup>	.166			
F	4.788*			

Note: \*p<.05, \*\*p<.01, \*\*\*p<.001.

## 5. Conclusion

The purpose of this study is to understand the effect of police force on crime. To discuss in more detail, it is intended to understand the change in the number of crimes caused by the police's new

police box. Among the various variables that measure police power, police stations are important variables. In particular, if the police force is improved through the opening of a new police box, crime suppression is also expected to increase. Therefore, the purpose of this study is to compare the difference between the number of theft and violent crimes caused by the police's new police box.

The data used in this study are data on theft and violence in a city of 500,000 people located in Gyeongsangbukdo. More specifically, specific administrative dong of the city are subject to analysis. Data for a total of three years from 2013 to 2015 were analyzed. More specifically, this study compared and analyzed the number of thefts and violent crimes that occurred before and after the opening of the police box in 2014. In this study, a T-test was attempted for average comparison.

As a result of statistical analysis, it was confirmed that the police force has the ability to suppress crimes in this study. In many existing police studies, it is understood that the police force has a positive or meaningless effect on crime. In addition, few previous studies have identified the relationship between the establishment of new police stations and crime.

Through this study, it is an important result showing that the establishment of a new police box by the police has an effect of suppressing crime. As shown in this study, it can be seen that the newly established police box reduced theft and violent crime statistically significantly. In other words, police forces have reduced crime. This result is important evidence to support the discussion of existing classical criminology and neoclassical criminology. The theory of inhibition developed in classical criminology is understood as an important mechanism by which police can suppress criminals. In particular, it is understood that the establishment of a police box has increased the fear of punishment for criminals. In addition, based on neoclassical criminology, it is understood that the establishment of a police box would have worked to strengthen surveillance and increase the risk of punishment. Based on the results of this study, more policy discussions should be held to maximize the effect of reducing and inhibiting crime opportunities by establishing more small police boxes than large-scale districts.

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## 7. Appendix

### 7.1. Authors contribution

	Initial name	Contribution
Author	WY	-Set of concepts <input checked="" type="checkbox"/>
		-Design <input checked="" type="checkbox"/>
		-Getting results <input checked="" type="checkbox"/>
		-Analysis <input checked="" type="checkbox"/>
		-Make a significant contribution to collection <input checked="" type="checkbox"/>
		-Final approval of the paper <input checked="" type="checkbox"/>
		-Corresponding <input checked="" type="checkbox"/>
		-Play a decisive role in modification <input checked="" type="checkbox"/>
		-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/>
		-Participants in Drafting and Revising Papers <input checked="" type="checkbox"/>
		-Someone who can explain all aspects of the paper <input checked="" type="checkbox"/>

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## A Study on the Regulation of Clean Beauty Cosmetic Related Recognition and Consumer Responsibility Related Perception in the Relationship between Generation MZ's Environmental Awareness and Clean Beauty Cosmetic Repurchase Behavior

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### Abstract

**Purpose:** The purpose of this study was to examine and understand the structural relationship between environmental awareness level, clean beauty cosmetics awareness, and repurchase behavior among Generation MZ, and investigate the regulating effect of consumer responsibility perception. Recently, as the consumers' interest in environmental protection has grown, it was intended to help the development of new products of clean beauty and the development of the cosmetics market, which is emerging as a new trend, thereby providing the basic data to consumers and fans of future marketing strategies.

**Method:** For the subject of this study, it was intended to use the SPSS 25.0, AMOS 22.0 program for 523 copies of online questionnaires in Seoul, Gyeonggi, Incheon areas and non-metropolitan area to verify the research question for Generation MZ who have purchased clean beauty cosmetics at least once and analyzed them. The exploratory factor analysis and reliability analysis were performed to secure the validity and reliability of the scale, and the Pearson correlation analysis was performed to confirm the correlation between major variables. The regulating effect analysis was performed through path analysis, and a multi-group comparative path analysis was performed to confirm the regulating effect.

**Results:** As a result of the analysis performed, the level of environmental awareness had a positively significant effect on the perception of clean beauty cosmetics ( $\beta=.492, p<.001$ ) and intention to repurchase ( $\beta=.086, p<.05$ ), while the clean beauty cosmetic perception also had a positively significant effect on the repurchase behavior and intention ( $\beta=.651, p<.001$ ). That is, the higher the level of environmental awareness, the higher the level of awareness and repurchase behavior for clean beauty cosmetics. In particular, the level of environmental awareness was found to be a factor that can increase the intention to repurchase by raising the level of awareness of clean beauty cosmetics.

**Conclusion:** Based on the results of this study, it turned out that the higher the environmental awareness level, the higher the level of awareness of clean beauty cosmetics or the level of repurchase behavior. It is meaningful for identifying the preferences of Generation MZ in the clean beauty cosmetics market, which has been gradually expanding since COVID-19, and presenting products and effective marketing strategies accordingly.

**Keywords:** Generation MZ, Environmental Awareness, Clean Beauty Cosmetics, Repurchase Behavior, Consumer Responsibility Related Perception

## 1. Introduction

### 1.1. Background of the study

Recently, as the consumer interest for environmental protection has increased, new words such as Greensumer, Zerowaste, and Humanimal have become a trend [1]. As the consumers' level of environmental awareness increases, Clean Beauty has emerged as a global beauty industry trend along with Buying Better, which emphasizes individual ethical consumption [1][2].

Since clean beauty is not a defined term, the definition may vary depending on the developing situation[3]. Daseul Kim and 4 others derived 9 keywords for clean beauty, including products using vegetable and organic ingredients, vegan products, and products using sustainable ingredients and packaging[4], while Younghwa Lee mentioned that it is a concept that excludes ingredients harmful to the skin, such as excluding plastic ingredients, and considers environmental factors[3].

Generation MZ, who are easily exposed to various international issues from an early age, is also evaluated as a generation with very high interest in social and cultural issues such as the social environment, animal protection, and human rights[5]. According to a study by Soyeon Kim and 4 others, value consumption and “Meaning Out” were mentioned as the consumption trends of Generation MZ. Value consumption refers to a rational consumption method in which a product is purchased based on the value judgment pursued without being swayed by advertisements or brand image when purchasing a product[6]. Meaning out also refers to a social phenomenon in which one's political and social beliefs and values are actively expressed through consumption behavior[7]. In fact, according to the results of a survey of 928 Generation MZ in Grow, a growth management app, 80% of the respondents said they were value consumers, and the field they were most interested in among corporate ESG activities was the environment(64.7%)[8].

As the global coronavirus infection-19(COVID-19) continues for long, there is a strong sense of crisis about the environment along with changes in overall consumer life[9]. The level of environmental awareness indicates how much one is involved in environmental problems in terms of environmental knowledge, experiential value, and emotional level[10]. Environmental awareness is an individual's orientation toward the environment and has been consistently reported as a strong variable predicting various eco-friendly consumption behaviors, and the idea that an individual's high environmental awareness induces eco-friendly consumption behavior has been the premise of environmental protection campaigns and environmental education[11]. Accordingly, there is a need for companies to understand the eco-friendly consumption value of consumers in order to identify and reflect changes in the consumers' perceptions of which consumer values and psychological characteristics lead to the eco-friendly consumption[12].

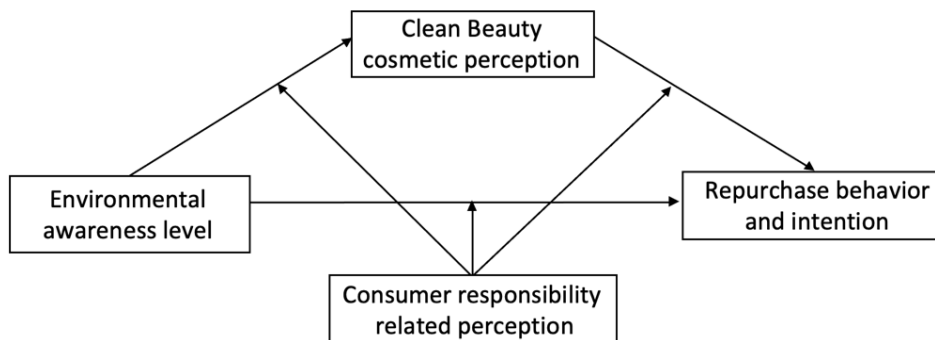
Consumer social responsibility began to emerge as society and the environment changed and the social role of consumers as an economic agent that forms society along with companies was emphasized[13]. It is the commitment, action, and decision of individuals and groups that consumers consider to be the right thing to do in their interactions with producers and marketers of goods and services[14]. Generation MZ is expressing their image of fulfilling consumer responsibility on social media and sharing their value pursuit for social responsibility as consumer with the public[15]. Furthermore, by analyzing the purchase motive of a product, it is possible to develop a product that meets the needs of the consumer, which leads to satisfaction, which leads to continuous use behavior[16].

Examining recently previous studies, various studies on eco-friendly products such as the effect of consumption value on eco-friendly cosmetics purchasing behavior[17] and consumer perception and eco-friendly cosmetics consumption behavior[18] according to sustainable management activities of companies have been conducted. Studies on cosmetics are scarce, and those conducted on the relationship between consumer responsibility related perception level, cosmetics awareness, and repurchase behavior are also insufficient.

Hence, in this study, the value of environmental awareness level and cosmetic awareness level in clean beauty cosmetic repurchase behavior is investigated, and the effect of consumer responsibility related perception, which is starting to emerge recently, on them is investigated. Based on which, it aims to help develop new products of Clean Beauty and develop the cosmetics market, which is established as a new trend, and provide the basic data for future marketing strategies by understanding the preferences and experiences of Generation MZ.

## 1.2. Research model

Figure 1. Research model.



## 1.3. Research questions

1. The level of environmental awareness will have a positive effect on the perception of clean beauty cosmetics.
2. The level of environmental awareness will have a positive effect on the intention to repurchase clean beauty cosmetics.
3. The awareness of clean beauty cosmetics will have a positive effect on the repurchase behavior and intention.
4. There will be a regulating effect of clean beauty cosmetics awareness in the relationship between the environmental awareness level and repurchase behavior and intention.
5. The relationship between environmental awareness level, clean beauty cosmetics awareness, and repurchase behavior will be strengthened by the level of consumer responsibility related perception.

## 2. Research Method

### 2.1. Research subjects

This study was conducted targeting men and women who were born between 1980 and 2004 who had purchased clean beauty cosmetics at least once. To verify the research question, an online survey was conducted from June 28, 2022 to July 1, 2022 in Seoul, Gyeonggi, Incheon areas and non-metropolitan areas. Among which, 523 copies were selected and analyzed, excluding 7 copies determined to be insincere responses.

### 2.2. Research tools

In order to analyze this research problem, 5 questions on general characteristics, 6 questions on environmental awareness[19], 9 questions on clean beauty cosmetics perception[20], 8 questions on the repurchase behavior and intention[21], 5 questions on consumer responsibility perception[15], etc., for a total of 28 items were composed on the Likert scale. The reliability coefficients of all variables were above 0.6, confirming that the reliability was good, as illustrated in <Table 1> as follows.

**Table 1.** Validity and reliability for each variable.

Variable	Number of questions	Cronbach's $\alpha$
Environmental awareness level	6	0.621
Clean beauty cosmetics perception	9	0.825
Repurchase behavior and intention	8	0.798
Consumer responsibility related perception	5	0.646

### 2.3. Analytical method

This study conducted the following analysis using the SPSS 25.0 and AMOS 22.0.

First, the exploratory factor analysis and reliability analysis were performed to secure the validity and reliability of the scale.

Second, the frequency analysis and descriptive statistical analysis were performed to confirm demographic characteristics and characteristics of major variables.

Third, the Pearson correlation analysis was performed to confirm the correlation between major variables.

Fourth, the regulating effect analysis was performed through path analysis, and the significance of the regulating effect was confirmed through the Bootstrapping test.

Fifth, the multi-group comparative path analysis was performed to confirm the conditioning effect, and the significance of the path difference was confirmed through the Critical Ratios for Difference value.

## 3. Results

### 3.1. Descriptive statistics

The descriptive statistical analysis was performed to confirm the characteristics of the main variables, and the results are as illustrated in <Table 2> below. It turned out that the average level of environmental awareness was 3.33, the average of clean beauty cosmetics perception was 3.67, the average of repurchase behavior and intention was 3.60, and the average of consumer responsibility perception was 3.57, respectively. Furthermore, skewness and kurtosis were checked to confirm the normality of each variable, and the absolute values of all skewness and kurtosis were less than 3 and 10, each respectively, thereby confirming the normal distribution.

**Table 2.** Validity and reliability for each variable.

Variable	Min.	Max.	M	SD	Skewness	Kurtosis
Environmental awareness level	1.83	4.83	3.33	0.56	0.140	-0.357
Clean beauty cosmetics perception	1.44	5.00	3.67	0.53	-0.175	0.288
Repurchase behavior and intention	1.25	4.88	3.60	0.53	-0.093	0.476
Consumer responsibility related perception	1.20	5.00	3.57	0.58	-0.050	0.079

### 3.2. Correlation analysis

The Pearson's correlation analysis was performed to understand the correlation between the variables in this study. As a result of the analysis, as illustrated in <Table 3>, it turned out that the level of environmental awareness had a positive(+) relationship with clean beauty cosmetic awareness, repurchase behavioral intention, and consumer responsibility perception. As for the awareness of clean beauty cosmetics, it turned out that there was a positively(+) significant relationship with repurchase behavior and intention, consumer responsibility perception, and the repurchase behavior and intention was found to have a positively(+) significant relationship with consumer responsibility perception.

**Table 3.** Correlation analysis.

Variable	1	2	3	4
1. Environmental awareness level	1			
2. Clean beauty cosmetics perception	.492***	1		
3. Repurchase behavior and intention	.407***	.693***	1	
4. Consumer responsibility related perception	.446***	.594***	.608***	1

Note: \*p<.05 \*\*p<.01 \*\*\*p<.001.

### 3.3. Verification of research model

To verify the model of this study, the path analysis was performed as illustrated in <Table 4>, and the level of freedom of the model was confirmed to be 0 (saturation model), confirming that the model was suitable. First, in the analysis of all respondents, the level of environmental awareness had a positively significant effect on clean beauty cosmetic perception ( $\beta=.492$ ,  $p<.001$ ) and repurchase behavior and intention ( $\beta=.086$ ,  $p<.05$ ). and clean beauty cosmetics awareness also had a positively significant effect on the intention to repurchase ( $\beta=.651$ ,  $p<.001$ ). That is, the higher the level of environmental awareness, the higher the level of awareness and repurchase behavior for clean beauty cosmetics. This can also be seen in <Figure 2>. As a result of running the Bootstrapping-test to analyze the regulating effect, it was confirmed that the regulating effect was statically significant because 0 was not included between the lower limit and the upper limit. That is, the level of environmental awareness was found to be a factor that can increase the intention to repurchase by raising the level of clean beauty cosmetics awareness, as illustrated in <Table 5>.

**Table 4.** Relationship between environmental awareness level, clean beauty cosmetics awareness, and repurchase behavior and intention.

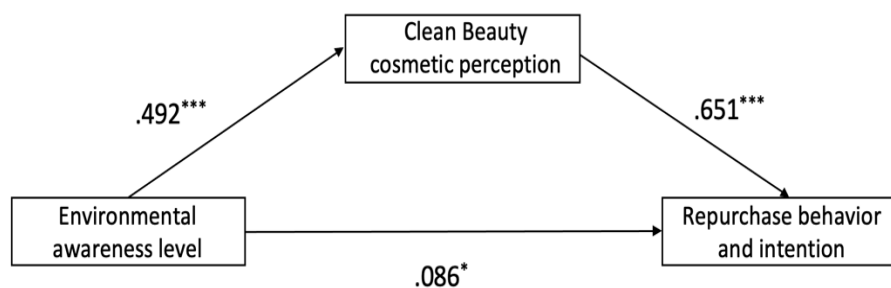
Path			Non-standardization coefficient	Standardization error	Standardization coefficient	T	p
Environmental awareness level	→	Clean beauty cosmetics perception	0.463	0.036	0.492	12.927***	<.001
Environmental awareness level	→	Repurchase behavior and intention	0.081	0.034	0.086	2.396*	0.017
Clean beauty cosmetics perception	→	Repurchase behavior and intention	0.646	0.036	0.651	18.057***	<.001

Note: \*p<.05 \*\*p<.01 \*\*\*p<.001.

**Table 5.** Significance of the regulating effect.

Regulating path	Non-standardi- zation coefficient	Standardiza- tion error	Lower	Upper
Environmental awareness level → clean beauty cosmetics perception → repurchase behavior and intention	.299	.033	.239	.367

**Figure 2.** Results of the influence of environmental awareness level, clean beauty cosmetics awareness, and repurchase behavior and intention.



### 3.4. Verification of the regulating effect of consumer responsibility related perception

For the research model, the multi-group path analysis was performed to confirm the regulating effect of consumer responsibility perception. The multi-group path analysis is a method that can confirm the regulating effect on the structural equation, and since the current consumer responsibility perception is a continuous variable, the comparative analysis was performed by dividing high and low groups based on the average. As a result of the analysis, as illustrated in <Table 6>, in the group with high consumer responsibility related perception, as for the level of environmental awareness, it had a significant positive effect on clean beauty cosmetic perception ( $\beta=.374$ ,  $p<.001$ ) and repurchase behavior and intention ( $\beta=.113$ ,  $p<.05$ ), while the awareness of clean beauty cosmetics also had a positively significant effect on repurchase behavior and intention ( $\beta=.508$ ,  $p<.001$ ). That is, the higher the level of environmental awareness, the higher the level of awareness and repurchase behavior for clean beauty cosmetics. Meanwhile, in the group with a low level of consumer responsibility related perception, the effect of environmental awareness level on clean beauty cosmetics perception and the effect of clean beauty cosmetics awareness on the repurchase behavior and intention were equally significant, yet the direct effect of environmental awareness level on repurchase behavior and intention, which is a dependent variable, was found to be insignificant. The direct effect on behavioral intention was not significant. As a result of confirming the significance of the path difference using the Critical Ratios for Difference (CRD) value, it was confirmed that the path difference of the environmental awareness level on the repurchase behavior and intention was significant on the basis of 0.1 (CRD > 1.645), (CRD = -1.856). That is, among the relationship between environmental awareness level, clean beauty cosmetics awareness, and repurchase behavior and intention, the 'direct effect of environmental awareness level on the repurchase behavior and intention' was found to be significant only in the group with a high level of consumer responsibility related perception, whereby it can be interpreted as having a regulating effect that strengthens the relationship between level and repurchase behavior and intention.



**Table 6.** Relationship between environmental awareness level, clean beauty cosmetics awareness, and repurchase behavior and intention.

Path			Consumer responsibility related perception - high group		Consumer responsibility related perception - low group		CRD
			Standardization coefficient	P	Standardization coefficient	P	
Environmental awareness level	→	Clean beauty cosmetics perception	0.374***	<.001	0.374***	<.001	.493
Environmental awareness level	→	Repurchase behavior and intention	0.113***	0.031	-0.025	0.644	-1.856
Clean beauty cosmetics perception	→	Repurchase behavior and intention	0.508***	<.001	0.662***	<.001	1.022

Note: \* p<.05 \*\* p<.01 \*\*\* p<.001.

#### 4. Discussion and Conclusion

The discussion and conclusion of this study are as follows. First, as a result of examining and understanding the relationship between the level of environmental awareness, perception of clean beauty cosmetics, and the intention to repurchase, it turned out that all of them had a positive(+) effect. This is a result similar to that of Kim and Bae[22], who conducted a study on consumers' environmental awareness and purchase intention of eco-friendly cosmetics, who studied the consumers' awareness of DIY cosmetics, environmental awareness, and consumption behavior, and that of Kim and Yoo[23] who studied the consumers' awareness of DIY cosmetics, environmental awareness, and consumption behavior. Second, in the relationship between the level of environmental awareness and the intention to repurchase, it turned out that the perception of clean beauty cosmetics had a significant effect. Third, the relationship between the level of environmental awareness and repurchase behavior and intention was significant only when the perception of consumer responsibility was high, and there was no significant relationship in the group with a low perception of consumer responsibility. That is, it suggests that the direct effect of the intention to repurchase clean beauty cosmetics on the level of environmental awareness is strengthened as the consumer's awareness of responsibility increases. This is a result similar to that of the previous study which claimed that the consumers with high knowledge, attitude, and awareness of eco-friendliness demonstrate the highest score in purchasing motive for eco-friendly cosmetics[24]. Hence, it can be seen that raising the consumers' awareness of responsibility plays an important role.

According to previous studies, the current beauty industry has a positive effect on improving the quality of life[25], and as a high standard of living has emerged, the demand for skin care and cosmetics to improve skin care[26] and appearance is increasing[27]. As a result of the survey, consumers valued the ingredients and efficacy of clean beauty cosmetics, and the amount of basic skin care products used was higher than that of other product groups. Hence, it is necessary to pay attention to the production of products that are effective and effective without the cosmetic ingredients being harmful. Furthermore, attention should be paid to devising a marketing method that can raise the level of consumer responsibility related perception. As a result of a study that YouTube beauty content has a positive effect on the cosmetic purchase intention of men and women in their 20s and 40s[28] and as interest in Metaverse increases, the number of cases using virtual reality or VR advertisements is also increasing[29][30], and hence, it is also necessary to consider the use of various platforms aimed at Generation MZ.

This study examined and understood the regulating effect of clean beauty cosmetics awareness and consumer responsibility perception on the relationship between environmental awareness level and clean beauty cosmetics repurchase behavior. It sought to help develop cosmetics and expand the market by understanding the preferences and experiences of Generation MZ, which is positioned as a consumption trend, and is meaningful in suggesting a new approach to marketing strategy. However, it is somewhat difficult to represent the entire region because the response rate in the metropolitan area of the survey target is higher than that of the non-metropolitan area. In addition to the consumer responsibility perception, corporate social responsibility(CSR) is also considered important, and considering which, in the future studies, a more in-depth study conducted by examining and comparing the two concepts together or re-searching the consumers' happiness level further from consumer responsibility perception would be even more meaningful.

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## 6. Appendix

### 6.1. Authors contribution

	Initial name	Contribution
Lead Author	SL	<ul style="list-style-type: none"><li>-Set of concepts <input checked="" type="checkbox"/></li><li>-Design <input checked="" type="checkbox"/></li><li>-Getting results <input checked="" type="checkbox"/></li><li>-Analysis <input checked="" type="checkbox"/></li><li>-Make a significant contribution to collection <input checked="" type="checkbox"/></li><li>-Final approval of the paper <input checked="" type="checkbox"/></li><li>-Corresponding <input checked="" type="checkbox"/></li></ul>
Corresponding Author*	EK	<ul style="list-style-type: none"><li>-Play a decisive role in modification <input checked="" type="checkbox"/></li><li>-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/></li><li>-Participants in Drafting and Revising Papers <input checked="" type="checkbox"/></li><li>-Someone who can explain all aspects of the paper <input checked="" type="checkbox"/></li></ul>

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## Analysis of the Trend of Precedents on Residential Trespassing Regulations

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### Abstract

**Purpose:** The Supreme Court changed its existing position on the provisions of the housing trespassing offense for 2021 and 2022 through a consensus decision. In 2021, if a part of the co-resident enters the co-living house according to the normal access method with the realistic consent of the current resident in the absence, the establishment of the crime of trespassing is denied even if it is against the presumed will of the other resident who is absent. . In 2022, if you enter a restaurant where the public is freely allowed to enter without a restraint from the business owner, even if it seems that the business owner would not have consented to the entrance if he had known the actual purpose of entry, the purpose of this is not to constitute a crime of trespassing. . According to the precedent, the legal benefit of protection for the crime of trespassing is 'the de facto tranquility of the dwelling'. The purpose of this study is to examine the interpretation and judgment standards regarding the legal interests of protection against trespassing, and to consider trespassing, which is the act of trespassing.

**Method:** Article 16 of the Constitution of the Republic of Korea states, "All citizens shall not be infringed upon their freedom of residence. When a residence is seized or searched, a warrant issued by a judge at the request of the prosecutor must be presented." The crime of trespassing is a component that guarantees the tranquility of an individual's residence so that the freedom of residence stipulated by the Constitution is not violated. For this purpose, in order to form smooth relationships with various beings in society as a social being, human beings must be guaranteed that their private space is protected and that they can live peacefully without external intrusion. To this end, first, I would like to review the contents of the Supreme Court precedent on the crime of trespassing. Second, the current status of punishment for trespassing is reviewed through a comparative review of foreign laws on trespassing. Third, we examine the legal benefits of protection against trespassing. Fourth, the criteria for judging the crime of trespassing are reviewed. Lastly, based on the discussion so far, I would like to suggest the direction of the legislation on the punishment for trespassing.

**Results:** The starting point of the discussion of the crime of trespassing lies in the interpretation of the interests of protection. The representative theories are the claim of 'housing rights' and 'the theory of de facto serenity', but precedents adopt the doctrine of the theory of de facto serenity. As for the degree of protection for the crime of trespassing, the crime of danger and the crime of infringement are opposed to each other. The interpretation of these precedents shows a lot of changes in the protection and interest of the crime of trespassing, the meaning of the infringement, the timing of the commencement of execution, and the timing of implementation.

**Conclusion:** The reason for the existence of the crime of trespass is an indispensable prerequisite for the pursuit of happiness and the enjoyment of human dignity and value through the tranquility of private life. However, there are many cases where the crime of trespassing is applied and abused for other purposes rather than contributing to the protection of personal privacy, which is the original purpose, and a logical solution should be sought for its interpretation. Therefore, it is necessary to explore the legislative direction by analyzing the decision of the Supreme Court of the Supreme Court on the crime of trespassing.

**Keywords:** Residential Trespass, De Facto Serenity Theory, Right of Residence, Privacy Protection, Trespassing

## 1. Introduction

The Supreme Court has changed the interpretation of the precedents on residential trespassing in 2021 and 2022. The crime of trespassing is a component that guarantees the tranquility of an individual's residence so that the freedom of residence stipulated in Article 16 of the Constitution is not violated. As a member of society, privacy protection is required in order to fully maintain dignity and values, develop personality freely, and pursue happiness. However, the Supreme Court had a conflicting issue with the doctrine regarding the interpretation of the crime of trespassing in protecting the tranquility of private life. In the past, there are parts that did not reflect the changes in the current socio-cultural phenomenon. In other words, in the present era, the form of housing such as apartments and multi-unit dwellings has changed, and it was pointed out that it is inappropriate to reflect the presumptive intentions of the co-residents in the case of co-living. Hereinafter, we will analyze and evaluate the Supreme Court precedents on the changed residential trespassing crime[1].

## 2. Supreme Court Precedent Analysis

On September 9, 2021, the Supreme Court said, "In the absence of the spouse, if the victim enters the residence according to the normal access method after obtaining realistic consent from the victim's wife, even if it is presumed that the defendant's access to the residence is against the will of the absent victim, the crime of trespassing is not. It does not work." And on March 24, 2022, the Supreme Court ruled, "If you enter a restaurant to install hidden camera equipment to secretly record and record conversations taking place in a restaurant, it cannot be regarded as a crime of trespassing." The previous position regarding the above two precedents and the changed precedents will be compared and analyzed to examine the future interpretation of the jurisprudence of the crime of trespassing[2][3][4].

### 2.1. Supreme court 2021. 9. 9. 2020 do 12630 en banc sentencing(married woman adultery case)

#### 2.1.1. Facts and judgment

So called A entered the apartment where B and C lived together three times through the entrance opened by B for the purpose of having extramarital sex with C's wife B during C's absence. The Supreme Court overturned the guilty part of the original trial, which sentenced Mr. A, who had been charged with violating the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc., to a fine of 5 million won. Aoso person A was charged with entering B's house(house trespassing) for the purpose of having sex with B's wife C, at 3 am in December 2018. A is also accused of repeatedly sending anxiety-provoking words and images 42 times in total, including sending a threatening message to C through KakaoTalk messenger(SNS) on his mobile phone when C found out about his affair with B in June 2019(information) violating the Network Act). The majority opinion is that ① the protection interests of the crime of trespassing are 'de facto serenity', ② 'trespassing' is 'the act of harming the real peace', and ③ co-residents accept that mutual legal interests are bound to be limited to a certain extent. However, if you enter according to the 'normal way of entry' with the consent of the co-resident, it cannot be regarded as breaking the de facto peace simply because it goes against the presumed will of the other residents, so that the crime of trespassing is not established.

As a separate(concurrence) opinion, it was considered that the protection law interests were regarded as the right to housing, and the invasion was regarded as entering against the will of the owner of the residence, but on the basis that the consent of one co-resident must be tolerated by the other co-resident, the crime of trespassing was not established. However, from the



standpoint that the previous Supreme Court precedent should be maintained, the dissenting opinion judged that even if one of the co-residents has consented, if it is clearly against the will of the other resident, it will result in the de facto harming the peace of the resident's residence, and it is determined that the crime of trespassing is established. In the end, the trespassing charge was acquitted. In the case of violation of the Information and Communications Network Act, the prosecution judged that the evidence submitted by the prosecutor was not sufficient to admit that the message was repeatedly sent to the victim to cause fear or anxiety, and was acquitted.

### **2.1.2. Judgment review**

The entry of an outsider for the purpose of infidelity of one spouse is contrary to the express or implied intention of the other spouse, not the presumed intention of the other spouse. The majority opinion seems to mean that trespassing can be recognized only if it is against the express or implied will of the resident. It is construed to the effect that the intention of refusal must be explicitly expressed. In other words, the de facto serenity of the crime of trespassing is interpreted as meaning the actual de facto serenity. Part of the meaning of 'intrusion'. In other words, "Housing trespass crime is the protection of the peace of the dwelling in effect. Intrusion of dwelling trespass means 'entering the dwelling in an act that harms the state of de facto peace enjoyed by a resident in the dwelling', and whether it corresponds to trespassing or not. In principle, the judgment is made based on the behavioral patterns revealed objectively and outwardly at the time of entry. If entering the dwelling with an act that harms the actual peace, it would be against the will of the resident unless there are special circumstances, but simply entering the dwelling. The resident's subjective reason that it is against the will of the resident cannot be regarded as an intrusion." This is a modification of the conventional intentional intrusion theory('entering a residence against the will of a resident') with respect to the meaning of intrusion, and its scope is changed to the serenity intrusion theory('entering a dwelling with an act that harms the actual peace'). It means turning in the direction to reduce

If it goes against the will of the resident but enters peacefully, it will deny the establishment of a crime of trespassing. Therefore, as long as it is within the scope of social norms based on the rules of daily life experience of co-residents, even if it is against the will of other co-occupants, it is possible not to admit trespassing. For example, entering a house with the permission of the other party in a situation where one of the married couples invites a person they really dislike is difficult to see as breaking the de facto peace, so a crime of trespassing cannot be established. Even if the criminal purpose or case clearly contrary to the will of the resident is taken as the standard for intrusion, the burden of proof rests with the prosecutor, and it can be determined whether or not it has violated the peace in fact in terms of normative social norms.

However, according to the opposing(dissenting) opinion, it may be criticized that it is difficult to express or implicitly express an intention in preparation for the infidelity of one spouse in the reality that the crime of adultery has been abolished. In addition, the act of entering the residence for the purpose of adultery itself should be viewed as breaking the other spouse's 'actual serenity of residence'. Actual serenity should be viewed as including potential serenity as well as actual serenity. Only then can his tranquility be violated regardless of the presence of the resident, and therefore, entering an empty house 'peacefully' must also be acknowledged as trespassing. Also, according to the majority opinion, if the intended crime is not carried out at the time of intrusion for criminal purposes, it cannot be punished even by trespassing, resulting in a void in punishment. In addition, it is argued that the interpretation is contrary to social norms and the legal feelings of ordinary people with sound common sense.

### **2.1.3. Examine**

The amended case law limits the scope of punishment by emphasizing real peace with respect to de facto serenity. There is a problem that makes it impossible to punish even punitive acts, such as adultery in a shared residence, but it seems to be resolved through civil litigation. The theory of intentional infringement, which focuses only on the intention of residents, is a fundamentally valid change in that whether or not a crime is established depends on the intention, which violates the principle of clarity and expands the scope of punishment excessively.

## **2.2. Supreme court 2021. 9. 9. 2020 do 6085 en banc sentencing(compulsory entry of co-residents)**

### **2.2.1. Facts and judgment**

Person A took some of his belongings from the apartment he was living in due to a quarrel with his wife B. After that, A went to the apartment with his parents C and D and asked to open the door, but B was out. When the chain-type latch on the door did not open, A and A's brother E jointly broke the latch and broke into the apartment.

### **2.2.2. Judgment review**

If one of the co-residents prohibits the other co-residents from entering the place of communal living without legal grounds or other justifiable reasons, the crime of trespassing is established even if the other co-resident (A) enters the place of communal living against this. I never do that. Even if the co-resident damages the de facto state of peace of the co-resident who is prohibited from entering by using some physical force, such as damaging the lock on the door, in order to enter, the crime of trespassing is not established. Acts of entry and use of outsiders(soldiers, soldiers) who have entered together with the consent of the co-resident (A) are part of and accompanying acts of entry and use of the common living place of the co-resident who has consented to his/her entry as a whole. If it can be evaluated as a trespass, the crime of trespassing is not established against the outsider even though it has damaged the de facto peaceful state of the co-resident, who prohibits this.

### **2.2.3. Examine**

In the case of co-living, the Supreme Court denied the establishment of the crime of trespassing in case of a peaceful entry with the consent of the current resident right, even if it is against the presumed intention of some of the co-residents. Changes in this interpretation are justified. Nevertheless, in order to regulate some acts, civil law methods such as increasing damages should be considered.

## **2.3. Supreme court 2022. 3.24. 2017 do 182372 en banc sentencing(cases of access to open places for criminal purposes)**

The Supreme Court has ruled that a person entering a restaurant to install a wiretapping device cannot necessarily be regarded as a home invasion. It is the first change in 25 years of precedent in the so-called "grassland blowfish restaurant case," in which the fact that government heads of government agencies tried to arouse local sentiment before the 1992 presidential election was revealed through wiretapping. In December 1992, at grassland blowfish restaurant case, Nam-gu, Busan, former Justice Minister Kim, as well as the mayor of Busan, the chief of the Busan District Prosecutors' Office, the head of the Busan National Police Agency, and the head of the Busan branch of the National Safety Planning Department gathered together to incite local sentiment and unify the Democratic Party candidate Kim Dae-jung and Chung Ju-young. This is a case in which a conspiracy to disseminate content slandering opposition candidates was exposed through wiretapping by officials of the Unification Kookmin Party. It was judged that it was established, but the judgment was changed through this judgment.

### **2.3.1. Facts and judgment**

A, the vice president of the transportation company, and B, the manager of the management team, were brought to trial on charges of installing and retrieving wiretapping equipment by entering a room prepared in a restaurant in 2015. It was to serve a meal to reporter C belonging to an internet media company who posted negative articles about the company and record his inappropriate request.

On the other hand, the 2nd trial judged not guilty, saying, "The defendants entered the restaurant with the permission of the restaurant manager in this case, and even if they recorded and recorded the conversation with C without the defendants' permission, it is difficult to see that entering the room is against the manager's will." did.

The all-inclusive body of the Supreme Court confirmed the lower court's verdict of acquittal by a majority opinion of 11 people in the appeals trial of Mr. A, who was charged with trespassing. The Supreme Court made the same decision as the lower court. The Supreme Court held that it should not be judged whether or not a resident would consent to simply knowing the actual purpose of entry into the case of a dwelling trespass. Instead, he said that the form, use, and nature of the dwelling should be comprehensively considered, including access and management methods and conditions for outsiders, and the background and method of access by actors. In particular, the Supreme Court held that the key to determining whether the 'state of peace', which is the protection legal interest of the crime of trespassing, was violated. Regardless of what the actual purpose of entry was, it is difficult to establish a crime of trespassing unless it is an act that infringes on the tranquility of the resident. The Supreme Court explained, "If the business owner had consented to enter a restaurant that allowed public access, even if it was recognized that the business owner would not have consented if he had known the actual purpose of the entry, it could be considered that the state of de facto tranquility was violated."

### **2.3.2. Judgment review**

The meaning of the appearance that harms the state of de facto tranquility is abstract and unclear, and various interpretations are possible. In fact, even when trespassing is judged according to whether the state of peace is violated, whether or not a crime of trespassing is established must be determined by considering whether it is against the will of the resident as the most basic and important factor. As in the majority opinion, if you enter a public place for criminal purposes, it can be seen that the crime of trespassing cannot be established unless the manager's state of calm is violated.

### **2.3.3. Examine**

It is significant in that it reaffirmed the principle by objectively reconfirming the meaning and judgment criteria of trespassing from the viewpoint of protection and interest in the crime of trespassing. In the case of entering a residence for criminal purposes in an open place where the public is allowed to enter, even if it is against the resident's presumed will, if it appears and objectively and actually enters peacefully, the establishment of the crime of trespassing is denied. The precedent took a clear position in the interpretation of the crime of trespassing through the above precedent.

## **2.4. Supreme court 2021,.12.20. 2019 do 13818 en banc sentencing(homosexual purpose intrusion case)**

### **2.4.1. Facts and judgment**

Person A was charged with breaking into Mr. B's house in October 2018. Person A was accused of breaking into the house where Mr. B and Mr. C lived together for the purpose of having sex for homosexuality with Mr. B's son, whom he knew through SNS at the time. At the time, Mr. B was not at home, but the prosecution saw that Mr. A broke into the house against the will of Mr. B, a co-resident.

In the first(original) and second(appellate) trial, "Even if C, a minor, who is one of the people living in the joint, has consented to enter the residence, the victim's death is not allowed without the express or presumed consent of the other co-resident, C's father, B. If the result of entering the residence harms the freedom and tranquility of his residence, there is no hindrance to the establishment of the crime of trespassing." It was in accordance with the previous Supreme Court precedents(eg, judgment 83 Do 695). However, the Supreme Court changed the existing precedent and upheld the acquittal in a case in which the issue of whether a house trespassing crime would be established if the husband entered the house of his wife for the purpose of having sex without the husband's knowledge through the decision of the all-in-one agreement in September, while the appeal hearing in this case was ongoing. Confirmed(2020 Do 12630).

#### **2.4.2. Judgment review**

In this case, the Supreme Court also reversed and remanded the case to the purport of not guilty, citing the principle of the all-colonial judgment as it is. The court said, "The crime of trespassing in the house is the protection of the peacefulness of the dwelling, and 'intrusion' means entering the dwelling with the act of harming the de facto state of peace that the resident enjoys in the dwelling." Entering the dwelling as a private residence would be against the will of the resident unless there are special circumstances, but simply the subjective circumstances of the resident that the act of simply entering the dwelling is against the will of the resident cannot be considered to be an intrusion." In particular, "If an outsider enters the common residence according to the usual method of entry with the realistic consent of the current resident in the absence of a part of the co-resident, a crime of trespassing is established even if it is against the presumed will of the other resident who is absent. I don't," he explained.

He added, "A person can admit that Mr. A entered Mr. B's residence according to the normal access method through the door during Mr. B's absence, and Mr. A entered Mr. B's residence with an act that harms Mr. B's de facto calm state. is not visible, so it should be considered that the crime of trespassing against Mr. A is not established."

#### **2.4.3. Examine**

The Supreme Court alleges that, when an outsider enters the common residence according to the normal access method with the realistic consent of the current resident in the absence of a part of the co-resident, the crime of trespassing does not occur even if it is against the presumed will of the other resident who is absent. The consensus decision was reaffirmed.

### **3. Legislative Direction on the Crime of Trespassing('The Theory of de Facto Serenity' vs. 'The Theory of Housing Rights')**

The point of punishment for theories and issues related to the crime of trespassing lies in the interests of protection. It depends on how you interpret the protection interests. Germany defines housing trespassing as a crime against public order, and views individual housing rights as protection interests. In Japan, the crime of trespassing is defined as a crime against social legal interests, but the theory of de facto serenity in individual housing is viewed as a protective legal interest. The revised Supreme Court precedent judges the protection legal interest in the crime of trespassing as the protection legal interest in de facto tranquility. However, it is also necessary to look at the position of understanding the housing right as a protection legal interest<sup>[5]</sup>.

#### **3.1. Protecting legal interests in residential trespassing**

There has been a lot of discussion for a long time about the legal interests of housing trespassing. For example, the housing right theory and the de facto serenity theory are opposed. The housing claim is the oldest and most archetypal position in the crime of trespassing. The previous housing

rights theory interprets the right to a house as a protection against trespassing, and that only the head of the household or a person in the position of Australia has permission to enter or search the dwelling. Basically, it can be seen that it was developed as an expedient method to punish the currently abolished adultery as a crime of trespassing when it is difficult to punish it. The recent housing right emphasizes the aspect of protecting personal interests in housing trespassing. In other words, it means the right to dominate a certain space without any interference, the right to act freely within the space, and the freedom to decide whether to reside or not. Therefore, if it is judged that the right of residence of the right to live is infringed even if it is entered with the consent of the person who is actually guarding the residence, the crime of trespassing is established[6][7]. On the other hand, in fact, the theory of serenity understands the protection legal interest of the crime of trespassing as the 'right of residence'. In other words, the content of the right of residence is the de facto tranquility of all the residents of the community. Whether or not the tranquility of the dwelling is actually maintained is judged based on the will of the dweller, but if there is de facto control over the dwelling, it is protected even if there is no legitimate title. However, in the revised Supreme Court precedent, it is presumed that, while interpreting the doctrine of serenity as the protection and interest of the crime of trespassing, if one of the co-residents enters the house according to the normal access method with the realistic consent of the current resident, it is presumed to be against the will of the other resident who is not present. Even so, the position cannot be regarded as detrimental to the peace of residence, which is the protection legal interest of the crime of trespassing[8][9].

The Supreme Court's position can maintain legal stability in that it grasps the legal interests of protection against the crime of trespassing as a de facto theory of peace, and in the case of shared housing, it is based on the consent of the current resident[10][11].

### **3.2. Judgment of 'trespassing' in the crime of trespassing**

This judgment, as the background of the ruling is related to misconduct, constitutes a legal battle over the 'whether or not to intervene in the state's penal rights to privacy' and received a lot of attention from society. The judgment focused more on the 'objective components' of the 'housing trespass crime' and the 'objective component' of the 'housing trespassing crime' of the peace of In other words, trespassing means 'entering a dwelling with an act that harms the de facto state of peace that a resident enjoys in the dwelling', and whether or not a trespass is a trespass should be judged on the basis of the act of behavior revealed objectively and externally at the time of entry. justifiable[12][13][14].

### **3.3. Object of trespassing**

The object of the crime of trespassing is the residence of a person, a building managed, a ship, an aircraft, or an occupied room. The Supreme Court includes the common part of the apartment building as well as the main site of the building. Recent Supreme Court precedents deny the establishment of a crime of trespassing if the state of de facto tranquility is not violated when entering with the consent of the business owner even when unilaterally entering a public place for criminal purposes. In other words, if you enter a restaurant where the general public is allowed to enter through the normal method of entry with the consent of the business owner, even if it is recognized that the business owner would not have consented to the entry if he had known the actual purpose of entry, it could be said that the state of de facto tranquility was violated. none[15][16][17][18].

### **3.4. Period of trespassin**

Residential trespassing is punishable by an attempted offense. The theory of the period when the offense of trespassing into a dwelling is in conflict with the theory of the body standard and the theory of actual serenity. The body criterion accepts a rider when the entire body is in. On

the other hand, the theory of de facto serenity recognizes the rider even if only a part of the body has been entered, if it actually harms the serenity. The Supreme Court, taking the theory of de facto tranquility, judges the degree of protection as an infringer, and determines whether or not to stand based on the infringement of legal interests. In Germany, there is no punishment for attempted crimes, so judgments are made based on the body standard [19][20][21][22][23][24][25][26][27][28].

## 4. Conclusion

Due to the change in the Supreme Court's attitude on the crime of trespassing, the scope of punishment has been reduced. There are many criticisms of this as well. The theories on the crime of trespassing have their own logic, and it cannot be said that the attitude of the changed case law is always correct. However, as the scope of punishment for trespassing has been reduced, other laws must provide a space for punishment. In other words, it is necessary to increase the amount of compensation for illegal acts through civil methods. Our Supreme Court, which in fact adopts the theory of serenity as a protection law for the crime of trespassing, needs to develop a more logical interpretation. The intervention of the criminal law should not be too prepositional or postpositional [29][30].

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## 6. Appendix

### 6.1. Authors contribution

	Initial name	Contribution
Author	KP	<ul style="list-style-type: none"><li>-Set of concepts <input checked="" type="checkbox"/></li><li>-Design <input checked="" type="checkbox"/></li><li>-Getting results <input checked="" type="checkbox"/></li><li>-Analysis <input checked="" type="checkbox"/></li><li>-Make a significant contribution to collection <input checked="" type="checkbox"/></li><li>-Final approval of the paper <input checked="" type="checkbox"/></li><li>-Corresponding <input checked="" type="checkbox"/></li><li>-Play a decisive role in modification <input checked="" type="checkbox"/></li><li>-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/></li><li>-Participants in Drafting and Revising Papers <input checked="" type="checkbox"/></li><li>-Someone who can explain all aspects of the paper <input checked="" type="checkbox"/></li></ul>

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## A Study on the Relationship between Using Reference Groups and Service Belief, Self-Regulation, Vocational Calling, Autonomy, and Job Stress of Korean Hair-Beauty Shop Workers: Focused on the Moderating Effect of Social Support

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### Abstract

**Purpose:** In this study, the relationship between Using Reference Groups, Service Belief, Self-regulation, Vocational Calling, and Autonomy was investigated to analyze the factors affecting the reduction of job stress of Korean Hair-beauty Shop Workers. In addition, this study aims to analyze whether Social Support has a moderating effect on the relationship between Job Stress, Using Reference Groups, Service Belief, Self-regulation, Vocational Calling, and Autonomy. The purpose of this study is to help reduce the job stress of Korean hair salon workers and to contribute to vitalization of the beauty industry by analyzing the relationship between various factors in an integrated way.

**Method:** This study was conducted for Korean Hair-beauty Shop Workers, and analyzed data were collected by distributing questionnaires to hair beauty shops and beauty associations and organizations nationwide. Empirical statistical analysis was performed using SPSS 25.0 program, and frequency analysis, reliability and validity analysis were performed. Multiple regression analysis was performed 4 times by defining the dependent variable stress as 4 factors, and moderating effect analysis was performed to find out the influence relationship of social support.

**Results:** First, Using Reference Groups( $\beta = -.309, p < .001$ ), Service Belief( $\beta = -.248, p < .001$ ), Autonomy( $\beta = -.222, p < .001$ ), Vocational Calling( $\beta = -.117, p < .001$ ) factors have a significant negative(-) effect on job stress. Second, Service Belief( $\beta = -.271, p < .001$ ), Autonomy( $\beta = -.209, p < .001$ ), Using Reference Groups( $\beta = -.089, p < .05$ ) factors have a significant negative (-) effect on Personal Stress. Third, Using Reference Groups( $\beta = -.365, p < .001$ ), Self-regulation( $\beta = -.202, p < .001$ ), Autonomy( $\beta = -.160, p < .001$ ), Service Belief( $\beta = -.144, p < .001$ ) factors have a significant negative(-) effect on Customer and Work stress. Fourth, the factors of Service Belief( $\beta = -.294, p < .001$ ), Using Reference Groups( $\beta = -.280, p < .001$ ), and Autonomy( $\beta = -.235, p < .001$ ) have a significant negative(-) effect on Environment Stress. Finally, in the effects of Using Reference Groups, Service Belief, Self-regulation, and Autonomy on Job Stress, the moderating effect of Social Support was found to be statistically significant.

**Conclusion:** Using Reference Groups, Service Belief, Self-regulation, and Autonomy were found to have a significant negative effect on Job Stress. In particular, Using Reference Groups, Service Belief, and Autonomy had a significant influence on all sub-factors of Job Stress, and Using Reference Groups had the greatest influence, confirming that it was the most important variable for hair-beauty shop workers. It was confirmed that Hair-beauty shop workers with high Social Support had lower job stress as their Perceptions of Professionalism increased than Hair-beauty shop workers with low social support. Specifically, the negative influence of Using Reference Groups, Service Belief, Self-regulation, and Autonomy on Job Stress was larger in the group with high Social Support than the group with low social support. In order to make Hair-beauty shop workers less stressful in performing their jobs, enhancing their own professionalism is a significant means, but the manager of the hair beauty shop respects, considers, cares, and treats members intimately, Informational Support should be provided, and appropriate compensation should be provided for the job.

**Keywords:** Hair-Beauty Shop Workers, Using Reference Groups, Service Belief, Self-Regulation, Job Stress

## 1. Introduction

Today, as a scientific and creative field of art, beauty is growing rapidly to meet the needs of customers, and the development of mass media stimulates human instinct for aesthetic pursuit. Beauty as a human service is based on artistic sensibility and is regarded as one of the best value-added businesses of the 21st century, and it is one of the professions with very good prospects[1].

Appearance is recognized as one of the factors affecting not only the formation of interpersonal relationships but also various social fields such as daily life[2]. Along with the development of society, economy, and culture, as the national income increased and the people's standard of living improved, they had a lot of material abundance and time to spare. In addition, women want to cultivate beauty as social advancement and use of leisure time increase, and as social and personal interest in beauty and aesthetic desire to keep young men also increases, the number of beauticians who create beauty The roles and functions are gradually increasing[3].

In the field of beauty, manpower becomes the core of work, and in performing a perfect job, it is a field that requires time and effort to acquire skills that can be performed on customers. In addition, various types of designs can be completed when systematic theories and techniques are the basis and are accompanied and mastered. In other words, a Hair-beauty shop workers is a professional, combining both academic and technical skills, and is a service occupation that emphasizes technical provision[4][5].

In order for Hair-beauty shop workers to communicate smoothly with customers, they must exclude their emotions, be based on a sense of responsibility and intellectual work, and continue education and training to develop and acquire new academic and practical skills. It should be explored through research, and there should be a sense of autonomous and autonomous group participation[6].

The beauty industry is highly dependent on human resources and emotional human services, and it is a job that requires emotional labor required in interaction with customers[7]. As a beauty company is a comprehensive service industry that directly deals with customers, the role of employees in the organization is very important[8]. The roles and responsibilities of Hair-beauty Shop Workers, who are internal customers, have a direct impact on customers due to the diversity of services, and are being widely converted to the roles of education, interpersonal relations, and management due to their professional expertise. Irrespective of the difficulty of the employee's emotional expression method, the continuous emotional stress required for customer satisfaction experiences high stress compared to other service employees and acts as job burnout.

The stress experienced by workers is largely divided into job stress related to job performance and social and psychological stress, which is an expression of psychological and social conflicts between people caused by external environmental characteristics or losses affecting individuals[9]. In the case of Hair-beauty Shop Workers, job stress due to heavy work of long working hours and poor work environment is quite high. It has a negative effect[10]. In addition, Hair-beauty shop workers perform not only physical labor in a poor work-related environment, but also emotional labor due to the nature of their work, such as interpersonal service dealing with customers, so they are exposed to social and psychological stress along with job stress[11][12].

In particular, it has been reported that when customers express dissatisfaction with themselves, ignore their abilities, or experience a lot of social and psychological stress depending on the customer's attitude[13].

In particular, Hair-beauty shop workers may experience problems caused by inappropriate working posture[14], excessive working hours, irregular meal times, lack of exercise time due to the nature of simple repetitive work, conflicts between customers, superiors, and fellow customers, as well as failure to meet the changing needs and desires of customers. Stress and frustration cause physical and mental problems such as musculoskeletal disorders, gastrointestinal disorders, anxiety and depression,

and further affect the quality of work[15]. It is thought that stress greatly affects the quality of life of Hair-beauty Shop Workers[16].

Job stress is a factor directly related to health and affects quality of life. In addition, management of job stress is also important in terms of human resource management[17][18].

Looking at the studies on the perception of professionalism, the more professional attitudes they have, the more confident they have in their work, the higher job satisfaction and service productivity efficiency.

Social Support is an individual's environmental variable, and there are studies that show that it is helpful for psychological and physical adaptation[19][20]. There have been many studies on the relationship between Social Support and stress in social welfare or pedagogy[21][22]. It is expected that this Social Support will have an effect on managing stress even if it is applied to the beauty industry.

Social Support factors within the organization refer to superiors, colleagues, and subordinates. workers who face various burnout situations in relation to work have an impact on their adaptation to overcome difficulties. So they requires receive support from their superiors and colleagues and human relationships[23][24]. Since you have to spend a lot of time with your superior or colleague in the beauty scene, their support is a very important part that can have a big impact.

However, research on the correlation between professional perception, job stress and Social Support is lacking. Therefore, in this study, we feel the necessity of finding a way to relieve the job stress of Hair-beauty shop workers and increase job satisfaction accordingly, and try to suggest the plan. Specifically, the purpose of this study is to verify whether the professionalism perception of Hair-beauty shop workers can relieve job stress. In addition, by examining how the relationship between job professionalism and job stress changes through social support, we would like to suggest specific measures in the dimension of human management, which occupies a large part in the operation and management of Hair-beauty Shop Workers.

## **2. Research Method**

### **2.1. The subject of the study**

Data to be used for analysis were collected online for two months from August 2019 to September 2019, and questionnaires were distributed to hair and beauty workers in all regions of Korea. Excluding questionnaires with missing values and errors, a total of 611 copies were used for empirical analysis. The contents of the questionnaire were modified and supplemented to meet the research purpose by referring to the results of previous research.

### **2.2. Survey design and definition of variables**

The contents of the questionnaire were modified and supplemented to meet the research purpose by referring to the results of previous research. The questions consisted of a total of 51 questions and were measured on a 5-point Likert scale(45 questions)and Nominal scale(6 questions). All factors are on a 5-point Likert scale, with higher scores indicating higher levels of the factor.

#### **1) Definition and understanding of Perceptions of Professionalism**

Perceptions of Professionalism are the attitude and ideology of professional workers, and we want to see it as the attitude that professional members feel about their job[25]. In order to measure this, in consideration of the professional perception of hair-beauty shop workers, Kim Eom-kwon's professional recognition scale was modified and supplemented and used [26].

- ① Using reference groups : Using reference groups means that people with the same profession share information and work in a formal or informal organization with a sense of community to reinforce values, ideals, beliefs, identities, and evaluations.
- ② Service belief: Service belief refers to contributing to society with pride in one's job. Society allows exclusive positions for people with expertise because they are committed to those around them, either ethically or out of altruistic beliefs.
- ③ Self-regulation: Self-regulation refers to the awareness of one's own limitations, respect for colleagues, and the ability to judge one's own activities.
- ④ Vocational Calling: Vocational calling for a job is a desire to work or to serve even if the reward is low compared to the job, and a willingness to dedicate.
- ⑤ Autonomy: Autonomy refers to the ability to make decisions on one's own without external interference, and to make decisions independent of the pressures of customers or employers.

## 2) Definition and understanding of Job Stress

Job stress occurs when an individual is psychologically or physically demanding excessively at work, and it is a state of dissonance that appears when an individual engages in an artificially created act while suppressing his or her emotions[27]. To measure this, Kye-Hee Park's job stress scale was modified and supplemented by considering the job stress of hair-beauty shop workers[28].

- ① Personal stress: Among job stress, personal stress is caused by a state in which one feels that the work one is responsible for is not important or is not recognized. Because of this, you don't invest time in your work and you don't feel passionate about your work.
- ② Customer & work stress: : When a customer is not satisfied or does not cooperate, it is caused by a customer's claim or abusive language. Since the hair and beauty industry has the characteristics of both a professional and a service job, customer stress can be particularly felt. And, the characteristics of the job, too much or too little work, role conflict, role ambiguity, tight time, and evaluation are classified as stress from work. In particular, when the task is difficult or the effect on the job does not appear, work stress is high.
- ③ Environment stress: Workers can be physiologically and psychologically stressed by physical environmental factors such as noise, lighting, temperature, vibration, and air pollution.

## 3) Definition and understanding of Social Support

Social support is a multidimensional concept, defined as positive resources such as the degree of love or recognition, information and material assistance that can be received from others in interpersonal relationships[29]. In order to measure this, the social support scale of Shin Su-jeong was revised and supplemented in consideration of the situation of the hair-beauty shop workers who was the subject of the study[30].

- ① Emotional Support: Support that makes you feel comfortable by expressing emotional empathy, such as affection or pride, approval and belonging, or a sense of identity and security, or by expressing respect and love.
- ② Evaluative Support: Support that builds self-confidence or allows you to evaluate yourself by letting others see yourself in the light of it.

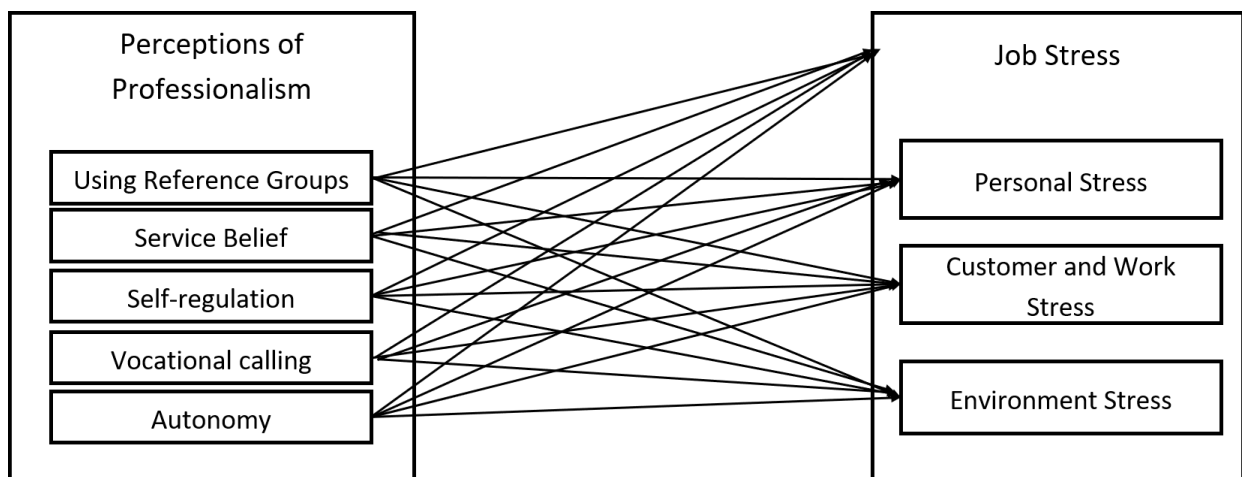


- ③ Material Support: Support that provides the tools or resources needed to solve a problem.
- ④ Informational Support: Information, advice and advice to help solve a problem, responsible help, or support that gives financial help.

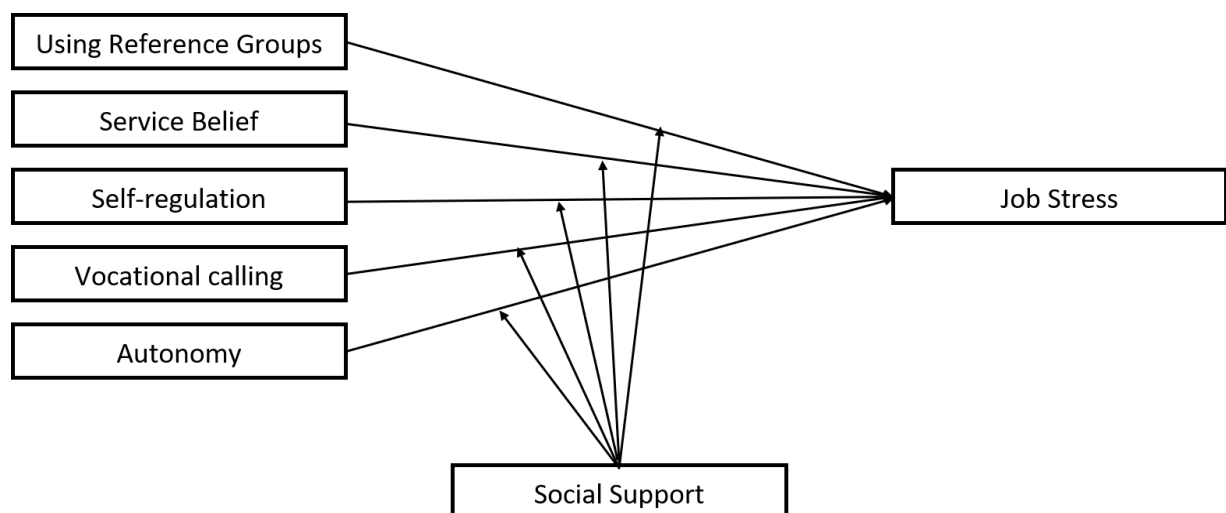
### 2.3. Research model

In this study, based on previous studies, independent variables were set as five factors of Perceptions of Professionalism: Using Reference Groups and Service Belief, Self-regulation, Vocational Calling, and Autonomy. Job stress was set as the dependent variable, and sub-factors were classified into Personal Stress, Customer and Work stress, and environment stress. Social Support was set as a modulating variable, and sub-factors were classified into Informational Support, Emotional Support, Material Support, and Evaluative Support. The research models are shown in <Figure 1>, <Figure 2>.

**Figure 1.** Research model 1.



**Figure 2.** Research model 2.



## 2.4. Data analysis

### 1) Data processing method

First, for the data of this study, exploratory factor analysis, reliability analysis, frequency analysis, multiple regression analysis, moderation effect analysis were performed using SPSS 25.0 program. statistical significance was determined based on the significance level of 5%.

Second, exploratory factor analysis was performed to verify the validity of the measurement tool used in this study. Principal component analysis and Varimax rotation analysis methods were used. The condition for factor classification is that the eigen value must be 1 or more, and when the factor loading exceeds .40, it is classified as a relevant factor. To verify the reliability, Cronbach's alpha coefficient was used. In general, when the alpha coefficient is 0.6 or more, it is considered to be relatively reliable.

## 3. Results

### 3.1. General characteristics of the study subjects

For this study, a survey was conducted on 611 Hair-beauty shop workers in Korea, and the general characteristics of the study subjects were shown in Table 1 below.

**Table 1.** General characteristics.

Variable	Classification	Frequency	Percent
Gender	Man	70	11.5
	Woman	541	88.5
Age	20's or younger	54	8.8
	30's	142	23.2
	40's	206	33.7
	Over 50	209	34.2
Position	Step	27	4.4
	Intermediate level (intermediate designer level)	96	15.7
	Designer (beautician, manager, etc.)	230	37.6
	Director(CEO)	258	42.2
Beauty industry working period	Less than 3 years	66	10.8
	Less than 3-5 years	69	11.3
	5 to less than 10 years	186	30.4
	More than 10 years	290	47.5
Average monthly income	Less than 8 hours	102	16.7
	8 hours	156	25.5
	9-10 hours	199	32.6
	More than 11 hours	154	25.2
Number of staff	Less than 2 million won	195	31.9
	Less than 200 to 3 million won	251	41.1
	Less than 3 to 5 million won	165	27
Total		611	100

### 3.2. Validity and reliability analysis

1) Perceptions of Professionalism(Using Reference Groups, Service Belief, Self-regulation, Vocational Calling, and Autonomy)

As a result of the factor analysis, it was classified into 5 factors, and the factor analysis model was judged to be suitable. Since the reliability of all factors exceeded 0.6, it can be said that the reliability is secured. It was shown as the following <Table 2>.

**Table 2.** Factor analysis and reliability of perceptions of professionalism.

Items	Use of reference groups	Service belief	Self-regulation	Vocational calling	Autonomy
I regularly read academic journals or newspapers (newspapers) related to my major.	<b>0.708</b>	0.191	0.368	0.055	0.126
I regularly attend hairdressing meetings and conferences.	<b>0.758</b>	0.228	0.316	0.116	0.109
The professional association is really interested in ordinary hair-beauty shop workers like me.	<b>0.749</b>	0.351	0.179	0.069	0.089
Most of my friends are hair beauty shop workers in the same profession.	<b>0.541</b>	0.251	-0.189	0.155	0.122
I actively support the goals pursued by our profession.	<b>0.654</b>	-0.238	-0.126	0.226	0.337
Hair-beauty shop workers contribute more to society than most other professions.	0.373	<b>0.61</b>	0.15	0.284	0.121
The importance of our hairdressing profession is sometimes overemphasized.	0.125	<b>0.713</b>	-0.05	0.041	0.201
The evaluation criterion for our hair and beauty is how well we can help customers and the general public.	0.187	<b>0.769</b>	0.021	0.108	0.205
I actually have the ability to judge the skill level of my fellow Hair-beauty Shop Workers.	0.259	-0.002	<b>0.621</b>	0.003	0.301
Hair-beauty shop workers can evaluate each other better than outsiders.	0.032	0.105	<b>0.784</b>	0.1	0.048
Professional organizations should more actively practice the code of ethics.	0.053	-0.062	<b>0.673</b>	0.281	0.102
I like to work in hairdressing, so I got into the hairdressing business.	0.117	-0.005	0.093	<b>0.697</b>	0.229
I feel a real sense of 'vocation' in the type of work I do.	0.034	0.239	0.112	<b>0.832</b>	-0.075
It's easy to be passionate about what I do.	0.251	0.087	0.18	<b>0.685</b>	0.243
I make decisions and act on my own about what I do.	0.295	0.136	0.197	0.363	<b>0.587</b>
I often have to make my own decisions while I'm at work.	0.2	0.107	0.098	0.203	<b>0.762</b>
In most situations in which I work, I am convinced that my own judgment is final.	0.105	0.497	0.1	0.057	<b>0.639</b>
It is very important that we Hair-beauty shop workers be free to make their own judgments when they work.	0.07	0.319	0.182	0.014	<b>0.614</b>
Eigenvalue	2.839	2.262	1.944	2.104	2.191

Common variance(%)	15.771	12.566	10.797	11.687	12.174
Cumulative variance (%)	15.771	28.337	39.135	50.822	62.996
Cronbach's $\alpha$	0.791	0.721	0.629	0.718	0.761

$KMO=.872$ , Bartlett's  $\chi^2=4014.070(p<.001)$

## 2) Job Stress(Personal Stress, Customer and Work stress, Environment Stress)

As a result of the factor analysis, it was classified into three factors, and the factor analysis model was judged to be suitable. Since the reliability of all factors exceeded 0.6, it can be said that the reliability is secured. It was shown in the following <Table 3>.

**Table 3.** Factor analysis and reliability of job stress.

Items	Personal stress	Customer and work stress	Environment Stress
I do not find work on my own in the work I am responsible for.	<b>0.774</b>	0.309	-0.095
I do not get compliments from my co-workers or my boss at work(hair salon).	<b>0.816</b>	0.258	-0.026
At work(hair salon) I don't think what I do is important.	<b>0.636</b>	0.262	0.106
I do not spend or invest time in work.	<b>0.682</b>	0.177	0.37
I'm not an important person at work.	<b>0.688</b>	0.126	0.403
My boss(a senior in the hair and beauty industry) doesn't tend to entrust me with work.	<b>0.557</b>	-0.011	0.369
Dealing with customers can sometimes be stressful and suffocating.	0.272	<b>0.627</b>	0.229
No matter how hard you try, no results appear.	0.221	<b>0.749</b>	0.219
The structure of my work seems to be getting more and more difficult and complex.	0.277	<b>0.694</b>	0.317
There is a design that customers want, but stress occurs when the desired design result does not come out due to the nature of the hair.	0.132	<b>0.82</b>	0.076
There are days when my clients make me harder than my co-workers (those in the hair and beauty industry).	0.078	<b>0.862</b>	0.141
Sometimes I work for a customer, but the real customer doesn't like me working for him.	0.274	<b>0.802</b>	0.089
There are days when a customer arrives late and has to work late into the night because the work is not finished.	0.202	<b>0.719</b>	0.259
I had trouble working in the store because of the lighting or the sound of music.	0.173	0.462	<b>0.738</b>
Sometimes it is difficult to work due to the interior or facility management of the store.	0.19	0.519	<b>0.712</b>
Eigenvalue	3.325	4.772	1.809
Common variance(%)	22.165	31.812	12.063
Cumulative variance(%)	22.165	53.978	66.041
Cronbach's $\alpha$	0.823	0.912	0.899

$KMO=.910$ , Bartlett's  $\chi^2=5479.416(p<.001)$

### 3) Social Support(Informational Support, Emotional Support, Material Support, Evaluative Support)

As a result of the factor analysis, it was classified into four factors, and the factor analysis model was judged to be suitable. Since the reliability of all factors exceeded 0.6, it can be said that the reliability is secured. It was shown in the following <Table 4>.

**Table 4.** Factor analysis and reliability of social support.

Items	Informational support	Emotional support	Material support	Evaluative support
My colleagues help me solve problems when I am in a difficult situation.	<b>0.814</b>	0.202	0.26	0.257
My colleagues explain things I don't know (for example, procedure methods, customer service know-how, etc.) well.	<b>0.799</b>	0.308	0.249	0.144
My colleagues treat me warmly and kindly and always make me feel cared for.	0.446	<b>0.536</b>	0.434	0.243
My colleagues give me the right advice so that I can understand reality and lead a social life.	0.375	<b>0.796</b>	0.141	0.222
My colleagues always listen to my problems with interest.	0.194	<b>0.652</b>	0.462	0.295
My colleagues try to understand and change my mood when I'm not feeling well.	0.166	<b>0.546</b>	0.469	0.399
My colleagues try to help when they have financial difficulties.	0.299	0.198	<b>0.809</b>	0.152
My colleagues try to help me when I have difficulties, even by asking others to help.	0.169	0.268	<b>0.786</b>	0.318
My colleagues try to help me with anything.	0.241	0.201	<b>0.78</b>	0.327
My colleagues respect me personally.	0.195	0.19	0.205	<b>0.851</b>
My colleagues respect and accept my opinions.	0.206	0.179	0.217	<b>0.874</b>
My colleagues recognize my work so that I can be proud of what I am doing.	0.117	0.268	0.322	<b>0.766</b>
Eigenvalue	1.976	2.071	2.844	2.749
Common variance(%)	16.468	17.259	23.698	22.906
Cumulative variance(%)	16.468	33.727	57.425	80.331
Cronbach's $\alpha$	0.805	0.866	0.883	0.896
<i>KMO</i> =.932, Bartlett's $\chi^2$ =5249.104( $p$ <.001)				

### 3.3. Effects of perceptions of professionalism on job stress

Multiple regression analysis was performed to verify the effect of Perceptions of Professionalism on Job Stress, and the results are shown in <Table 5>.

As a result of testing the regression model, it was found that the regression equation was suitable with  $F=110.070$  ( $p<.001$ ), and the  $R^2$  of the model was .476, which showed 47.6% of explanatory power. Also, the Variance Inflation Factor(VIF) was all less than 10, indicating that there is no multicollinearity problem.

As a result of testing the significance of the regression coefficients, it was found that Using Reference Groups, Service Belief, Self-regulation, and Autonomy had a significant negative(-) effect on Job Stress. That is, it can be seen that the higher the Using Reference Groups, Service Belief, Self-regulation, and Autonomy, the lower the Job Stress.

Using Reference Groups( $\beta=-.309$ ,  $p<.001$ ), Service Belief( $\beta=-.248$ ,  $p<.001$ ), Autonomy( $\beta=-.222$ ,  $p<.001$ ), Vocational Calling( $\beta=-.117$ ,  $p<.001$ ) was found to have an effect on the job stress in the order.

**Table 5.** Effects of perceptions of professionalism on job stress.

Independent variable	<i>B</i>	<i>S.E</i>	$\beta$	<i>t</i>	<i>p</i>	<i>VIF</i>
(Constant)	5.485	0.188		29.098***	<.001	
Using reference groups	-0.298	0.036	-.309	-8.213***	<.001	1.631
Service belief	-0.210	0.032	-.248	-6.543***	<.001	1.657
Self-regulation	-0.131	0.037	-.117	-3.526***	<.001	1.264
Vocational calling	0.023	0.040	.020	0.578	.563	1.333
Autonomy	-0.274	0.049	-.222	-5.574***	<.001	1.832
<i>F</i> =110.070( $p<.001$ ), <i>R</i> <sup>2</sup> =.476, adjusted <i>R</i> <sup>2</sup> =.472, Durbin-Watson=1.619						

Note: \*\*\*  $p<.001$ .

### 3.4. Effects of perceptions of professionalism on personal stress

Multiple regression analysis was performed to verify the effect of Perceptions of Professionalism on Personal Stress, and the results are shown in <Table 6>.

As a result of verifying the regression model, it was found that the regression equation was suitable as  $F=45.304$ ( $p<.001$ ), and the  $R^2$  of the model was .272, showing 27.2% of explanatory power. In addition, the Variance Inflation Factor(VIF) was all less than 10, indicating that there was no multicollinearity problem.

As a result of testing the significance of the regression coefficients, it was found that Using Reference Groups, Service Belief, and Autonomy had a significant negative(-) effect on Personal Stress. That is, it can be seen that the higher the Using Reference Groups, Service Belief, and Autonomy, the lower the Personal Stress.

Service Belief( $\beta=-.271$ ,  $p<.001$ ), Autonomy( $\beta=-.209$ ,  $p<.001$ ), Using Reference Groups( $\beta=-.089$ ,  $p<.05$ ) in the order of Personal Stress appeared to have an impact.

**Table 6.** Effects of perceptions of professionalism on personal stress.

Independent variable	<i>B</i>	<i>S.E</i>	$\beta$	<i>t</i>	<i>p</i>	<i>VIF</i>
(Constant)	4.144	0.202		20.516***	<.001	
Using reference groups	-0.078	0.039	-.089	-2.015*	.044	1.631
Service belief	-0.209	0.034	-.271	-6.069***	<.001	1.657
Self-regulation	-0.066	0.040	-.065	-1.661	.097	1.264
Vocational calling	-0.027	0.042	-.025	-0.626	.532	1.333
Autonomy	-0.235	0.053	-.209	-4.462***	<.001	1.832
<i>F</i> =45.304( $p<.001$ ), <i>R</i> <sup>2</sup> =.272, adjusted <i>R</i> <sup>2</sup> =.266, Durbin-Watson=1.807						

Note: \*  $p<.05$  \*\*\*  $p<.001$ .



### 3.5. Effect of perceptions of professionalism on customer and work stress

Multiple regression analysis was performed to verify the effect of Perceptions of Professionalism on Customer and Work stress, and the results are shown in <Table 7>.

As a result of verifying the regression model, it was found that the regression equation was suitable with  $F=91.024(p<.001)$ , and the  $R^2$  of the model was .429, which was 42.9% of explanatory power. In addition, the Variance Inflation Factor(VIF) was all less than 10, indicating that there is no multicollinearity problem. As a result of testing the significance of the regression coefficients, it was found that Using Reference Groups, Service Belief, Self-regulation, and Autonomy had a significant negative(-) effect on Customer and Work stress. In other words, the higher the Using Reference Groups, Service Belief, Self-regulation, and Autonomy, the lower the Customer and Work stress.

Using Reference Groups( $\beta=-.365$ ,  $p<.001$ ), Self-regulation( $\beta=-.202$ ,  $p<.001$ ), Autonomy( $\beta=-.160$ ,  $p<.001$ ), Service Belief( $\beta=-.144$ ,  $p<.001$ ) was found to have an effect on Customer and Work stress.

**Table 7.** Effect of perceptions of professionalism on customer and work stress.

Independent variable	<i>B</i>	<i>S.E</i>	$\beta$	<i>t</i>	<i>p</i>	<i>VIF</i>
(Constant)	6.448	0.248		26.021***	<.001	
Using reference groups	-0.444	0.048	-.365	-9.315***	<.001	1.631
Service belief	-0.154	0.042	-.144	-3.646***	<.001	1.657
Self-regulation	-0.284	0.049	-.202	-5.835***	<.001	1.264
Vocational calling	0.052	0.052	.035	1.001	.317	1.333
Autonomy	-0.249	0.065	-.160	-3.857***	<.001	1.832

$F=91.024(p<.001)$ ,  $R^2=.429$ , adjusted  $R^2=.425$ , Durbin-Watson=1.595

Note: \*\*\*  $p<.001$ .

### 3.6. Effect of perceptions of professionalism on environment stress

Multiple regression analysis was performed to verify the effect of Perceptions of Professionalism on Environment Stress, and the results are shown in <Table 8>.

As a result of verifying the regression model, it was found that the regression equation was suitable with  $F=76.795(p<.001)$ , and the  $R^2$  of the model was .388, which was 38.8% of explanatory power. In addition, the Variance Inflation Factor(VIF) was all less than 10, indicating that there is no multicollinearity problem. As a result of testing the significance of the regression coefficients, it was found that Using Reference Groups, Service Belief, and Autonomy had a significant negative(-) effect on Environment Stress. In other words, the higher the Using Reference Groups, Service Belief, and Autonomy, the lower the Environment Stress.

Service Belief( $\beta=-.294$ ,  $p<.001$ ), Using Reference Groups( $\beta=-.280$ ,  $p<.001$ ), Autonomy( $\beta=-.235$ ,  $p<.001$ ) in the order of Environment Stress It was found to have an effect, and the negative(-) effect on the Environment Stress of Self-regulation and Vocational Calling was not significant.

**Table 8.** Effect of perceptions of professionalism on environment stress.

Independent variable	<i>B</i>	<i>S.E</i>	$\beta$	<i>t</i>	<i>p</i>	<i>VIF</i>
(Constant)	6.133	0.335		18.284***	<.001	
Using reference groups	-0.444	0.064	-.280	-6.888***	<.001	1.631
Service belief	-0.410	0.057	-.294	-7.185***	<.001	1.657

Self-regulation	0.213	0.066	.115	3.230**	.001	1.264
Vocational calling	0.069	0.070	.036	0.981	.327	1.333
Autonomy	-0.477	0.088	-.235	-5.456***	<.001	1.832

$F=76.795(p<.001)$ ,  $R^2=.388$ , adjusted  $R^2=.383$ , Durbin-Watson=1.799

Note: \*\* $p<.01$  \*\*\* $p<.001$ .

Among the factors of Perceptions of Professionalism of hair-beauty shop workers, Using Reference Groups, Service Belief, Self-regulation, and Autonomy were found to have a significant influence on wealth. Specifically, Using Reference Groups showed a significant negative effect on Environment Stress, Service Belief showed a significant negative effect on Personal Stress, Customer and Work stress, and Environment Stress, and Service Belief showed a significant negative effect on Customer and Work stress. Self-regulation showed a significant negative effect on Customer and Work stress, and Autonomy showed a significant negative effect on Personal Stress and Customer and Work stress.

### 3.7. The moderating effect of social support on the relationship between perceptions of professionalism and job stress

In order to verify the moderating effect of Social Support on the effect of sub-factors of perceptions of professionalism on job stress, the bootstrap test proposed by Hayes was conducted, and the results are shown in <Table 9>.

As a result of the analysis, in the effects of Using Reference Groups, Service Belief, Self-regulation, and Autonomy on Job Stress, the effect sizes are -0.147, -0.274, -0.147, and -0.237, respectively, and since the confidence interval does not include 0, Social Support was found to be statistically significant.

In the effect of Vocational Calling on Job Stress, the moderating effect of Social Support was not statistically significant because the confidence interval included 0.

**Table 9.** The moderating effect of social support on the relationship between perceptions of professionalism and job stress.

Path	B	S.E	$p$	LLCI	ULCI
Using reference groups → job stress	-0.147**	0.051	.004	-0.247	-0.048
Service belief → job stress	-0.274***	0.039	<.001	-0.351	-0.197
Self-regulation → job stress	-0.147**	0.050	.003	-0.245	-0.049
Vocational calling → job stress	-0.038	0.053	.481	-0.142	0.067
Autonomy → job stress	-0.237***	0.057	<.001	-0.349	-0.126

Note: \*\* $p<.01$  \*\*\* $p<.001$ .

## 4. Discussion and Conclusion

In the effect of Perceptions of Professionalism on Job Stress, Using Reference Groups, Service Belief, Self-regulation, and Autonomy were found to have a significant negative effect on Job Stress. In particular, Using Reference Groups, Service Belief, and Autonomy had a significant influence on all sub-factors of Job Stress, and Using Reference Groups showed the greatest influence, indicating that it is the most important variable in Perceptions of Professionalism of hair-beauty shop workers. Confirmed. In an environment where new information or expert help can be easily obtained, stress is less.

Previous studies suggest improving the working environment, correct compensation, and implementation of educational programs to increase perceptions of professionalism. As a practical way to

help Perceptions of Professionalism, if you work in a sophisticated environment by improving the interior of the shop, the perception of customers will change and the response of the staff will also change. In addition, it will be able to help each individual's Perceptions of Professionalism by cultivating self-esteem through major courses at university, participating in competitions, attending hair-beauty shop workers' meetings, and supporting certification acquisition. In modern times, Hair-beauty shop workers with professional skills are more often running hair beauty shops than in the past, and as hair beauty technology is recognized as a profession, it is moving toward a more respected trend than in the past. Perceptions of Professionalism of Hair-beauty shop workers is helping.

When analyzed by sub-factors, Service Belief and Autonomy were found to have a significant effect on both sub-factors of Job Stress, and Autonomy was found to have a greater effect. In other words, it can be interpreted that people who do their work autonomously have less stress in doing their work. This can be seen as a result of emphasizing the sense of ownership, and suggests the need to find a way to do it voluntarily rather than by having it work.

Customer and Work Stress is mainly caused by customers' unrealized demands and uncooperative attitudes, and it reveals the emotional labor characteristics of hair-beauty shop workers[28]. In order to solve this problem, it is necessary to compromise with the customer or explain in detail in advance, and go through the steps of convincing the customer. Here too, if you have professional knowledge, you can respond more easily, so by cultivating a sense of professionalism and ownership, you can reduce stress from customers if you regularly acquire information and improve your skills.

Environment Stress is the stress caused by the inadequacy of the facility and non-work work, and it is a part that can be resolved through the manager. Some people are particularly sensitive to senses such as sight, hearing, and smell. Therefore, managers who run hair beauty shops should observe their employees on a regular basis, collect opinions so that they can maintain a pleasant environment, and create an atmosphere where free communication can take place.

Specifically, the negative influence of Using Reference Groups, Service Belief, Self-regulation, and Autonomy on Job Stress was larger in the group with high Social Support than the group with low social support. This is a result that supports Kim Eom-kwon's research[26]. In other words, it can be said that the group with high Social Support receives less job stress than the group with low social support. In order to make Hair-beauty shop workers less stressful in performing their jobs, enhancing their own professionalism is a significant means. They do not spare any support, and appropriate compensation for the job should follow.

A huge loss can be prevented only by preparing and implementing a specific support program that can build a social support system[30]. Therefore, in order to reduce the job stress of hair-beauty shop workers, improve job perceptions of professionalism, and provide social support, various educational programs for Hair-beauty shop workers and programs for improving Social Support should be developed[31].

The importance of Social Support for Hair-beauty shop workers is highlighted by suggesting that Social Support reduces job stress and can have a positive effect on the improvement of job professionalism on the professionalism of hair-beauty shop workers. At the same time, it suggests that development directions for programs and support systems that can strengthen Social Support should be presented. In future research, a more comprehensive analysis will be conducted by looking for more various factors that can reduce job stress, and analyzing various Social Support factors such as support at home or support from acquaintances as well as Social Support at work. hope it will be done.

Based on this study, the Perceptions of Professionalism of Hair-beauty shop workers is further raised, and social and personal awareness is improved, thereby suggesting a great development direction for the hair-beauty shop workers' beauty industry, and It is expected that it will become a future-oriented indicator for the beauty industry.

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## 5.2. Thesis degree

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## 6. Appendix

### 6.1. Authors contribution

	Initial name	Contribution
Lead Author	MS	-Set of concepts <input checked="" type="checkbox"/> -Design <input checked="" type="checkbox"/> -Getting results <input checked="" type="checkbox"/> -Analysis <input checked="" type="checkbox"/> -Make a significant contribution to collection <input checked="" type="checkbox"/> -Final approval of the paper <input checked="" type="checkbox"/> -Corresponding <input checked="" type="checkbox"/> -Play a decisive role in modification <input checked="" type="checkbox"/>
Corresponding Author*	EC	-Significant contributions to concepts, designs, practices, analysis and interpretation of data <input checked="" type="checkbox"/> -Participants in Drafting and Revising Papers <input checked="" type="checkbox"/> -Someone who can explain all aspects of the paper <input checked="" type="checkbox"/>

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