

International journal of  
**terrorism & national security**

**Vol. 10 No. 0**

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Publisher: J-INSTITUTE  
ISSN: 2423-8376

Website: [j-institute.org](http://j-institute.org)

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DOI Address:  
[dx.doi.org/10.22471/terrorism.2025.10.0.01](https://dx.doi.org/10.22471/terrorism.2025.10.0.01)



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## A Study on the Policy Response of Child Abduction Crimes

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### Abstract

**Purpose:** The purpose of this study is to analyze the causes of recent child kidnapping and kidnapping incidents in Korean society, and to suggest prevention and countermeasures.

**Method:** This study is a practical study that combines a criminal psychological perspective and legal and policy analysis, and can be used as a reference for establishing child protection policies at the national level in the future.

**Results:** As a result of the study, the main causes of kidnapping were social structural factors (double punishment, increase of single parents), criminal motives for sexual purposes, lack of legal punishment, and limitations of preventive education. Accordingly, this paper intends to propose policy alternatives such as strengthening the response system of police and prosecutors, making CCTV mandatory in child protection zones, expanding elementary school safety bells, practical education for parents, and establishing a digital grooming crime response system.

**Conclusion:** After the crime occurs, it is necessary to shift away from the center of punishment and to a policy focused on prevention. Practical education for children, improvement of parents' awareness, and establishment of community networks are suggested as the most effective strategies. In conclusion, the prevention of child abduction cannot be completed only by the response of the police and prosecution, and it is essential to establish a cooperative system between families, schools, local governments, governments, and international organizations. It should be borne in mind that 'abandoned crime is a crime in which society tests the weakest existence', and a sense of social responsibility for child safety should spread throughout the community. Through the conclusion that 'the motive of the kidnapper cannot be suppressed only by strengthening punishment, and real prevention is possible only when the victim's recovery and community trust are restored.' It is necessary to deepen future studies in the direction of verifying the efficiency of big data-based crime prediction models and artificial intelligence surveillance systems, and promoting a balance between legal punishment and prevention policies.

**Keywords:** *Child's Kidnapping, Child Abduction, Child Drug Addict, Child Sex Offense, Paedophile*

### 1. Intro

The purpose of this study is to analyze the causes of recent child abduction and kidnapping incidents in Korean society, and to suggest prevention and countermeasures. In the past five years, crimes of exploitation and inducement for minors have been steadily increasing, and the spread of digital media and the weakening of social care functions are working in combination. This paper comprehensively considered the motives, methods, institutional loopholes, and response systems of child abduction from the legal, social, and psychological perspectives.

As a result of the study, the main causes of kidnapping were social structural factors (double punishment, increase of single parents), criminal motives for sexual purposes, lack of legal punishment, and limitations of preventive education. Accordingly, this paper intends to propose

policy alternatives such as strengthening the response system of police and prosecutors, making CCTV mandatory in child protection zones, expanding elementary school safety bells, practical education for parents, and establishing a digital grooming crime response system.

## 2. Background and Purpose of the Study

In recent years, the number of child abduction cases has been steadily increasing in Korean society. According to data from the National Police Agency, from 2020 to 2024, there were 208 to 302 cases of kidnapping and inducement crimes for minors, (2024)[1]. Statistics on child abduction and inducement crimes in 2020-2024. National Police Agency.

It steadily increased, and from January to August 2025, 319 cases of kidnapping and attempted kidnapping were reported by the National Police Agency, (2025)[2]. Submission data from the office of Wi Sung-gon of the Democratic Party of Korea, a member of the National Assembly's Public Administration and Security Committee.

**Table 1.** Statistics on child kidnapping crimes in the past six years are as follows.

Year	Number of cases of underage exploitation and inducement
2019	About 250 cases
2020	About 210 cases
2021	About 240 cases
2022	About 276 cases
2023	About 342 cases
2024	About 316 cases

Note: Approximately 173 cases counted by August 2025 (maintained an increase)[3].

It was tallied as 1.3. The average number of cases per day is about 1.3. Attempts to kidnap minors, which had been dormant for a while, such as the recent attempted kidnapping of an elementary school in Seodaemun-gu, and successive attempts to kidnap minors including elementary school students in Gwangmyeong, Gyeonggi Province, and Seogwipo, Jeju, are suddenly raising their heads.

In 2007, Jung Sung-hyun, who killed two elementary school students in Anyang for fear of being found out when they tried to rape them and resisted, was the culprit, and in 2010, Kim Soo-chul, a habitual sex offender, broke into an elementary school after drinking alcohol, found an 8-year-old child, threatened him with a weapon, and sexually assaulted him, which led to a restriction on outsiders' access during the day. Since then, the "school sheriff system" has been introduced since March 2011.

In 2008, Cho Doo-soon paced in front of a nearby church after drinking in the morning, called a nine-year-old victim when he passed by and dragged him to a church mall to commit bizarre atrocities, and various measures were taken to promote sexual crimes and child-related laws and regulations. Such exploitation and inducement of children shows that it is not just a deviation, but a social risk factor.

Child abduction is a serious crime that violates the basic right to life and safety of humans, and has a great social impact. Recent kidnapping incidents at home and abroad have shown complex motives such as sexual exploitation, retaliation, and long-term trading beyond the simple monetary purpose of the past. The development of digital technology has changed the pattern of crime, creating new types of risks such as grooming through SNS and messenger and attraction using deepfake technology.

The purpose of this study is as follows. First, the causes of the increase in child abduction cases in Korean society are analyzed in terms of social structure, legal, and psychological aspects. Second, it diagnoses the limitations of the Korean system from a comparative legal perspective through cases of major foreign countries. Third, it is intended to contribute to enhancing the effectiveness of the child abduction prevention policy by suggesting policy and technical countermeasures to compensate for the problems of the current response system.

This study is a practical study that combines a criminal psychological perspective and legal and policy analysis, and can be used as a reference for establishing child protection policies at the national level in the future.

### **3. The Need for Research**

Child kidnapping is not a simple personal crime, but an indicator that symbolizes the collapse of the safety net in society as a whole. Although Korea is experiencing a low birth rate and rapid aging worldwide, child kidnapping crimes do not decrease but rather tend to increase. This means that child protection policies at the national level are focused on punishment after the incident rather than practical prevention.

In particular, the number of crimes of exploitation and inducement for minors has steadily increased over the past five years (2020-2024), leading not only to the spread of social anxiety but also to a decrease in trust in parents and local communities. In addition, due to the spread of the digital environment, the structural risk of children easily connecting with strangers online has increased. Existing studies have not been able to comprehensively deal with social structural, institutional, and technical factors, as they are limited to the analysis of the causes of individual events.

Therefore, this study aims to first analyze the causes of child abduction from a multi-layered perspective, secondly suggest a prevention-oriented policy direction, and thirdly, to propose a new response model that combines advanced technology and social care systems. This is meaningful in preparing a basis for institutionalizing child safety and strengthening social responsibility beyond simply interpreting crime statistics.

### **4. The Concept and Legal Provisions of Child Abduction**

#### **4.1. Concept definition**

Child Abduction refers to the act of illegally placing or moving a child under the protection and supervision of another person under his or her control. This includes not only physical movement, but also cases that distort the child's autonomous judgment through psychological and digital manipulation.

Internationally, it is commonly used as 'Child Kidnapping' or 'Child Abduction', and depending on the motive and method of the crime, it is classified into money extortion, sex crime, retaliation and intimidation, long-term trading, and parental rights dispute. Recently, the concept of 'Digital Abduction' using deepfake voice, virtual identity, and SNS access has also emerged.

Second, damage over the scale prescribed by Presidential Decree, paralysis of the national core, the spread of infectious diseases or livestock infectious diseases under the Infectious Disease Prevention and Management Act, and "special damage to fine dust reduction and management" are defined.

## 4.2. Korean legal regulations

Articles 287 to 291 of the Korean Criminal Code stipulate crimes related to child abduction, exploitation, and inducement.

**Table 2.** Articles 287 to 291 of the criminal code.

The Provisions of the Constitution	Content	A Sentence of Punishment
Article 287	the exploitation and inducement of minors	imprisonment for more than five years
Article 288	exploitation and inducement for the purpose of harassment	imprisonment for more than seven years
Article 289	human trafficking	life imprisonment or imprisonment for more than seven years
Article 290	Aggravated in the event of injury or injury	imprisonment for more than ten years or life imprisonment
Article 291	aggravated in the event of murder or death	the death penalty or life imprisonment

In addition, the National Legal Information Center, the Act on Aggravated Punishment of Specific Crimes[4], the Act on Aggravated Punishment of Specific Crimes, the Child Welfare Act[5], and the Act on the Protection and Support of Missing Children will be applied complementary[6].

## 4.3. The legal regulations of major foreign countries

When examining laws and regulations in the United States, the United Kingdom, Japan, Germany, France, and Canada regarding child kidnapping and kidnapping-related crimes, they are generally treated as serious crimes and are punished more strongly than in Korea even if they are attempted kidnapping. Kidnapping is considered an international crime, and Article 11 of the UN Convention on the Rights of the Child (UNCRC) prevents illegal overseas transfer and non-return of children Hague Convention on the Extortion of Children: Ensuring the prompt return of children in the event of an international parental rights dispute[7][8], Regulations of Rome (ICC Regulations) Human trafficking and forced disappearance are defined as crimes against humanity[9].

**Figure 1.** German Criminal Code §235 provisions for exploitation of minors.

§ 235 StGB (Entziehung Minderjähriger)  
Mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe wird bestraft, wer  
1. eine Person unter achtzehn Jahren mit Gewalt, durch Drohung mit einem empfindlichen Übel oder durch List oder  
2. ein Kind, ohne dessen Angehöriger zu sein,  
dem Eltern, einem Elternteil, dem Vormund oder dem Pfleger entzieht oder vorenthält.  
Ebenso wird bestraft, wer ein Kind den Eltern, einem Elternteil, dem Vormund oder dem Pfleger  
1. entzieht, um es in das Ausland zu verbringen, oder  
2. im Ausland vorenthält, nachdem es dorthin verbracht worden ist oder es sich dorthin begeben hat.  
In den Fällen des Absatzes 1 Nr. 2 und des Absatzes 2 Nr. 1 ist der Versuch strafbar.  
Auf Freiheitsstrafe von einem Jahr bis zu zehn Jahren ist zu erkennen, wenn der Täter  
1. das Opfer durch die Tat in die Gefahr des Todes oder einer schweren Gesundheitsschädigung oder einer erheblichen  
Schädigung der körperlichen oder seelischen Entwicklung bringt oder

## 5. Analysis of the Causes of Child Abduction

### 5.1. social structural factors

In Korean society, the number of dual-income families increased rapidly as women's advancement into society expanded along with rapid economic growth. However, the corresponding public care system is insufficient, and the number of cases in which children in the lower grades of elementary school are exposed to crime during the time they return home alone after school or go to and from an academy is increasing. According to data from the National Statistical Office, the number of single-parent families and grandparents-children families is continuously increasing, and it is difficult to sufficiently protect and supervise children due to the lack of economic and time. It can be perceived as a vulnerable object to criminals. In addition, in the past, an informal surveillance system called 'neighborhood adults' operated in Korean society, but the bond between neighbors has weakened due to urbanization and the spread of individualism. As a result, there is an increasing tendency not to actively intervene even if a stranger sees a situation approaching a child. Habitual offenders instinctively recognize the target of the crime even if they have several children in the playground. Children with low self-esteem, children who do not get along well with friends, and children who seem to lack affection are targeted.

## 5.2. A criminal psychological

Children are easier to target than adults. It is easy to access and completely overpower and control. It is easy to deceive and believe an adult or lie. In other words, it is a crime in which the dynamic relationship between the criminal and the absolute A and the child is formed. This is why it is a crime that requires the attention, attention, and countermeasures of adults. The most commonly used methods are "tell me the way" and "take me home." The attempted kidnappers of Seodaemun also used this method. The so-called ingratiation method is also often used. They approach the child, say, "It's pretty," to relieve their guard, ask him "I'll buy you something delicious," or "I'll buy you something nice." They also make irresistible suggestions, such as "I'll buy you something nice." There are also methods related to pets. The criminals sometimes ask for their sympathy, such as, "We have a pretty dog or cat at home, so let's go and have a look at it together," and "Please take care of my dog for a while because he is very sick."

A few years ago, two men who had parked a bongo car at an apartment near an elementary school in Eunpyeong-gu, Seoul approached an elementary school student and tried to get him in, saying, "There is a dog in the car. Let's see." There is also a 'help request method', which is mainly used by elderly kidnappers or paedophiles. They lure children as if they urgently appeal that their pets or family members are sick. In the case of children who have difficulty having doubts about the other person, they can be completely beaten. In fact, it is a method often used not only in Korea but also abroad. You should also be careful of impersonating a parent, friend, or teacher. At this time, the kidnapper approaches the victim by saying, "My parents are waiting for me," "My friends are my mom or dad's friend, but I came instead because they told me to bring you back quickly," and "My friends are waiting for me." After finding out the teacher's name through other children, they ask the passing child about the grade and class, and they may say, "I came instead because the teacher told me to bring you back quickly," or "The teacher is sick and needs help, so please go with me." Some high school girls were deceived by a man who asked for help by a teacher's name, and were killed after being sexually assaulted.

In the past, kidnapping for monetary purposes was mainly targeted at children of wealthy families, but in recent years, it is changing into various forms such as long-term trading, connection with human trafficking organizations, and insurance fraud. In addition, cases of kidnapping the other's child and using it as a means of intimidation due to parental rights disputes, monetary debt relations, and personal resentment after divorce are increasing. Many of the recent child kidnapping aims at sexual exploitation. In 2009, past statistical data showed that 19.8% of child disappearance and kidnapping crimes had sexual objectives[10]. In the last five

years, kidnapping for sexual crimes was reported to be the most common motive for child abduction, exploitation, and inducement[11]. However, since the police and prosecution have not accurately compiled statistics on the motive of the recent crime, it is expected that if the investigation into the motive of the crime is aggregated and analyzed in subsequent studies, the motive of the crime can be identified more accurately and countermeasures can be prepared. In particular, with the recent combination of child pornography distribution and online grooming, criminals sometimes use a method of inducing actual encounters after forming relationships with children in the digital space.

### **5.3. Changes and institutional factors in the digital environment**

For girls, they pretend to be street-casting or seduce them with fashionable goods by impersonating a famous celebrity manager, while for boys, they are often seduced with the latest toys, game consoles, and competitive games. Children easily connect with strangers through online games, SNS, and messengers, and criminals abuse this to form trust relationships and then induce meetings. This 'online grooming' is a dangerous method that obscures the child's judgment and voluntarily follows the offender. Recently, cases of luring children to specific places by imitating the voices of parents or teachers using deepfake voice technology have been reported. This shows that technological advances are leading to the advancement of criminal methods. In particular, the weakening of punishment for attempted criminals can be seen as a wrong signal that weakens social safety standards, and under the current law, attempts to kidnap are sentenced to significantly lower sentences than those of base offenders, so the effect of crime prevention is insufficient. Since the current criminal law is stipulated around physical exploitation and inducement, there is a limit that it is difficult to clearly punish inducement using online grooming or digital means. It is necessary to reorganize the standards for punishment for base offenders and attempted offenders by referring to overseas cases. Although there are not many cases, it is difficult to respond quickly in the event of an international child abduction due to insufficient legal procedures and information sharing systems between countries.

### **5.4. Problems with the current response system**

Although the rapid response within the golden time (first 24 hours) after receiving the child disappearance report determines life, there are cases in which the response is delayed due to the lack of initial investigation capabilities and resources of the on-site police. Crimes targeting children require a psychological approach and professional investigation techniques, but there is a lack of dedicated investigation teams and professional training personnel. Most of the safety education conducted in schools is conducted in a lecture-style and one-time manner, making it difficult for children to develop practical competencies that can be applied in real dangerous situations. Children's safety education should be continuously conducted not only at school but also at home, but there are almost no systematic education programs for parents. CCTV installation in child protection areas is mandatory, but blind spots still exist due to lack of budget and negligence of management, and it is difficult to identify criminals due to low recording quality. Since there is no national real-time alarm system such as Amber Alert in the United States, it is difficult to quickly spread information and induce public cooperation in the event of kidnapping.

## **6. Comparative Analysis of Overseas Cases**

### **6.1. USA : Amber alert system**

The United States introduced the Amber Alert system in the wake of the kidnapping and murder of Amber Hagerman in 1996[12]. This is a system that spreads information in real-time through TV, radio, electronic display, and smartphones in the event of child abduction, showing a high success rate. The Amber Alert system is evaluated as an effective system for responding

to child kidnapping crimes because it is possible to quickly share information among law enforcement agencies by establishing a national network. According to related studies, the average recovery time was greatly shortened after the issuance of the Amber Alert, and the arrest rate through citizen reports increased[13].

## 6.2. Other overseas cases

The United Kingdom strictly prohibits the act of taking children under the age of 16 without parental consent through the Child Abuse Act 1984[14]. In addition, schools, communities, and police work together to run the Safer Schools Partnership program and systematically provide child safety education. In accordance with Articles 224 and 225 of the Criminal Act, Japan punishes minors who are deprived and attracted, and operates a community-oriented "Children's House 110" system[15]. This is based on the voluntary participation of local residents, as a safety base for children in dangerous situations to ask for help. Germany is a criminal law (Strafgesetzbuch) §235 Child kidnapping is punished with imprisonment for up to 10 years, and strict punishment is stipulated, especially for attempted offenders France punishes kidnapping and imprisonment with up to 30 years in prison in Articles 224-1 to 224-5 of the Code Pénal[16], and issues real-time alerts through the 'Alerte Environment' system[17]. Canada punishes kidnapping and trafficking under Criminal Code s.279-283 Canada[18], It is actively participating in the Hague Convention to establish a rapid response system to international child abduction cases [8].

# 7. Policy Countermeasures

## 7.1. Practical education for children

According to the U.S. Organization for the Prevention of Child Abduction, kidnapping takes only 35 seconds. If you express your feelings and arouse sympathy or curiosity and even provoke the "good kid syndrome," you become defenseless. In other words, even the defense mechanisms that are significantly lower than those of adults disappear. The curiosity-inducing type of "I lost my pet, can you find me with you?" and the motivational type of approach make it work for children anytime, anywhere. This type of behavior makes children flattered when they were not recognized as independent personalities after being told to "don't do it" by their parents. One kidnapper reportedly kidnapped a child three times by asking, "There is a hamster in the trunk underneath the car and I can't take it out because I hurt my back, so can you take a look at it?" and pushing it into the car.

Children nowadays receive abductions prevention education from daycare centers. They memorize "No, no, help!" and are armed with location trackers and self-defense devices. In actual kidnapping cases, however, only 25 percent of the cases were forcibly taken away, and 75 percent of the cases were taken into consideration by the child and made them follow suit. Adults are of course convinced not to follow strangers, but children have different concepts of strangers. Several years ago, a television company produced a special kidnapping episode and asked infants and elementary school students, "What kind of person is a stranger?" Children depicted typical villains in cartoons and movies. They pointed out men with cuts on their faces, loud or dirty clothes, and scary facial expressions. People who smile or look nice and pitiful, people who dressed brightly and cleanly, and young and pretty women were not considered "strangers."

In the end, our older generation viewed only from the standpoint of adults when discussing measures to induce and take children. Now, we have to turn it upside down and look at the crime from the victim's perspective, that is, from the child's perspective. It is necessary to break away from lecture-style education and develop the ability of children to cope with real dangerous situations through role plays, simulations, and experiential programs.

## **7.2. An educational program for parents**

Programs that educate parents on the importance of child safety education, the dangers of digital environments, and how to communicate at home should be conducted on a regular basis. Inviting parents to schools once or twice a year to provide intensive preventive education and parents to provide preventive education to their children again based on what they have learned can be very effective preventive measures. Educate adults to respond by saying, "Adults do not ask children for help," "There is no free gift or favor without reason," "Adults find adults in an emergency situation," "I'll find someone else to help me," "Call 112 or 119," and "Go to a police station."

In particular, overseas, AI DeepFake technology has also been used to attract children to specific places by imitating parents' voices and videos. In this case, setting an emergency password that only the family knows can be a countermeasure. In particular, in the case of inducing meetings through online grooming, the formula of 'online acquaintances who have never met are actually strangers' should be informed. And never disclose your child identity and school pattern on your parents' social media. And always carefully monitor your child's online activities.

## **7.3. Strengthen the capacity of teachers and communities and conduct repetitive education**

Teachers and community members should be educated on the recognition of signs of child abduction, reporting methods, and initial response methods to increase the surveillance capacity of the whole society. Kidnapping or kidnapping can happen in an instant, so it's easy for anyone to be caught off guard. If you say 'oh', it's too late. If a child becomes a victim of a crime, the child must live with wounds for the rest of his or her life even after he or she becomes an adult. For this reason, crime prevention methods cannot be overemphasized. There are five ways to prevent 90% of child abduction crimes that can occur on the road. First, don't go alone when going to and from school, but move with your friends. Second, anyone who approaches on the road will be wary and avoid it as soon as possible. Third, don't answer back if you get in a vehicle or stop and talk to them, and stay as far as you can. Fourth, don't follow someone you know, and call your parents right away. Fifth, if someone approaches you and gives you a drink, food, or gift, you will never receive it and avoid it. If this happens, you should let your parents know right away, and they should report it to the police. Crime prevention against children should be done steadily on a regular basis. It is important to constantly remind them to have an instinctive vigilance because it doesn't work if they do it once in a while or only when an incident occurs. Only then can the educational effect be exerted in real situations.

## **7.4. Building technical infrastructure and improving systems**

As a way to eliminate blind spots in child protection areas, CCTV installation in child protection areas is mandatory, and intensive monitoring and real-time monitoring of children are required through strengthening CCTV monitoring. A real-time monitoring system should be established by introducing an AI-based abnormal behavior detection system. In particular, it is necessary to benchmark the US Amber Alert to establish a Korean real-time alert system (K-Alert), and to quickly spread information through multiple channels. In connection with this, it is necessary to expand and install safe bells that children can press in case of an emergency around elementary schools and playgrounds, and to prepare a system for immediate response in connection with the police. In addition, legal discussions are needed to realize both general and special preventive effects on kidnapping crimes, and new provisions should be established to explicitly prohibit and punish online grooming, inducement through SNS, and abuse of deepfake technology. The investigation team dedicated to crime for children should be expanded, and experts in psychology, criminology, and digital forensics should be deployed to increase expertise. Upon receipt of a report of child disappearance, an investigation should be promptly initiated according to a standardized initial response manual, and an information sharing system

should be established between related agencies. Particularly important is the establishment of a community network. Shops, community centers, pharmacies, etc. in the region should be designated as safety bases, such as Japan's "Children's House 110", and children should be able to request help in case of danger. In connection with CPTED, which has already been introduced in Korea, a crime prevention design focused on child protection should be established, and a network system should be established in which parents, education workers, and volunteers collaborate and participate in intensive patrols during school hours, and monitor and share dangerous situations.

As a way to resolve blind spots in child protection areas, CCTV installation in child protection areas should be mandatory, and a real-time monitoring system should be established by introducing an AI-based abnormal behavior detection system. In particular, it is necessary to benchmark the US Amber Alert to establish a Korean real-time alert system (K-Alert), and to quickly spread information through multiple channels. In connection with this, it is necessary to expand and install safety bells that children can press in case of an emergency around elementary schools and playgrounds, and to prepare a system that can respond immediately in connection with the police. In addition, legal discussions are needed to realize both general and special preventive effects on kidnapping crimes at the same time, and new provisions should be established to explicitly prohibit and punish online grooming, inducement through SNS, and abuse of deepfake technology. The investigation team dedicated to crime against children should be expanded, and experts in psychology, criminology, and digital forensics should be deployed to increase their expertise. As soon as a child is reported missing, an investigation should be initiated quickly according to a standardized initial response manual, and an information sharing system should be established between related agencies. Particularly important is the establishment of a community network. Shops, community centers, and pharmacies in the region should be designated as safety bases, such as Japan's "Children's House No. 110," and children should be allowed to ask for help in dangerous situations. In connection with CPTED, which has already been introduced in Korea, it is necessary to establish a crime prevention design focused on child protection, and to establish a network system in which parents, education workers, and volunteers collaborate and participate in intensive patrols during school hours and monitor and share dangerous situations.

## 8. Conclusions and Suggestions

This study analyzed the causes and countermeasures of child abduction in multiple layers, and drew the following conclusions. For child kidnapping crimes, an increase in double-income families, an increase in single-parent families, and a weakening of local community functions make children vulnerable to crime. This is not simply an individual's responsibility, but it is essential to establish a care system for the whole society. Security in Korea itself has improved, but the time for children to stay safe has sharply decreased. When Korean children come and go to the shuttles of academies only with smartphones or study late at night outside to solve dinner, they are neglected and placed in the blind spot of safety. The culture of advanced countries abroad, which has a strong perception that the safety of minors is parental responsibility, should be established in our society. In particular, various criminal motives such as sexual purpose, financial motivation, and retaliation work in a complex manner, and criminal methods are being advanced due to the development of the digital environment. Therefore, it is essential to establish a monitoring system for digital space as well as traditional physical monitoring. The current law has weak punishment for attempted criminals and does not cover digital inducement.

Like overseas, attempts to kidnap should be punished in accordance with the standard criminal, and online inducement should be explicitly prohibited. The United States and Europe regard child abduction as a serious crime equivalent to murder and have national response systems through real-time alarm systems (Amber Alert, etc.). Korea should also strengthen its practical response power through the establishment of a 'K-Alert' system and international cooperation. In addition, it is necessary to shift from punishment-oriented to a policy focused on prevention after a crime occurs. Practical education for children, improvement of parents' awareness, and establishment of community networks are suggested as the most effective strategies. In conclusion, the prevention of child abduction cannot be completed only by the response of the police and prosecution, and it is essential to establish a cooperative system between families, schools, local governments, and international organizations. It should be borne in mind that 'abandoned crime is a crime that tests the weakest existence of society', and a sense of social responsibility for child safety must spread throughout the community. Through the conclusion that "the motive of the kidnapper cannot be suppressed only by strengthening punishment, and real prevention is possible only when the victim's recovery and community trust are restored." Future research needs to be strengthened to verify the efficiency of big data-based crime prediction models and artificial intelligence surveillance systems and to balance legal punishment and prevention policies.

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## 10. Appendix

### 10.1. Author's contribution

	Initial name	Contribution
Author	GY	<ul style="list-style-type: none"><li>-Set of concepts <input checked="" type="checkbox"/></li><li>-Design <input 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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Publisher: J-INSTITUTE  
ISSN: 2423-8376

Website: [j-institute.org](http://j-institute.org)

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DOI Address:  
[dx.doi.org/10.22471/terrorism.2025.10.0.12](https://dx.doi.org/10.22471/terrorism.2025.10.0.12)



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## Countermeasures with Criminal Law against Terrorism

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### Abstract

**Purpose:** The purpose of this study is to assess the effectiveness of South Korea's current criminal law system and special laws in response to the rapidly changing domestic and international terrorist threat landscape, and to propose legislative and institutional improvements to address its shortcomings. Through an analysis of the current legal system, this study determines whether South Korea's current criminal law and related special laws adequately reflect the unique nature of terrorist crimes. We also compare and analyze the legislative precedents for counter-terrorism by examining and comparing cases from major countries overseas, drawing implications. Furthermore, we propose specific criminal legal response measures, including strengthening the legal basis for intelligence activities, expanding punishment for the preliminary and conspiracy stages, and strengthening international cooperation systems.

**Method:** To achieve its objectives, this study utilizes the following research methods. First, a comprehensive literature review will be conducted, including domestic and international terrorism-related laws, academic papers, government publications, and reports from the United Nations (UN) and international organizations. Second, counter-terrorism laws in major countries, including the United States and the United Kingdom, will be analyzed to compare each country's unique response strategies and legal control mechanisms. Third, we analyze actual domestic and inter-national terrorist incidents and related court cases to empirically identify the limitations of current legal applications. Fourth, we conduct a normative analysis of potential violations of fundamental rights in response to terrorism, based on the fundamental principles of the Constitution and criminal law (the principle of warrants and due process).

**Results:** The current criminal law system in South Korea has some limitations in regulating the transnational nature, organized nature, and prior covert nature of terrorist crimes. In particular, punishment provisions for the preparatory and conspiracy stages are inadequate. While the Anti-Terrorism Act provides authority for intelligence activities, the legal procedures and scope for compulsory measures are ambiguous, hindering the effectiveness of enforcement and raising concerns about human rights violations. Therefore, it is necessary to benchmark overseas cases to suit the domestic situation. For improvement, strengthen the preventive function by specifying and enacting provisions for punishment of preparatory acts of terrorism, clarify the judicial control (court approval) procedures for intelligence agencies' information collection activities to ensure legitimacy and transparency, and establish domestic laws to facilitate information sharing and cooperation with international organizations such as Interpol and the United Nations.

**Conclusion:** This study confirmed that an effective criminal legal response to terrorist crimes lies in achieving a balance between "ensuring public safety" and "guaranteeing fundamental rights." Based on the findings, the following conclusions are offered. First, urgent legislative efforts are needed to specifically supplement criminal punishment provisions for terrorist preparation and conspiracy to ensure a preventive response. Second, judicial and democratic control mechanisms (such as the warrant system, National Assembly control, and the human rights protection officer system) commensurate with the expanded authority to gather information must be strengthened to ensure procedural legitimacy. Third, in addition to strengthening the domestic response system, we must continue to strengthen information sharing and law enforcement cooperation with the United Nations

(UN) and key allies. Ultimately, criminal legal responses to terrorist crimes must be based on law and principles. This paper proposes a balanced criminal legal response that builds a society safe from terrorist threats while simultaneously maintaining democratic fundamental order.

**Keywords:** Terror Crime, Terrorism, Victim of Terror Crime, Support of Victims, Counter-Terrorism for the Public Security

## 1. Introduction

The Anti-Terrorism Act for the Protection of the People and Public Safety, enacted in 2016, aims to protect the lives and property of citizens and ensure national and public safety by stipulating matters necessary for the prevention and response to terrorism. South Korea's criminal legal response to terrorist crimes is a special criminal law approach centered on the "Anti-Terrorism Act for the Protection of the People and Public Safety" and a parallel application of existing criminal law. Terrorism crimes are punished severely, either by imposing heavier penalties than those imposed under general criminal law or by establishing separate elements reflecting the unique nature of the terrorist act. If the terrorist act itself is already defined as a crime under existing criminal law or other individual laws, such as murder or the use of explosives, those laws apply, but penalties may be increased if the intent is terrorism. In March 2025, the Korean Criminal Code established the crime of public intimidation. Compared to terrorism, public intimidation punishes acts that publicly threaten the public with the intent to inflict harm on the lives or bodies of an unspecified number of people. While public intimidation shares many similarities with terrorism, it is legally classified as a separate crime. Rather than being a sub-category of terrorism, it focuses on punishing acts that threaten public safety within the scope of general criminal law. Ultimately, the Anti-Terrorism Act and the Korean Criminal Code explicitly define terrorist crimes and address terrorist acts. This study will examine the enactment and fundamental principles of the Anti-Terrorism Act, the punishment of terrorism-related acts, terrorism investigations and intelligence activities, and the protection and support measures for victims and their families.

**Figure 1.** Terrorist incident trends by year (by national intelligence service).



## 2. Comparative Study of the Anti-Terrorism Act

### 2.1. Purpose and significance of the anti-terrorism act

The Anti-Terrorism Act for the Protection of the People and Public Safety of the Republic of Korea (hereinafter referred to as the Anti-Terrorism Act) aims to protect the lives and safety of

the people by preventing terrorist acts in advance and establishing a response system. This Act was enacted in response to the international community's call for cooperation in countering terrorism following the September 11, 2001, terrorist attacks and the growing threat of terrorism both domestically and internationally. Article 1 of the Anti-Terrorism Act clearly states its purpose as follows[1].

The Act aims to minimize and protect human and property damage caused by terrorist acts, and to maintain national functions and public order and ensure security from terrorist threats. This Act provides a legal foundation for the activities of relevant organizations by stipulating the necessary provisions for preventing and responding to terrorism, as well as compensating for damages caused by terrorism. The key significance of the Anti-Terrorism Act is as follows. It is particularly significant in that it integrates counter-terrorism operations, previously dispersed across various agencies, under the National Counter-Terrorism Committee and its subordinate Counter-Terrorism Center, thereby establishing a more efficient and consistent response system. It also serves as a legal foundation for meeting international demands for counter-terrorism cooperation, including UN Security Council Resolution 1373, and for fulfilling international obligations such as blocking terrorist financing. By defining and punishing membership in and incitement to terrorist groups and terrorist financing as independent crimes, the law enhances its effectiveness in preventing terrorist acts, both in the initial stages and in the final stages. Concerns were raised during the enactment process regarding the concentration of power within national intelligence agencies and human rights violations. However, the law also introduced a system of human rights protection officers to address terrorism, seeking to strike a balance between ensuring security and preventing violations of fundamental rights [2][3].

**Table 1.** Anti-terrorism act (by GTI 2023).

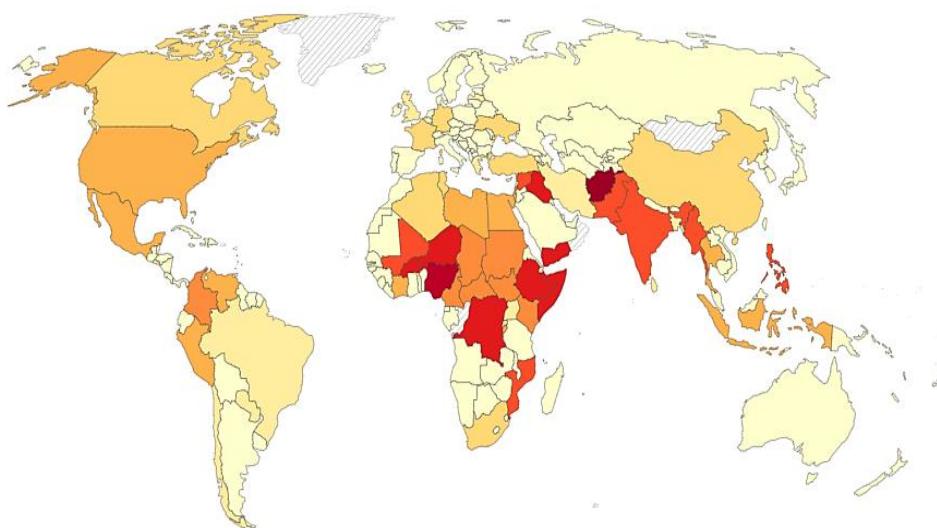
Nation	Anti-terrorism act
USA	USA Patriot Act of 2001 USA Freedom Act of 2015 Foreign Intelligence Surveillance Act of 1978
England	Terrorism Act of 2020 Anti-Terrorism, Crime and Security Act of 2001 Prevention of Terrorism Act of 2005
Germany	German Criminal Law Federal Criminal Police Act
South Korea	Anti-Terrorism Act for the Protection of the People and Public Safety

## 2.2. Basic principles of enforcement of the anti-terrorism act

The Anti-Terrorism Act for the Protection of the People and Public Safety grants strong authority to conduct counter-terrorism activities, while also enshrining strict fundamental principles to ensure that citizens' fundamental rights are not violated during its enforcement. These are key provisions aimed at alleviating concerns about human rights violations raised at the time of its enactment. The basic principles for the enforcement of the Anti-Terrorism Act are as follows. First, the most important principle of law enforcement is to respect the fundamental rights of citizens to the utmost extent and uphold the principle of proportionality. This means respecting citizens' fundamental rights to the utmost extent. All anti-terrorism activities must not unduly infringe upon the freedoms and rights of citizens guaranteed by the Constitution and laws. Furthermore, terrorism prevention and response activities must be limited to the minimum necessary to achieve their objectives. In other words, legally mandated means may be used only

when the risk of terrorism is clear and other means are unlikely to achieve the objective. Excessive exercise of public power is prohibited. Second, all counter-terrorism activities must be conducted transparently, in accordance with the procedures and methods established by law. State agencies and public officials, the primary agents of counter-terrorism activities, must exercise their authority solely in accordance with the law. To this end, any coercive measures, such as collecting a specific individual's communication or financial information or restricting access to a specific area, must, in principle, be conducted with a court warrant or through prior regulatory procedures established by law. This prevents indiscriminate collection of information for administrative convenience. Third, strict political neutrality is required to prevent counterterrorism activities from being exploited for the interests of the regime or specific political factions. Even those suspected of being terrorist threats must not be discriminated against without justifiable grounds based on gender, religion, race, nationality, political views, or other factors. Fourth, it stipulates that individuals are entitled to fair compensation for property damage or casualties resulting from legitimate counter-terrorism activities. The Counter-Terrorism Human Rights Protection Officer, located within the Counter-Terrorism Center under the Prime Minister, is empowered to monitor human rights violations across all counter-terrorism activities and make corrective recommendations, thereby enhancing the effectiveness of human rights protection. These principles serve as legal safeguards to ensure that individuals' fundamental rights are not violated while achieving the critical goal of national security[4].

**Figure 2.** Terrorism deaths, 2021 (Confirmed deaths, including all victims and attackers who died).



### 2.3. Counter-terrorism agency

Under South Korea's Anti-Terrorism Act, the National Counter-Terrorism Committee and its working-level counter-terrorism center are the dedicated organizations responsible for overseeing and coordinating national counter-terrorism activities. These two organizations work closely together to ensure national security and public safety, and carry out counter-terrorism operations. The National Counter-Terrorism Committee (NCTC) is the highest policy-making and coordination body for counter-terrorism. Chaired by the Prime Minister, the Committee comprises the heads of relevant ministries (including the Minister of Justice, the Minister of Foreign Affairs, the Minister of National Defense, and the Minister of the Interior and Safety) and other agencies designated by Presidential Decree. Its primary functions include establishing basic policies and strategies for national counter-terrorism activities, reviewing and approving the National Coun-

ter-Terrorism Basic Plan, coordinating and supervising counter-terrorism activities among relevant agencies, and discussing and deciding on countermeasures in the event of a significant terrorist incident. The Counter-Terrorism Center (CTC) is a dedicated working-level agency responsible for implementing the decisions of the National Counter-Terrorism Committee and overseeing and coordinating counter-terrorism activities. It is established under the Prime Minister's Office. Its main functions include establishing and executing the National Counter-Terrorism Basic Plan; compiling, analyzing, and disseminating terrorism-related information and situations; coordinating and strengthening cooperation among relevant agencies to prevent and respond to terrorism; issuing terrorism alerts and managing situations; and operating a counter-terrorism human rights protection officer system to monitor human rights violations. Through these two organizations, South Korea has the legal and organizational foundation to respond quickly and systematically to terrorist threats [5][6].

## **2.4. Status of terrorism responses in each country**

### **2.4.1. U.S. response to terrorism**

Following the September 11 attacks, the United States completely overhauled its counter-terrorism system, adopting a "whole-of-government approach" focused on prevention and organic cooperation between domestic and foreign intelligence and law enforcement agencies. Key response methods include: The United States significantly expanded its legal authority to combat terrorism through the USA PATRIOT Act. It streamlined the warrant issuance process for law enforcement agencies investigating terrorism and strengthened their authority to conduct wiretaps and electronic surveillance. It also removed legal barriers to information sharing between law enforcement, intelligence, and defense agencies, facilitating cooperation. We have strengthened regulations to freeze the financial assets of terrorist organizations and individuals associated with them and to prevent money laundering. Multiple agencies, including the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), the Central Intelligence Agency (CIA), and the State Department, perform their respective roles and work closely together. The U.S. counterterrorism strategy consists of four pillars: prevention, protection, pursuit, and response. Prevention focuses on disrupting terrorist attacks and eliminating the root causes of extremist ideology. Protection focuses on strengthening security at key infrastructure, such as airports and ports, and reducing vulnerabilities to terrorism. Pursue and Response (PUR) utilizes all available means, including intelligence and military power, to detect and destroy terrorist organizations and respond rapidly to terrorist incidents. The United States utilizes all elements of national power, including intelligence, law enforcement, diplomacy, and military power, to respond fully to domestic and international terrorist threats [7].

### **2.4.2. UK counter-terrorism**

To combat the threat of terrorism, the UK has established a comprehensive four-point strategic framework called "CONTEST" and a robust legislative framework. CONTEST, the nation's counterterrorism strategy, operates around four core objectives (the "4 Ps"). Prevent aims to prevent people from becoming terrorists or supporting terrorism. It focuses on identifying vulnerable populations, countering extremist ideologies, and working with communities and institutions to prevent radicalization. Pursue aims to stop terrorist attacks by detecting, investigating, and prosecuting individuals or groups planning them. Intelligence activities and the investigative powers of law enforcement are key. Protect aims to strengthen the security of borders, transportation systems, critical infrastructure, and public spaces to reduce vulnerability to terrorist attacks. Prepare aims to minimize damage, quickly resolve situations, and ensure rapid recovery in the event of an attack. Beginning with the Terrorism Act 2000, the UK has steadily strengthened its legal authority through several subsequent acts. It broadly defines terrorism crimes,

criminalizing not only the act itself but also related activities such as terrorist financing, supporting terrorist activities, and gathering intelligence related to terrorism. Investigative powers have been strengthened, with police now having the power to stop and search individuals suspected of terrorist activity (Section 43 Stop and Search) under the Act, and detention periods can be extended. In particular, Terrorism Prevention and Investigation Measures (TPIMs) are measures designed to manage the risk of individuals suspected of involvement in terrorist activities who cannot be prosecuted or deported. These measures include strict restrictions, such as restrictions on residence, restrictions on communication and internet access, and prohibitions on contact with certain individuals. MI5, the UK's domestic intelligence agency, leads the collection and analysis of intelligence on terrorist threats, working closely with the police and other law enforcement agencies. They focus on early detection and deterrence of terrorist plots. This comprehensive, multi-layered approach ensures that the UK's counter-terrorism response spans the entire cycle, from prevention to recovery [8][9].

#### **2.4.3. Germany's response to terrorism**

Germany is characterized by a prevention-oriented approach to countering terrorism, close cooperation between the federal and state governments, and strong judicial oversight. Experiencing real-world threats, such as the September 11 attacks and the 2016 Berlin Christmas market attack, has led to the continual strengthening of its laws and institutions. Germany's legal framework and principles rely on existing general criminal law and various specially amended laws, rather than a single, standalone "anti-terrorism law." General criminal law provisions, such as murder and public order violations, are applied to punish terrorist acts. Amendments to the Federal Criminal Investigation Service Act and other laws expanded the authority of intelligence agencies and investigative agencies to collect and analyze information. Strong judicial oversight is in place to prevent violations of citizens' fundamental rights during the counter-terrorism process. In 2016, the Federal Constitutional Court ruled unconstitutional some of the Federal Criminal Investigation Service's surveillance provisions, establishing clear limits on the government's exercise of power. Germany's counter-terrorism system is structured around a shared responsibility and cooperation among federal and 16 state agencies. The Federal Criminal Investigation Office (BKA), the Federal Office for the Protection of the Constitution (BfV), the Joint Counter-Terrorism Center (GTAZ), and special forces (GSG-9, SEK) carry out counter-terrorism operations. Similar to the UK, Germany also invests heavily in preventative programs to combat terrorist radicalization. It invests in programs that engage with communities, schools, and other organizations to counter extremist ideologies and support their disengagement. Ultimately, Germany adopts a balanced approach, focusing on effective information sharing and preventative measures among intelligence agencies, while maintaining strict legal and judicial oversight to prevent abuse of state power [10].

#### **2.4.4. France's response to terrorism**

France has adopted a comprehensive approach encompassing prevention, protection, and tracking to address the frequent terrorist threat. It has also maximized its counter-terrorism capabilities by converting its strong administrative powers during emergencies into permanent legislation. The comprehensive national counter-terrorism plan, Plan Vigipirate, is a permanent national system for terrorism prevention, protection, and vigilance. The alert level is divided into three levels—Vigilance, Enhanced Security, and Attack Emergency—based on the level of the terrorist threat, which increases security measures in public places. Operation Sentinelle deploys up to 7,000 military personnel to support security efforts at sensitive key facilities, such as train stations, airports, and religious sites. France has a very robust legal framework for countering terrorism, empowering law enforcement officers with significant powers. Many of the

temporary measures imposed under the state of emergency declared after the 2015 Paris attacks were converted into permanent legal powers through the new Counter-Terrorism and Intelligence Act of 2017. These powers now allow for powerful administrative measures, such as home searches, residential restrictions, analysis of communications and internet data, and closure of suspected premises, without a court warrant. Terrorism-related crimes are handled by a dedicated panel (judges and prosecutors) at the Paris Court of Justice, and terrorist acts can carry penalties of up to life imprisonment. Intelligence agencies play a key role in early detection and deterrence of terrorist attacks. The National Counter-Terrorism Center (CNCT), under the Coordinator of National Intelligence and Counter-Terrorism (CNRLT), oversees and coordinates all intelligence agencies' counter-terrorism activities. France is also implementing preventative and counter-extremist efforts, including swiftly removing online terrorist content (within an hour) and operating anti-radicalization programs and re-socialization centers. While risking human rights violations to ensure security, France is establishing a robust and comprehensive national response system [11][12].

#### **2.4.5. Japan's response to terrorism**

Japan, rather than enacting a separate, single-act special law for terrorism, adopts an indirect approach, focusing on preventative measures such as strengthening security and enhancing intelligence capabilities, based on its existing criminal law system. Japan's primary approach: Avoiding special treatment under criminal law. In other words, rather than specifically regulating terrorist acts themselves, individual acts of violence are punished as such if they violate criminal law (e.g., murder, assault, arson). Furthermore, practical regulation of terrorist crimes focuses on strengthening security and enhancing intelligence gathering capabilities to prevent crimes from occurring in the first place. Centered around the Prime Minister's Office, relevant government agencies, including the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defense, and the National Police Agency, have established an organic network to respond to terrorism. Following the September 11 terrorist attacks, Japan actively participated in international cooperation against terrorism, including by revising relevant domestic laws to ratify the UN Counter-Terrorism Convention. Key agencies, including the National Police Agency, the Metropolitan Police Agency, the Cabinet Intelligence and Investigation Office of the Ministry of Public Security, and the International Terrorism Intelligence Gathering Unit, are strengthening their independent intelligence capabilities. Japan recently revised its Comprehensive Guidelines for Public Security and Counter-Terrorism to respond to emerging threats such as cybercrime and drone terrorism. Furthermore, efforts to prevent terrorist acts in advance have been strengthened with the so-called "Terrorism Preparation Crimes Act," which criminalizes acts of preparing for serious crimes [13][14].

### **2.5. Summary**

Countries around the world share common trends when it comes to terrorism. First, they prioritize prevention-focused strategies. Most countries prioritize prevention through countering radicalization and preemptive intelligence gathering, rather than responding after a terrorist attack. Second, they are removing legal and institutional barriers that hinder information sharing between domestic and international intelligence and law enforcement agencies. Third, given

that the threat of terrorism transcends borders, they recognize cooperation with the international community, including implementation of UN resolutions, as essential. Fourth, to ensure national security, we are expanding the authority of investigative and intelligence agencies, while introducing legal safeguards and independent oversight bodies (e.g., the Counter-Terrorism Human Rights Protection Officer in Korea) to mitigate human rights violation controversies [15].

### **3. Terrorism Investigation and Intelligence Activities**

Unlike general criminal investigations, terrorism investigations and intelligence activities prioritize the detection and prevention of terrorist acts. They are based on close cooperation and information sharing between domestic and international intelligence and investigative agencies. Intelligence activities are at the heart of terrorism prevention. This involves proactively identifying potential terrorist threats, terrorist organizations' plans, financial flows, and networks of individuals to prevent attacks. Federal criminal investigations, terrorism investigations and intelligence activities prioritize the detection and prevention of terrorist acts. They are based on close cooperation and information sharing between domestic and international intelligence and investigative agencies. Domestic intelligence agencies around the world (e.g., South Korea's National Intelligence Service, the U.S. FBI, and the U.K.'s MI5) monitor domestically resident individuals at risk of terrorism, identify signs of radicalization, and analyze extremist trends online. Overseas intelligence agencies (e.g., the U.S. CIA and the overseas branches of South Korea's National Intelligence Service) collect information on overseas terrorist groups, international terror plots, and arms smuggling. Germany's GTAZ and South Korea's Counter-Terrorism Center integrate and analyze information from relevant agencies through intelligence-sharing platforms. This process utilizes a variety of legal means, including HUMINT (human intelligence), SIGINT (signals intelligence), OSINT (open-source intelligence), communications interception, and financial transaction tracking. Investigation is the process of proving criminal charges and leading to legal proceedings based on clues obtained through intelligence activities. The purpose of an investigation is to secure evidence of terrorist acts immediately before or after they occur, thereby apprehending and prosecuting suspects. In the event of an actual terrorist incident, police and prosecutors are responsible for investigating the scene, collecting evidence, and interrogating suspects. Many countries, taking into account the special nature of terrorist crimes, grant them enhanced investigative powers beyond those granted under general criminal law (e.g., warrantless search and seizure, extended detention periods). And Digital forensics, which analyzes encrypted communications and digital devices used by terrorists to secure evidence, is crucial. Terrorism investigations and intelligence activities are conducted for the critical purpose of national security, but they can also conflict with the fundamental rights of citizens. Therefore, the following principles are crucial: All activities must be conducted in accordance with legal procedures. Furthermore, information collection and surveillance activities must be conducted to the minimum extent necessary to achieve the goal of preventing terrorism. Furthermore, democratic oversight through institutions such as the National Assembly Intelligence Committee is crucial to prevent abuse of power by intelligence agencies. In conclusion, terrorism investigations and intelligence activities are comprehensive national security activities that organically combine the intelligence sector, which collects and analyzes intelligence, with the investigative sector, which substantiates criminal allegations, to proactively respond to terrorist threats [16].

#### **3.1. The authority to collect information and track terrorist suspects**

While the authority granted to gather information and track terrorist suspects varies from country to country depending on the legal system and level of human rights protection, most countries recognize greater authority than ordinary criminals and are subject to judicial and

democratic oversight. South Korea's Anti-Terrorism Act stipulates the authority to gather information and track terrorist suspects. The Director of the National Intelligence Service (NIS) may conduct counter-terrorism investigations and track individuals at risk of terrorism to collect information or materials necessary for counter-terrorism activities. The Director of the NIS must report these activities to the Chairman of the National Counter-Terrorism Committee, either prior to or after the fact. Compulsory information collection, such as wiretapping or access to financial information, generally requires a court warrant pursuant to relevant laws, including the Protection of Communications Secrets Act. Countries around the world grant varying levels of authority to respond to security threats. First, following the enactment of the USA PATRIOT Act, the United States streamlined the process for obtaining court warrants for terrorism-related investigations and expanded its authority for electronic surveillance, including wiretapping. The UK grants police extensive powers to stop and search individuals suspected of terrorist activity, and even extends detention periods. The Terrorism Prevention and Investigation Measures (TPIMs) system allows for measures such as movement restrictions to be imposed even before indictment. In response to frequent terrorist threats, France has amended its laws to allow for stronger administrative measures, such as home searches, residence restrictions, and communication data analysis, without a court warrant. Germany has expanded its intelligence agencies' powers to gather information, but maintains strict judicial oversight and respect for fundamental rights to prevent abuse of power, as evidenced by rulings from the Federal Constitutional Court. In conclusion, the authority to collect and track information on suspected terrorists is granted broader authority than in ordinary criminal cases, but it is clearly defined by law and exercised under judicial and democratic control in the process of finding a balance between national security and the protection of individual fundamental rights [17][18].

### **3.2. Legal control mechanisms such as court approval**

While the power to gather information and track terrorist suspects is essential for national security, to prevent abuse of power and human rights violations, countries have established various legal control mechanisms, including court authorization (the warrant system), parliamentary oversight, and independent oversight. The most fundamental and universal control mechanism is judicial oversight (the warrant system). During terrorism investigations and intelligence activities, coercive measures that infringe on an individual's freedom or property (e.g., arrest, search and seizure, wiretapping, financial information inquiries) are, in principle, only permitted by a warrant issued by a judge. Courts protect citizens' fundamental rights by objectively and independently reviewing the legitimacy of investigative agencies' requests and ensuring they adhere to the principle of proportionality. However, exceptions are sometimes made to allow for ex post facto warrant requests, taking into account the urgency of the terrorist situation. Moreover, since intelligence agencies' activities are often conducted in secret, legislative control is crucial to ensuring democratic legitimacy. Under South Korea's Anti-Terrorism Act, the heads of relevant agencies, including the Director of the National Intelligence Service, are required to report details of counter-terrorism activities and budget execution to the relevant standing committee, including the National Assembly Intelligence Committee. The National Assembly deliberates, enacts, and amends terrorism-related laws, thereby clearly defining the scope and limits of intelligence agencies' authority. Additionally, an independent body operates to monitor the legality of investigative and intelligence activities. A Counter-Terrorism Human Rights Protection Officer is placed within the Prime Minister's Counter-Terrorism Center to monitor all activities for human rights violations and demand corrective action. Independent oversight is implemented in various forms, including active judicial review by the German Federal Constitutional Court and court review of the UK's TPIM system. These legal controls play a key role in balancing the public interest of achieving national security with the protection of fundamental rights such as individual freedom and rights [19].

### **3.3. International cooperation and collaboration system**

Because international terrorism transcends national borders, countries around the world recognize the importance of international cooperation and collaboration as essential elements in combating terrorism. This is because it is difficult for a single country to effectively address the threat of terrorism. The United Nations serves as the central axis of international counterterrorism through multilateral cooperation. The United Nations General Assembly adopted the UN Global Counter-Terrorism Strategy in 2006, calling for cooperation in four key areas: addressing the root causes of terrorism, strengthening national capacities to counter terrorism, and respecting human rights.

The UN Security Council adopts several binding resolutions (e.g., Resolution 1373) that obligate member states to block terrorist financing, prohibit support for terrorist groups, and prevent the movement of terrorists. There are 19 major international anti-terrorism conventions, including the Convention against Hijacking and the Convention on the Suppression of Terrorist Financing, which member states are obligated to ratify and implement in their domestic laws. Furthermore, to foster bilateral and regional cooperation, national intelligence agencies (e.g., the National Intelligence Service of South Korea, the CIA of the United States, and the National Security Council of Japan) have signed bilateral intelligence sharing agreements to exchange real-time terrorism intelligence. Regional security organizations, such as the European Union (EU), the Association of Southeast Asian Nations (ASEAN), and the African Union (AU), are strengthening intelligence exchanges, joint training, and law enforcement cooperation among member states. The EU, in particular, is strengthening intelligence cooperation to fill the security gap created by the easing of border controls within the region. Key areas of cooperation include real-time sharing of information on potential terrorists, their movements, and their methods. Interdiction of terrorist financing involves tracing and freezing the movement of funds through international financial networks. Law enforcement cooperation involves tracking wanted individuals, extraditing criminals, and cooperating with investigators through Interpol (International Criminal Police Organization). In particular, in terms of cybersecurity, cooperation in cyberspace is also active to block terrorist radicalization and conspiracy activities online. This international cooperation and collaboration system serves as an essential safety net to break down barriers between nations in countering terrorism and effectively confront common threats [20].

### **4. Protection and Support for Victims of Terrorist Crimes**

Protecting and supporting victims of terrorist crimes is a key pillar of counter-terrorism strategies, aiming to facilitate victims' physical and psychological recovery and facilitate their reintegration into society. This is a humanitarian approach that fulfills the state's responsibility and minimizes the social damage caused by terrorism. As citizens subject to the state's duty of protection, the state has a responsibility to proactively address the suffering they endure. Third, ensuring victims and their families receive appropriate support and achieve a stable recovery contributes to alleviating the social shock and anxiety caused by terrorism and strengthening community solidarity. Second, it protects victims' dignity by preventing secondary harm that may occur during the investigation and trial process. South Korea's Anti-Terrorism Act and related regulations provide a legal basis for victim support. The Victim Compensation Review Committee, under the Prime Minister, is established to review support for deaths or physical or mental harm caused by terrorism. Victims and their bereaved families can receive medical and livelihood support, including emergency medical expenses, psychological counseling, livelihood assistance, and funeral expenses. Compensation is also paid based on the severity of death and injury under the Anti-Terrorism Act. For psychological and social support, professional psychological counseling and treatment programs are provided to help victims recover from psychological damage, such as post-traumatic stress disorder (PTSD). Legal assistance services include

legal consultations and litigation support to help victims and their families address legal issues (such as claims for damages). We also take steps to protect the safety of victims and witnesses during the investigation and trial process, or in cases where there are concerns about retaliatory crimes. We also provide support, including job training and job placement, to help victims return to their daily lives and careers. Awareness of the need to protect victims of terrorism is growing in the international community. The United Nations (UN) designates August 21st each year as the International Day of Remembrance and Commemoration of the Victims of Terrorism, urging people to honor the dignity of victims and strengthen support. Victim protection and support are not simply an expression of sympathy; they are an essential part of a national response to the threat of terrorism[21].

## 5. Conclusion

Criminal legal responses to terrorist crimes pursue the dual goals of prevention and strict punishment, and have evolved to reflect the unique characteristics of each country. In conclusion, to effectively respond to future terrorist threats, we must move forward in the following key directions. First, a prevention-focused legal system must be strengthened. Terrorism is more destructive than ordinary crime, so preventing it before it occurs is paramount, rather than responding after it occurs. Each country should strengthen the following legal framework: It is necessary to criminalize not only the terrorist act itself but also preparatory actions such as financing, incitement, and conspiracy (e.g., Japan's conspiracy law, Korea's intention to create a new public intimidation law). We must also expand the legal authority for intelligence and investigative agencies to collect information on terrorist threats early, thereby enhancing the effectiveness of preventive measures. Second, terrorist acts are serious crimes that threaten the public safety of society as a whole, requiring consistent and rigorous judicial processing. Strong penalties commensurate with the gravity of the crime must be established to send a clear warning message to potential terrorists. Establishing a dedicated court or investigative team to handle terrorism cases is effective in ensuring expertise and speed in handling cases (e.g., the Paris Court in France). Third, respect for fundamental rights and ensuring democratic oversight are essential. In developing robust countermeasures, we must guard against abuse of state power. It is crucial to find a balance to ensure that human rights are not violated in the name of "security." To this end, we must strengthen the independent judiciary's control over information collection and compulsory investigations to minimize the potential for violations of fundamental rights. Transparency must be ensured through democratic oversight mechanisms, such as mandatory reporting to the National Assembly and the establishment of a human rights protection officer. Fourth, terrorism transcends borders, making international cooperation essential. Activating information sharing: We must strengthen bilateral and multilateral information sharing channels and strengthen compliance with international obligations, such as blocking terrorist financing.

In conclusion, criminal legal responses to terrorism must evolve toward a policy of "citizen safety first," with a focus on prevention and robust law enforcement, while ensuring legitimacy and effectiveness through democratic control and international cooperation.

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## 7. Appendix

### 7.1. Author's contribution

Initial name	Contribution
Author	<p>KP</p> <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>

### 7.2. Funding agency

This work was supported by research Funds of Kwangju Women's University Research Grant in 2025(KWUI25-009).

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ISSN: 2423-8376

Website: [j-institute.org](http://j-institute.org)

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DOI Address:  
[dx.doi.org/10.22471/terrorism.2025.10.0.25](https://dx.doi.org/10.22471/terrorism.2025.10.0.25)



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## **Limitations of Defining Executive Protection under the Security Services Industry Act and Legislative Remedies -Focusing on Overseas Systems and Practitioner Perceptions-**

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### **Abstract**

**Purpose:** This study examines the institutional limitations of the Security Services Industry Act (SSIA) of Korea, which classifies private security services into six statutory categories but does not explicitly define “executive protection” (gyeongho) despite its extensive use in industry and everyday discourse. Instead, protection work is subsumed under “personal protection services,” which may not sufficiently capture the operational reality of protection tasks. The study aims to identify how this definitional gap generates interpretive confusion, increases field-level errors, and weakens accountability and training standards.

**Method:** The research adopts a qualitative design combining doctrinal review of the SSIA and its subordinate regulation, comparative legal and policy review of Japan, EU-related standards (EN 15602 and ISO 18788), and the U.S. (California) regulatory materials, and semi-structured in-depth interviews with seven practitioners who each have more than ten years of field experience in protection-related work. Interview topics addressed the gap between statutory and field terminology, task-boundary decisions, liability attribution, training adequacy, and desired legislative amendments.

**Results:** The findings indicate that practitioners consistently understand executive protection as an integrated risk-management service rather than a single protective act. Core components repeatedly identified include prevent risk assessment, movement and route (itinerary) control, access control, crowd interface management, and on-site risk management—functions that frequently overlap with facility security and crowd/traffic control. However, the current SSIA definition of personal protection services is purpose-oriented (protection of life and body) but operationally abstract, leaving the boundaries of lawful task performance and responsibility allocation uncertain. This ambiguity contributes to inconsistent interpretations across contracting entities, supervisory authorities, and training providers, and may intensify disputes when incidents occur.

**Conclusion:** Rather than restructuring the six-category system, this study proposes a legislative refinement that preserves the existing classification framework while revising the definition clause of “personal protection services” to explicitly include operational essentials of executive protection (movement/route control, access control, and on-site risk management). Such clarification is expected to reduce interpretive burden in the field, improve consistency in supervision and training, and strengthen the legitimacy and professionalization of protection work in Korea.

**Keywords:** Executive Protection, Personal Protection, Security Services Industry Act, Risk-Management, Expert Interview

### **1. Introduction**

#### **1.1. Background**

In contemporary Korea, the terms “executive protection,” “bodyguard,” and “protection work” are routinely used in media reports, industry practice, and daily conversation. These

terms cover a wide range of protective contexts, including corporate executive protection, celebrity and sports star protection, court escort, and safety management for large-scale concerts and events. In practice, “executive protection” functions as a common label for professional activities intended to secure the safety of specific individuals or groups.

However, under the Security Services Industry Act (SSIA), private security services are divided into six categories, and protective activities targeting persons are defined as “personal protection services,” without explicitly using the term “executive protection”[\[1\]](#). This discrepancy between statutory terminology and field terminology is not merely semantic. It can shape how task scope is interpreted, how legality is assessed during operations, how responsibility is allocated following incidents, and how training standards are designed and implemented [\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#). Because executive protection frequently involves movement control, access control, crowd interface management, and event safety functions, subsuming the entire operational reality under a single abstract legal definition can produce persistent practical friction and institutional mismatch[\[7\]](#)[\[8\]](#).

## **1.2. Research purpose and questions**

This study analyzes the limitations of defining executive protection under the SSIA’s classification framework and proposes legislative remedies. The research addresses the following questions.

First, does the SSIA’s six-category classification adequately reflect the operational characteristics of executive protection in real-world practice[\[1\]](#)[\[5\]](#)[\[6\]](#).

Second, what conceptual differences exist between executive protection and statutory personal protection services, and how can these differences generate field-level errors[\[2\]](#).

Third, how do Japan, EU-related standards (and related governance frameworks), and the U.S. (California) specify or structure protection-related services[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#).

Fourth, how do experienced practitioners perceive the current system, and what legal improvements do they demand[\[7\]](#)[\[15\]](#).

## **2. Theoretical Background**

### **2.1. Conceptual distinction between executive protection and personal protection services**

#### **2.1.1. Executive protection as a practical concept**

In field practice, executive protection is understood as an integrated protective process that manages risk across a continuous chain of planning, prevention, and response. Beyond close protection, it typically includes information gathering, advance site inspection, movement and route control, access control, environmental control around the protectee, crowd/event safety coordination, emergency response, and cooperation with relevant stakeholders [\[8\]](#)[\[10\]](#)[\[16\]](#)[\[17\]](#). In this sense, executive protection is strongly characterized by operational control and risk management, and cannot be reduced to a single “protective act”[\[17\]](#).

#### **2.1.2. Personal protection services as a statutory concept**

The SSIA defines personal protection services as work “to prevent harm to a person’s life or body and to protect that person”[\[1\]](#). While the definition clarifies the protectee and purpose, it remains operationally abstract regarding the scope of acts (e.g., route control, crowd interface management, on-site risk management) and the boundaries between this category and other categories such as facility security or crowd/traffic control [\[2\]](#)[\[4\]](#)[\[6\]](#).

### **2.1.3. Institutional implications of the conceptual gap**

Where executive protection is process- and operation-oriented (including environment, route, and crowd management), personal protection services under the SSIA is closer to a purpose-oriented concept (protection of life/body). If executive protection is treated merely as a subset of personal protection services without explicit operational articulation, critical elements such as environmental control, crowd interface, and access control may remain insufficiently recognized within legal and institutional standards. Over time, this gap can accumulate as errors in task-scope decisions and ambiguity in responsibility allocation<sup>[3][4][7][17][18]</sup>.

## **2.2. Limitations in the SSIA classification framework**

### **2.2.1. Structure of the classification**

The SSIA categorizes private security services into facility security, escort security, personal protection services, mechanical security, crowd/traffic control services, and special security services<sup>[1]</sup>. This typology contributed to administrative oversight and licensing clarity, yet definitional refinement has lagged behind the rapid diversification of security service forms<sup>[5][6]</sup>.

### **2.2.2. Multi-functionality of executive protection and the “single-category” pressure**

Field operations often require simultaneous performance of personal protection, access control, facility-related boundary control, crowd interface management, and situational information handling<sup>[6][8][16]</sup>. Nevertheless, when contracting and reporting logic forces a “single-category” classification, it imposes interpretive burdens on practitioners and may create inconsistent standards across clients, supervisory authorities, and training providers<sup>[5][6]</sup>.

### **2.2.3. Risk of field-level errors**

This structure can generate task-scope misjudgment, legality disputes, confusion over liability when incidents occur, and misalignment in training requirements<sup>[2][3][4]</sup>. In particular, where risk concentrates in route/crowd/access control, treating such functions as “incidental” to personal protection services may weaken procedural safeguards and accountability mechanisms<sup>[3][5]</sup>.

### **2.2.4. Occupational identity confusion and Job satisfaction concerns**

In Korea’s social context, “security guards” under the SSIA—who work under professional education and supervision—are often conflated with apartment security staff employed under housing management contexts. This perceived equivalence can dilute the specialized nature of personal protection, event safety, and professional security operations, potentially undermining occupational identity and job satisfaction. Ahn and Choi argue that when the law does not adequately reflect the professionalism and diversity of security work, role ambiguity can foster confusion about task scope and responsibility, which may weaken professional identity and reduce job satisfaction<sup>[19]</sup>.

## **2.3. Review of prior studies on personal protection and executive protection**

Prior research has repeatedly highlighted the gap between the SSIA’s enumerative categories and the multi-functional nature of field work. Song notes that an enumerative classification may not reflect complex operational realities, and that interpretive ambiguity can generate practical confusion<sup>[6]</sup>. Park argues that the abstractness of the personal protection provisions can cause boundary disputes and leaves uncertainty in legality standards during protection operations<sup>[2]</sup>. Lee similarly explains that a purpose-centered definition fails to sufficiently articulate core operational elements such as movement control and environmental control<sup>[4]</sup>.

Training-focused studies also reflect the definitional gap. Shin and Kim emphasize the need for practice-oriented reform in martial-arts and field training for protection services[20]. Ha stresses professionalization and institutional improvement for the development of personal protection services[21]. Choi et al. propose revisiting the interpretation framework of “security” concepts and shifting legislative direction to better reflect the private security industry[5]. Lee reviews the scope of personal protection services from a criminal-law perspective and points to uncertainty in lawful/unlawful boundaries and liability attribution[3]. Cho critically reviews debates on the transfer of public protection functions and implies the need to design authority–responsibility–professionalism structures more carefully[22].

**Table 1.** Preceding researches.

Author (Year)	Focus	Sub-field	Key implications
Song SB (2014)[6]	Classification/Scope	Legal interpretation	Limits of enumerative classification; interpretation confusion
Park JS (2017)[2]	Personal protection provisions	Definition/boundary	Abstract definition; boundary confusion
Lee SY (2007)[4]	Concept & application	Application issues	Core elements of protection not fully captured
Shin SM & Kim TM (2009)[20]	Training	Martial arts/field	Need for practice-oriented training reform
Choi EH et al. (2017)[5]	Security concept/legislation	Legislative direction	Need to revise legal interpretation framework
Lee JW (2024)[3]	Scope (criminal law)	Liability boundary	Uncertainty in lawful/unlawful boundary and liability
Ha JH (2015)[21]	Development plan	Professionalization	Need for institutional improvement and specialization
Jo SG (2019)[22]	Public protection reform debate	Critical review	Design of authority-responsibility-professionalism is essential

Note: Summarized from cited sources in references.

## 2.4. Overseas comparison: Japan, EU-related standards, and the U.S. (California)

Japan structures security services under its Act on Security Services Business, operating category-based education and supervision; guidance can be comparatively more operationally articulated for specific service types[10]. In Europe, while legal regimes vary by country, there is a clear trend toward standardization of terminology and accountability through standards such as EN 15602 (terminology) and ISO 18788 (management system for private security operations) [23][24]. Button discusses the diversity and coordination challenges of EU regulation[9], and Button & Stiernstedt compare regulatory models[10]. In the U.S., state-level regulation varies widely; California provides relatively clear guidance for licensing and operational oversight through laws and administrative guidelines[13][25]. International organizations also emphasize accountability, training, and governance consistency in private security[16][22][26].

## 3. Methods

### 3.1. Research design

This study is designed as qualitative research combining doctrinal review, comparative analysis, and semi-structured in-depth interviews to address the study objectives[27][28][29].

### 3.2. Participants

To explore practitioner perceptions of the current legal framework and desired improvements, semi-structured interviews were conducted with seven experts, each with more than ten years of field experience in protection-related duties. Participant characteristics are summarized in [Table 2](#).

**Table 2.** Participants (expert group).

Participant	Role / Type	Specialty	Key experience	Years
A	Security company manager	Corporate/VIP protection	Operations & team lead	11
B	CEO (security company)	Planning/management	Contracts & responsibility	16
C	Security instructor	Training/supervision	Training & inspection	12
D	In-house protection staff	Close protection	Executive protection ops	11
E	Event protection team leader	Crowd/event safety	Access & crowd control	15
F	Sports star protection	Close protection	Movement & public interface control	18
G	Court escort director	Court escort	Escort & on-site control	16

Note: All participants have 10+ years of field experience in protection-related duties.

### 3.3. Data collection and analysis

Interviews were conducted using a semi-structured format. Core themes included: gap between statutory terminology (“personal protection services”) and field terminology (“executive protection”) [9], task-boundary decisions and liability attribution [10], training adequacy [30], experiences of incidents and disputes [31], and preferred legislative remedies [32]. Data were analyzed through iterative comparison and thematic categorization to derive core themes.

## 4. Results: Practitioner Perceptions

Practitioners consistently described executive protection as “personal protection at the center, combined with movement/route control, access control, and crowd/event safety management.” They emphasized that in mobility- and event-intensive contexts, crowd interface and facility/access control are not ancillary but essential risk controls. In addition to doctrinal and comparative findings, the practitioner interviews provide concrete evidence of the gap between statutory definitions and field realities. Participant D explicitly noted that “although the law uses the term ‘personal protection services,’ in actual operations only the terms ‘executive protection,’ ‘bodyguard,’ and ‘protection work’ are used,” underscoring the persistent disconnect between legal terminology and operational language. This mismatch was perceived not as a semantic issue but as a source of practical confusion in task interpretation and professional identity.

Participant A further emphasized that the current education and training system does not adequately reflect the complexity and risk profile of executive protection work. According to this view, training frameworks remain overly generalized and insufficiently aligned with the multi-layered nature of protection operations. Participant C reinforced this concern by explaining that essential competencies—such as pre-event risk assessment, movement and route man-

agement, and scenario-based response training—are not systematically covered in standard security guard education. As a result, individuals may be deployed to executive protection tasks without possessing even minimal practical readiness for such assignments.

Participant E highlighted the institutional implications of this deficiency, pointing out that personnel assigned to highly specialized personal protection duties often complete the same entry-level training as elderly apartment security guards. This uniform training requirement, despite stark differences in task demands and risk exposure, was viewed as symptomatic of the broader failure to distinguish executive protection from general security work within the legal and educational framework.

Taken together, these practitioner perspectives reinforce the study's central argument: defining executive protection solely under the abstract category of personal protection services fails to capture its operational substance and professional requirements. The interview findings demonstrate that the lack of explicit recognition of core protection functions—such as movement control, access control, and on-site risk management—has tangible consequences for training adequacy, professional competence, and field-level accountability. Accordingly, refining the statutory definition of personal protection services to incorporate these operational essentials is not merely a conceptual adjustment, but a necessary step toward aligning law, training, and practice in the executive protection domain. They warned that if these controls are treated as merely incidental to personal protection services, the legal foundation for core risk management becomes fragile[2][4][5][12]. Participants also reported that the current classification framework fails to reflect operational complexity, producing confusion in task decisions, reporting structures, and training design[14][18][20].

## 5. Discussion and Conclusion

The structural limitation of defining executive protection solely under personal protection services has been repeatedly highlighted in Korean scholarship. Executive protection is not confined to close protection; it is a composite practice involving pre-risk assessment, movement and route control, access and approach control, event safety assurance, crowd interface management, and on-site response. Subsuming such multi-functional work under a single category widens the gap between operational reality and the legal framework[5][6][7][33]. This gap shifts interpretive burden to practitioners and intensifies ambiguity in task-boundary decisions and liability allocation, especially for high-risk functions such as route/crowd/access control [3][4][5].

Recent scholarship also emphasizes that executive protection is evolving toward an integrated service that includes risk management and crisis response rather than a simple protective act[26]. Yet the current framework has not sufficiently adapted to this operational transformation, raising concerns about consistency in legality standards, supervision, and training requirements[18][20][34]. Accordingly, this study argues that a full restructuring of the six-category system is not necessary as a first step. Instead, a more feasible remedy is to preserve the existing classification framework while refining the definition clause of “personal protection services” to reflect the operational essentials of executive protection[1].

Specifically, the study proposes revising the personal protection definition as follows: “Personal protection services refer to work intended to prevent harm to a person’s life or body and to protect that person, including close protection, movement/route control, access control, and on-site risk management activities essential to the performance of protection”[1][35]. Compared with creating a new independent category for executive protection, this approach reduces legislative and administrative burdens and maintains continuity of the existing system

while providing a shared operational benchmark for contracting, supervision, training, and liability decisions[1][13]. It is also compatible with international trends emphasizing accountability and operational management in private security standards[1][2][3][36]. Ultimately, the proposed refinement is expected to enhance the legitimacy and professionalism of executive protection and to narrow the gap between statutory language and field practice.

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## 7. Appendix

### 7.1. Author's contribution

	Initial name	Contribution
Author	JH	<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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DOI Address:  
[dx.doi.org/10.22471/terrorism.2025.10.0.34](https://dx.doi.org/10.22471/terrorism.2025.10.0.34)



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## Five Structural Reasons Why Presidential Protection Cannot be Exclusively Handled by the Police: Focusing on the Korean Case

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### Abstract

**Purpose:** As long as the state maintains a presidential system of government, the approach must be from the perspective of national security, not solely for the personal safety of the president. To achieve this, a layered security system involving overlapping agencies—such as the presidential security agency, police, and military—is crucial. However, some countries argue that the police should replace the presidential security agency directly under the president. In this study, we propose five structural analyses to explain why this claim is incorrect, focusing on the case of Korea.

**Method:** This study is an English-language extension of a paper published in Korean, and expands on the critical discourse on the transfer of presidential security services to the police, which was presented in an exploratory manner in the original Korean paper, with a case study as the basis.

**Results:** This study first examines the history of the Korean presidential security service from its inception to the present, examining the evolution of the "Presidential Security Service" and the "National Police" as the dedicated presidential security agencies. Second, it examines the overlapping security arrangements within Korean presidential security, including security areas, distances from security targets, and responsible agencies. Third, it examines the electronic warfare threats posed by cutting-edge technologies like drones, driven by the Fourth Industrial Revolution, to the presidential security service. Fourth, it analyzes the characteristics of security systems in different countries, based on their political systems: "presidential" and "cabinet" systems. In the Korean case, it categorizes security duties into "personal security," "personal protection," and "personal protection." It also presents the typology of terrorist organizations that pose threats to the president.

**Conclusion:** This study analyzed five structural factors that make presidential security unsuitable for the police. First, the overlapping security system, divided into the Presidential Security Service, the National Police Agency, and the Capital Defense Command, must be maintained. Second, the police's primary responsibility is domestic security, making it difficult to effectively respond to threats linked to foreign countries, which are essential for presidential security. Third, presidential security is operated as a form of military operation rather than a matter of public security, making it difficult for the police to take the lead in presidential security. Fourth, if the police were to exclusively handle presidential security, it would be based on the Police Officers' Duties Execution Act, which mandates that officers prioritize their own safety while performing security duties. This, however, is not legally appropriate. Fifth, security and secrecy are crucial for presidential security, and the police's budget is public and recruitment channels are extensive, making it somewhat incompatible with the security-focused task of presidential security.

**Keywords:** Presidential Security, Police, Military, Operations, Presidential System

## 1. From the Launch of the Korean Presidential Security Service to the Present

### 1.1. Footsteps of history

34

\*This article is an expanded and revised English version of an article originally published in Korean Security Journal, Vol. 58, 2019 in Korean. This English version has undergone review by the Editorial Board and double-blind peer review to enhance its international visibility.

Following the establishment of the Republic of Korea, a police organization dedicated to President Syngman Rhee began providing presidential security in 1949. The Changdeokgung Police Station was abolished, and the Gyeongmudae Police Station, under the jurisdiction of the Central Government Complex and the Gyeongmudae, was established. Security regulations were established under Ministry of Home Affairs Ordinance No. 25.

At the time, the presidential security organization comprised the Police Affairs Division, the Inspection Division, and the Security Division. The security targets included the President, the Vice President, foreign heads of state, the Speaker of the National Assembly, the Chief Justice of the Supreme Court, the Prime Minister and ministers, foreign envoys, and other individuals deemed necessary by the Minister of Home Affairs and provincial governors.

Following the May 16 Revolution in 1961, the Security Squad for the Chairman of the Supreme Council for National Reconstruction, Park Chung-hee, was formed to protect him. With the establishment of the Korean Central Intelligence Agency (KCIA) in September of that year, the Security Regulations were established as KCIA internal regulations, launching the KCIA Security Squad. The security guards were the Head of State, the Chairman of the Supreme Council, the Vice-Chairman, the Head of the Cabinet, state guests, and other key figures designated by the Chief of the Security Service. The current structure was established in December 1963, with the inauguration of President Park Chung-hee, with the enactment of the "Presidential Security Service Act," a security agency directly under the President. In 1963, the security guards were designated as the President, his family, the President-elect, and domestic and international figures deemed necessary by the Chief of the Security Service. In 1981, former Presidents, their spouses, and their families were added, a status that has persisted to this day.

## 1.2. Presidential security service vs. police

The Korean government's security organization was established in 1949 when the Changdeokgung Police Station mentioned above was abolished and the 'Gyeongmudae Police Station' was newly established within the Central Government Complex and Gyeongmudae. In December 1949, the security regulations were established by Ministry of Home Affairs Ordinance No. 25, and for the first time, the security agency in which the term "security" was officially used was established as a government organization. This started in 1949 when the police organization organized the 'Gyeongmudae Police Station' for the first president, Syngman Rhee, but with the outbreak of the April 19 Revolution and the order of Superintendent Kwak Young-joo, the person in charge of security, to fire on the protesters, the security agency was abolished from the police organization organization, and after May 16, 1961, the 'National Reconstruction Supreme Council Chairman Security Corps' was moved to the 'Central Intelligence Agency Security Corps' as the security regulations were established as internal training of the Central Intelligence Agency with the establishment of the Central Intelligence Agency in 1961, and in December 1963, with the launch of the Park Chung-hee government and the enactment of the Presidential Security Service Act, it was transferred to the current 'Presidential Security Service', a security organization directly under the president[1].

The first discussion on reorganizing the presidential security service, which has been in place since the Park Chung-hee administration, originated as a presidential campaign promise made by the Moon Jae-in administration in 2017. The main content was to abolish the existing Presidential Security Service and transfer its duties to the Presidential Security Service under the National Police Agency. The rationale for this was that each country's security services for heads of state are structured differently, with police, military, and intelligence agencies representing different parts of the country, and that, with the exception of the United States, all G7 countries maintain security systems primarily through the police[2].

However, following the inauguration of the Moon Jae-in administration, the police were granted the authority to conclude investigations due to the adjustment of investigative powers between the prosecution and police. Furthermore, the National Intelligence Service's counter-intelligence investigation authority was transferred to the police. Consequently, concerns were raised that transferring presidential security to the National Police Agency could lead to excessive expansion of the police's influence. Consequently, the transfer of presidential security to the police was halted[3].

International examples show that the security agencies for heads of state, such as the president, vary from country to country depending on factors such as political systems, governance structures, legal systems, social institutions, awareness levels, national economies, and customs. In the United States, which is similar to Korea, presidential security is handled by the United States Department of Homeland Security (DHS), the agency responsible for overseeing national security, which also has the Secret Service, a dedicated agency for presidential protection.

In contrast, in the United Kingdom, security is handled by the Protection and Security Division, a division of the Metropolitan Police's Special Operations Division. Currently, the United States is the only major advanced country with a separate security service from the police. However, this organization is not directly under the President, but under the Department of Homeland Security. The manager's rank is vice ministerial, lower than that of South Korea's presidential security service, which is ministerial or vice ministerial. In South Korea, the Presidential Security Service has been criticized for overseeing police organizations involved in presidential security (the 101st Security Brigade, the 22nd National Police Security Brigade, and the 55th Security Brigade), leading to excessively high ranks[1]. So, which organization should be responsible for presidential security? This study seeks to explore this question.

## 2. Analysis of Previous Studies

The Korean Peninsula has been plagued by national security crises such as war, terrorism, and assassinations of national leaders since the past. This is because the surrounding major powers have traditionally viewed the Korean Peninsula as a buffer state in Northeast Asia [4]<sup>1</sup>.

In this security environment, presidential security work has been treated with extreme importance in Korea, but related research has not been conducted due to national confidentiality. Even researchers with field experience in presidential security work in Korea are burdened by security concerns when writing papers. This is likely due to concerns that the active research of researchers with experience working with heads of state, such as the president, could lead to the disclosure of unnecessary information, which could lead to terrorist attacks by enemy countries.

Looking at previous studies conducted so far, Cho Gwang-rae (2012) categorized and examined the organizational managers of the Presidential Security Service and discussed the expertise and power type of the head of the security service [5], Oh Jae-hwan (2012) argued that the 「Act on the Protection of the President, etc.」 should be divided into an 'organizational law' and a 'duty law' regarding the protection of the President, etc., strengthened the legal basis for protection such as the designation of security areas, and established a legal basis for the use of security equipment and security weapons[6], Jeong Yeong-il (2013) examined the elements of the change in the role of the Security Service along with the process of regime change, evaluated

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<sup>1</sup> They are called "buffer states" and "buffer zones." These are small, weak states located between major powers, serving to ease tensions that could arise if the two powers were to meet directly on their borders. In 1900, the 38th parallel north was a world-renowned buffer zone between Russia and Japan..

the results in terms of the direction of organizational management, and suggested the direction of organizational management[7], Choi Jong-yeong and Jeong Ju-ho (2017) stated that the Presidential Security Service's activities are the three axes of presidential security along with the Presidential Security Service and the police, and that while the organizational functions of the Military Intelligence Investigation Agency are being reduced or abolished, the security field is rather strengthening the organization to strengthen security capabilities and its importance is increasing[8], Jo & Jung (2017) compared the Presidential Security Service and the police in Korea and sought to create an integrated security agency based on the ultimate purpose of security in the current situation where the Presidential Security Service and the police are divided[9].

### 3. Current Status of the Korean Presidential Security Service

The security service for a head of state, such as the President, requires considerable expertise, encompassing not only meticulously planned assassination attacks but also the unforeseen, such as fires, building collapses, and power outages. This requires extensive preparation and preparation for any unforeseen event, including unpreparedness.

Given the nature of terrorist attacks, such as assassinations, where the location, time, method, and type of assassination are determined by the terrorists, security services must be focused on prevention. Therefore, South Korea maintains a hybrid security system, combining elements of the Presidential Security Service, police, and military, to ensure a more complete security service<sup>2</sup>.

**Table 1.** Classification of security scopes between the presidential security service and the police.

Classification	Main Scope
Presidential Security Service	<ul style="list-style-type: none"> <li>- The President and his/her family</li> <li>- The President-elect and his/her family</li> <li>- Former Presidents (within the past 10 years)</li> <li>- The Acting President and his/her spouse</li> <li>- The President, King, Prime Minister, and Vice President during a visit to Korea</li> <li>- Other domestic and international figures deemed by the Director to require security protection</li> </ul>
Police	<ul style="list-style-type: none"> <li>- Prime Minister</li> <li>- Speaker of the National Assembly</li> <li>- Chief Justice of the Supreme Court</li> <li>- Chief Justice of the Constitutional Court</li> <li>- Former President (10 years or more)</li> <li>- Presidential Candidates</li> <li>- Members of the National Police Agency's Special Investigative Persons Protection Review Committee<sup>3</sup></li> </ul>

<sup>2</sup> The definition of a security agency was based on the concept of security in its substantive sense. This substantive understanding of security understands the concept of security from its essential perspective, deeming any act that protects the subject from harm, regardless of the person providing the protection, as security. Conversely, the formal understanding of security understands only the duties of security agencies within positive law and institutional frameworks as security.

<sup>3</sup> According to the selection of the National Police Agency's Personnel Protection Review Committee, persons who are at risk of serious harm to national security due to assassination, terrorism, kidnapping, etc., such as State Council members, Senior Secretary to the President, Vice Speaker of the National Assembly, representatives of political parties, Chairmen of National Assembly Standing Committees, Mayor of Seoul, Prosecutor General, professors, etc.

	<ul style="list-style-type: none"> <li>- Reporters of Specific Crimes<sup>4</sup></li> <li>- North Korean Defectors<sup>5</sup></li> <li>- Solo Visits to Korea by Deputy Prime Ministers, Royal Family Members, or Spouses of State Guests</li> <li>- Other Persons Deemed Necessary by the Commissioner General of the National Police Agency</li> </ul>
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#### 4. Assassination of the South Korean President

First, on January 21, 1968, 31 North Korean agents (Unit 124) from the Reconnaissance Bureau of the Ministry of National Security raided the Blue House and infiltrated all the way to Segeomjeong Pass in Seoul with the aim of assassinating the president. Of the 31 infiltrators, 29 were killed, one remains unidentified, and one (Kim Shin-jo) surrendered. They were ultimately discovered during a joint police and prosecutors' checkpoint near what is now Changuimun Gate. Most were killed, and Kim Shin-jo was captured. At this time, North Korean special forces infiltrated the Blue House's second-line security zone, reaching a mere 500 meters from the Blue House<sup>6</sup>.

At the time, overlapping (triple) security techniques were used to protect the president. This concept involved multiple security agencies overlappingly guarding a single target. If North Korean special forces, undetected in the 3rd security zone, the Capital Defense Command's area of responsibility, had also gone undetected in the 2nd security zone, the police's area of responsibility, it would have created a serious national security crisis, potentially escalating to the assassination of the president. This situation could have even led to all-out war.

**Table 2.** The current state of overlapping security for the Korean president.

Security Area	Distance from Persons Subject to Protection	Responsible Agency
3rd Line Security Area (Outer Ring)	Effective Range of Small Caliber Howitzers	Capital Defense Command Subordinate Units
2nd Line Security Area (Middle Ring)	Effective Range of Rifles	Seoul Metropolitan Police Agency 101st Security Brigade 202nd Security Brigade
1st Line Security Area (Inner Ring)	Effective Pistol Range and Grenade Throwing Range	Presidential Security Service

<sup>4</sup> A specific crime reporter is someone who is at risk of retaliatory crimes related to specific violent crimes such as murder, drugs, violence, and rape.

<sup>5</sup> A North Korean defector whom the Director of the National Intelligence Service has decided to protect due to concerns that he or she may significantly impact national security.

<sup>6</sup> North Korea's stated goal was a large-scale plan: a surprise attack on the Blue House to assassinate the president, while the remaining units would each attack the US Embassy, assassinate key figures in South Korea, attack the Ministry of National Defense, and overthrow prisons to free prisoners. This would instigate chaos in Seoul and create a terrorist attack by anti-government forces in South Korea. This incident left behind examples of the establishment of resident registration numbers, reserve forces, five-squad standby units, the 3rd Army Academy, UFG training, military service extensions, and the 684th Unit.

The principle of overlapping security varies from country to country, depending on whether it focuses on the perimeter or proximity. There are also differences based on the geographical characteristics of the security area, the type of threat, and the content of intelligence gathering. However, this principle applies to most countries worldwide.

North Korea also utilizes overlapping (quadruple) security techniques. The "first-line security" is Unit 974, under Office 80 of the Central Committee's Organization and Guidance Department. The "second-line security" is Unit 963 of the Escort Command. The "third-line security" is the State Security Command and the Ministry of State Security. The "fourth-line security" is the Ministry of People's Security. A total of 120,000 personnel are involved. Unit 974, dedicated to first-line security, consists of approximately 3,000 personnel, while the close-line security team consists of approximately 500 personnel, similar to the Presidential Security Service in South Korea.

Next, there was the assassination of First Lady Yuk Young-soo by Moon Se-gwang, a spy for South Korea who infiltrated President Park Chung-hee at a Liberation Day ceremony in 1974 with the intention of assassinating her. In this case, the cause of the security failure was pointed out to be that Moon Se-gwang spoke Japanese, which caused problems during the security checkpoint search process. Ultimately, the access control system in the first-line security area was pointed out as the fundamental cause, and this could have been prevented in advance if even just one of the several government agencies, such as the Central Intelligence Agency Osaka Branch, the Korean Consulate General in Osaka, Gimpo Airport Customs, and the Foreign Affairs Police, had functioned properly, even if not at the security site on that day [10]. Ultimately, this incident led to a major turning point in the security of the Korean president, and as a result, it led to the establishment of the "Presidential Security and Safety Countermeasures Committee," a hybrid security system.

Furthermore, examining the political environment surrounding the presidential assassination attempt in the above case, we note that at the time, US President Jimmy Carter was planning to withdraw US troops from South Korea, and the Park Chung-hee administration was pursuing its own nuclear development as part of its independent defense policy. From North Korea's perspective, if South Korea were to complete its nuclear development, the military balance between North and South Korea would be disrupted. Historically, assassinations of heads of state have occurred when this military balance collapsed or was certain to collapse [4].

Another example is the North Korean assassination attempt on October 9, 1983, of President Chun Doo-hwan and his entourage while visiting Myanmar (Burma)<sup>7</sup>. The primary purpose of this assassination attempt was to bring about a new regime change in South Korea. However, from an economic perspective, South Korea had begun to gain international recognition through rapid capitalist economic growth in the 1970s and 1980s. Meanwhile, North Korea was struggling to maintain its regime due to food shortages following the collapse of its communist economic system. While terrorism, such as assassinations, has typically occurred during periods of political turmoil and disruption of the military balance of power with an enemy, this case demonstrates that terrorism can also occur when economic security gaps become sharp.

## 5. The Need for Advanced Science and Technology in Presidential Security Agencies

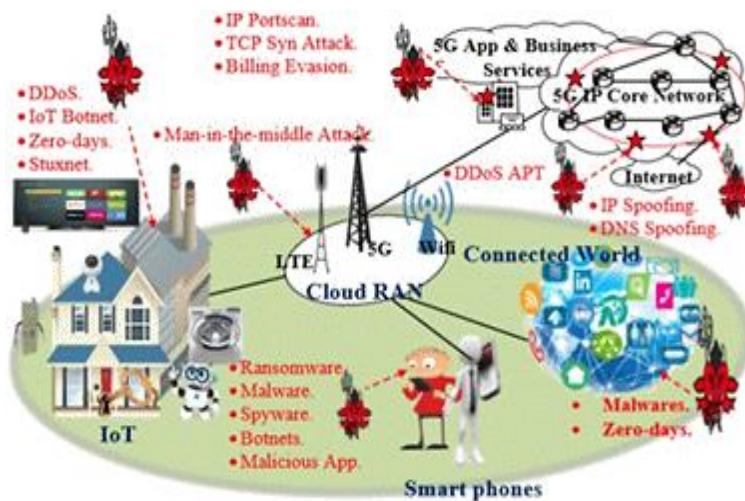
The Fourth Industrial Revolution in 2016 ushered in the commercialization of previously unheard-of technologies, such as drones. With these technological advancements, responses to

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<sup>7</sup> Following this incident, 69 countries around the world, including the United States, issued statements condemning North Korea, and pro-North Korea Third World countries, including Myanmar, severed diplomatic ties with North Korea.

threats must be proportionally strengthened to match those of neighboring countries. China's recent military expansion has led to instances of electronic warfare between the US and China, first erupting in 2022 when House Speaker Nancy Pelosi visited Taiwan on Air Force One. The possibility of future incidents not only in the Taiwan Strait but also on the Korean Peninsula cannot be ruled out. Furthermore, the threat posed by these technological advancements is evolving, with drones actively being deployed and continuously evolving in the Russian-Ukrainian battlefield. This shift is undermining the existing overlapping security system, which currently comprises the military, police, and Secret Service, for presidential protection [11]<sup>8</sup>.

**Figure 1.** Electronic warfare attack model in a security field[12].



South Korea experienced three instances of North Korean small drones being spotted in various locations between March and April 2015, raising public anxiety over the possibility of attack and nuclear delivery[13]. Furthermore, even before the Reaper (MQ-9) drone was deployed in the 2020 operation to eliminate Iranian Revolutionary Guard Commander Soleimani, drones had already been used to assassinate political leaders in enemy countries. Drones are low-cost, high-efficiency vehicles that combine the capabilities of "intelligence satellites" and "fighter aircraft." They possess excellent targeting capabilities, but their unmanned operation allows for a wide range of operations. Furthermore, recent developments have enabled remote control via smartphones, making them stealthy, and their ability to carry a wide range of payloads poses a significant threat[14].

## 6. Political Implications of Presidential Security

Under the Constitution of the Republic of Korea, the President holds the position of head of state, head of the executive branch, commander-in-chief of the armed forces, and authority to declare war and peace, conclude and ratify treaties with foreign countries, and appoint, receive, and dispatch diplomatic envoys. This is a presidential system.

<sup>8</sup> Looking at the CIA's drone operations, while the drones themselves are operated by the CIA, related facilities exist in diverse locations, including air force bases, aircraft carriers, and embassies, creating a dual management system. Therefore, for electronic warfare operations occurring domestically, facilities could be established within division-level military units within the country's territory, maintaining security. Operations could then be managed by intelligence agencies located near military units managing urban areas.

Consequently, in a presidential system, the president serves as both head of state and commander-in-chief of the armed forces, while also serving as head of the executive branch. This makes this role significantly more important than in a cabinet system or a semi-presidential system. Therefore, it would be natural for a presidential system to establish a presidential security service directly under the president, overlapping security with police and military organizations to create a more secure security environment.

In contrast, in countries with cabinet systems like the United Kingdom, Germany, France, and Japan, the monarch is a symbolic figure, while the prime minister is the supreme leader of the political process. The key difference between the two is that the president is directly elected by the people, while the prime minister is elected by the parliament. Therefore, if the president is assassinated, it typically takes more than 120 days to elect a new president. However, if the prime minister is assassinated, the election is conducted by the National Assembly, allowing for an average of two weeks for a new prime minister to be elected. This signifies political importance, regardless of the importance of life and limb. Consequently, the prime minister's security needs may be relatively less stringent than the president's.

Therefore, as long as the presidential system of government is maintained, the overlapping security system operated by different agencies, not for the personal safety of the president, should be maintained, as is the current legal system [1].

The current state of the security services for the president and prime minister in South Korea is divided into three categories: personal security, personal protection, and personal protection. Government organizations are organized within the Presidential Security Service, the police, the prosecution, the Ministry of National Defense, and the National Intelligence Service.

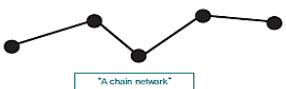
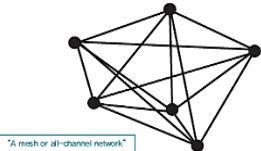
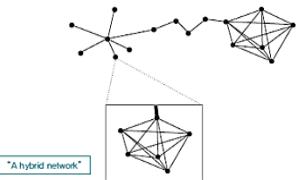
**Table 3.** Status of the dedicated security organization for the president and prime minister of Korea [17].

Category	Domestic factors		Foreign guests visiting Korea				
Factor security	Gap-ho (Security Service)	<ul style="list-style-type: none"> <li>The President and his/her family</li> <li>The President-elect and his/her family</li> <li>Former Presidents, their spouses, and children (within 10 years of leaving office)</li> </ul>	A,B, C,D Grade (Secret Service)	<ul style="list-style-type: none"> <li>President, King, Prime Minister, Vice President</li> </ul>			
	Eul-ho (police)	<ul style="list-style-type: none"> <li>Speaker of the National Assembly</li> <li>Chief Justice of the Supreme Court</li> <li>Prime Minister</li> <li>Chief Justice of the Constitutional Court</li> <li>Former President (after 10 years)</li> <li>Presidential Candidate</li> </ul>	E-F Grade (Police)	<ul style="list-style-type: none"> <li>Deputy Prime Minister, Royal Family</li> <li>Foreign Guests Class A, B, C, and D Spouse's Solo Visit to Korea</li> </ul>			
	Byung-ho (police officer)	<ul style="list-style-type: none"> <li>A person recognized by the Commissioner General of the National Police Agency as requiring security</li> </ul>					
Factor protection	<ul style="list-style-type: none"> <li>Those selected by the National Police Agency's "Persons under Protection Review Committee" (State Council members, senior secretaries, Vice Speakers of the National Assembly, political party leaders, National Assembly Standing Committee Chairmen, and key figures in the scientific community)</li> </ul>						
Personal protection	<ul style="list-style-type: none"> <li>North Korean defectors (National Intelligence Service, police)</li> <li>Those excluded from protection by the Director of the National Intelligence Service due to concerns that they could significantly impact national security</li> <li>Those reporting specific crimes (police, prosecutors)</li> <li>Those excluded from protection by prosecutors or police chiefs due to concerns about retaliation for reporting crimes under the jurisdiction of the International Criminal Court, drug trafficking, or specific violent crimes</li> </ul>						

Meanwhile, the United States is reportedly integrating its presidential security service with counterfeiting and financial crime investigations, as well as presidential protection. Russia is also reportedly pursuing the integration of its existing Secret Service with the Foreign Intelligence Service (SVR). This is because the work of investigating threats to the president and security intelligence is distinct from domestic security operations, and because key threats stem from "organizations with foreign ties," security intelligence investigations are highly correlated with presidential security [3].

Furthermore, in most countries, excluding North Korea and China, the liberalization of international travel and widespread use of the internet have rendered the distinction between overseas and domestic threats, or between online and offline, meaningless. Furthermore, military and civilian personnel are not subject to the same level of control as in wartime, diminishing the significance of such distinctions[11]. Therefore, the speed and accuracy of analyzing and identifying threat information linked to foreign sources is considered a crucial factor not only in national security but also in presidential security.

**Table 4.** Types of terrorist organizations that threaten to assassinate the president[18][19].

Division	Model	Contents
Chain type	 <p>"A chain network"</p>	<ul style="list-style-type: none"> <li>In a linear fashion, each node acts as a gateway.</li> <li>All traffic passes through each node, allowing command and control to be maintained throughout the network.</li> <li>It is useful for logistics, as goods and information move along the network and ultimately reach their intended destination.</li> </ul>
Hub type	 <p>"A hub network"</p>	<ul style="list-style-type: none"> <li>All nodes are connected to a central hub node, ensuring that all information passes through the central node.</li> <li>The central node acts as a gateway to the rest of the network.</li> <li>Useful for connecting with subordinate organizations or external groups.</li> </ul>
Mesh type	 <p>"A mesh or all-channel network"</p>	<ul style="list-style-type: none"> <li>All nodes communicate with each other without a gateway.</li> <li>While efficient for communication, this connectivity raises concerns that the entire network could be tracked if a single node is exposed to the outside world.</li> </ul>
Hybrid (international terrorism)	 <p>"A hybrid network"</p>	<ul style="list-style-type: none"> <li>A combination of chain, hub, and mesh types.</li> <li>A terrorist organization with a leader overseas.</li> <li>An international criminal organization.</li> </ul>

## 7. Discussion and Suggestions<sup>9</sup>

First, South Korea's current presidential security system consists of an overlapping security system divided into the Presidential Security Service, the National Police, and the Capital Defense Command. Abolishing the Presidential Security Service would create a gap in the principle of overlapping hierarchy. North Korea, which is currently in a ceasefire with South Korea, also maintains a quadruple-layered security system consisting of the Central Party Organization and Guidance Department, Unit 974, the Escort Command, the State Security Department, and the Ministry of People's Security. Therefore, this system should be maintained proportionally. While G7 countries like the UK, Germany, France, and Japan have dedicated police forces, South Korea faces a different threat because it is in a ceasefire with North Korea.

Second, the police, whose primary responsibility is domestic security, struggle to effectively respond to the overseas threats necessary for presidential security. This is due to a weak overseas intelligence network. The 2001 September 11 terrorist attacks in the United States are a prime example, where the CIA, responsible for overseas intelligence, failed to utilize the intelligence in a timely manner despite reporting the threat to the FBI. This terrorist attack resulted in thousands of innocent deaths, and a US House of Representatives investigation pointed out the division between foreign intelligence and domestic counterintelligence, leading to the creation of the Office of the Director of National Intelligence (ODNI), which consolidated 16 US intelligence agencies.

Third, presidential security is operated as a military operation rather than a matter of public safety, making it difficult for the police to take the lead in presidential protection. Recent incidents, such as the electronic warfare threat that occurred between the US and China during House Speaker Nancy Pelosi's 2022 presidential visit to Taiwan, demonstrate that presidential security is being operated from a military perspective and is beyond the scope of police duties.

Fourth, if the police were to exclusively handle presidential protection, it would be based on the Police Officers' Duties Act, which mandates that officers prioritize their own safety at crime scenes. However, the "hand protection principle," which is based on a spirit of self-sacrifice in presidential security, conflicts with the Police Officers' Duties Act. The nature of an organization, established for decades within the legal system, is not easily changed by legal revisions. In fact, in Japan, where the police are responsible for security, there have been persistent security failures, both large and small, such as the assassination of Prime Minister Shinzo Abe by a private gun and the attempted assassination of Prime Minister Fumio Kishida.

Fifth, security and secrecy are crucial for presidential security. However, the police budget is publicly disclosed, and recruitment channels are extensive, including open recruitment, special recruitment, officer candidates, and the National Police Agency. With over 140,000 police officers, maintaining the security of the security guards assigned to protecting the president is also difficult.

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## 9. Appendix

### 9.1. Author's contribution

	Initial name	Contribution
Author	SJ	<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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ISSN: 2423-8376

Website: [j-institute.org](http://j-institute.org)

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DOI Address:  
[dx.doi.org/10.22471/terrorism.2025.10.0.46](https://dx.doi.org/10.22471/terrorism.2025.10.0.46)



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## Changes in U.S. Asia-Pacific Strategy and Implications for South Korea's National Security under the Post-Cold War Period

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### Abstract

**Purpose:** Although more than thirty years have passed since the end of the Cold War, the security environment in Northeast Asia continues to be characterized by persistent confrontation and rivalry between the authoritarian bloc (North Korea, China, and Russia) and the liberal bloc (South Korea, the United States, and Japan). Accordingly, the purpose of this article is to understand the U.S. Asia-Pacific strategy and to analyze the military role of the United States Forces Korea (USFK), which has a significant influence on the formulation of Korea's foreign and security policies, as well as its role as a stabilizer for the regional balance of power.

**Method:** The analytical scope of this study focuses on Asia-Pacific strategies from the George H. W. Bush administration to the Joe Biden administration. Considering the nature of the research, this study employs a qualitative research method, utilizing literature review and case analysis as its primary research approaches.

**Results:** Following the collapse of the Soviet Union, the United States has concentrated its national capabilities on containing China, which poses a potential threat to pax-Americana. As China's hegemony in East Asia may threaten the national survival of South Korea, the ROK-U.S. alliance and the United States Forces Korea(USFK) serve as core leverage in South Korea's foreign policy. Accordingly, it is necessary to strategically maintain the ROK-U.S. relationship to prevent the United States from retreating its Pacific defense line to Japan, while simultaneously exercising diplomatic capacity to ensure that South Korea does not become a regional alliance aimed at containing China in a manner that undermines its current and historic amicable relations with Beijing.

**Conclusion:** The ROK-U.S. alliance should not be confined solely to a military alliance but should be continuously developed into a comprehensive strategic alliance through the sharing of democratic values and the expansion of economic cooperation. In order for the ROK-U.S. alliance to harmonize with multilateral security cooperation frameworks, its scope of activities should be expanded across East Asia, and efforts to promote regional stability and peacekeeping activities should be strengthened. The ROK-U.S. alliance should also expand multilateral security cooperation, including participation in the ASEAN Regional Forum (ARF), and actively engage in efforts to establish regional arms control mechanisms through regional security dialogue.

**Keywords:** ROK-U.S. Alliance, USFK, Asia-Pacific Strategy, ROK-U.S-Japan Security Cooperation, Multilateral Security Cooperation

### 1. Introduction

In Northeast Asia, the USFK and the United States Forces-Japan (USFJ) perform significant security roles not only through their formidable military capabilities but also through the mere presence of their forward-deployed forces. Accordingly, the consistent position of the South Korean government is that, even after the reunification of the Korean Peninsula, the framework of the ROK-U.S. Mutual Defense Treaty should be maintained and the continued stationing of the USFK is necessary in order for it to act as a regional stabilizer[1].

Cho SY (2003) described the deployment of U.S. forces in East Asia in terms of both political and military rationales. According to Cho (2003), the political rationale was to ensure stability in the Asia-Pacific region, where economic interdependence with the United States has been strengthened beyond the transatlantic relationship. The military objectives were identified as deterring war and preventing potential war crises in advance, as well as enabling immediate responses in contingencies, thereby serving as a forward base for threat suppression and for the deployment of reinforcements to the U.S. homeland and other operational theaters [2].

Park YJ (2021) stated that changes in U.S. defense strategy accelerated the Koreanization of South Korea's defense in the post-Cold War period, while the USFK pursued a role transformation into an operational maneuver force in Northeast Asia, with its operational area expanding beyond the Korean Peninsula. In particular, Park (2021) noted that Camp Humphreys in Pyeongtaek, due to its proximity to Pyeongtaek Port (23km) and Osan Air Base (20km), is capable of supporting the rapid deployment of U.S. reinforcement forces from outside the Korean Peninsula in contingencies. Accordingly, Camp Humphreys serves as an operational base for a rapid maneuver force responding to Northeast Asian contingencies and contributes to enhancing the flexibility and responsiveness of U.S. forces stationed in Northeast Asia [3].

Lee MS (2024) analyzed the impact of the Taiwan issue on the United States' extended deterrence posture toward the Korean Peninsula. The study emphasized that the United States would be compelled to defend Taiwan to deter China's regional hegemony and prevent the projection of Chinese naval power into the Pacific. In doing so, Lee identified the utilization of the USFK as a critical alternative. It was further analyzed that, due to its geographical position capable of targeting China's core areas, including Beijing and the Bohai Gulf, the USFK could serve as an important means of restraining China during a Taiwan Strait crisis, and that if South Korea were to support naval power, the United States could achieve effective maritime superiority vis-a-vis China [4].

In contrast from previous studies, this paper analyzes the United States' Asia-Pacific strategy, which exerts a significant influence on the formulation of South Korea's foreign and security policies, and conducts an in-depth examination of the military role of the USFK, which forms the foundation of the ROK-U.S. alliance, as well as its role as a stabilizer for maintaining the regional balance of power.

## **2. The New Military Security Strategy of the United States after the Cold War**

### **2.1. Security strategy and U.S. troop reduction plan in East Asia under the George H. W. Bush administration**

With the dissolution of the Soviet Union and the collapse of the Eastern Bloc bringing the Cold War to an end, the United States' security strategy was then reconsidered at a foundational level. In July 1989, the U.S. Senate passed the 'Nunn Warner Amendment', requesting the Department of Defense submit a report on how allies in Asia should be engaged to promote regional stability and how the U.S. military presence in East Asia could be reduced and restructured. In response to this request, the report prepared by the U.S. Department of Defense and submitted in April 1990 was the East Asia Strategic Initiative (EASI I). The report pointed out that, despite the end of the Cold War, two Cold War type threats (the Russian Far East and North Korea) remained, and defined U.S. interests as the maintenance of regional stability.

Following the announcement of the East Asia Strategic Initiative, the United States came to reassess its security strategy once again as various factors emerged, including the dissolution of the Soviet Union in December 1991 and Iraq's invasion of Kuwait. In this context, a new strategic concept referred to as the Regional Defense Strategy appeared in The National Security

Strategy of the United States issued in August 1991 and The National Military Strategy of the United States formulated in January 1992.

The 'Regional Defense Strategy' refers to a revision of the existing strategy that had focused on the global-scale Soviet threat, and clarifies that, at least in the short term, the strategy would address regional threats such as Iraq and North Korea. The Base Force Concept, formulated by then Chairman of the U.S. Joint Chiefs of Staff Colin Powell, demonstrated a new force structure of the U.S. military that supported this new strategy. Under this concept, the U.S. military decided to reduce both its budget and force levels by 25 percent, which also had an impact on the U.S. force posture in the Asia-Pacific region.

The Second East Asia Strategic Initiative (EASI II) presented concrete plans regarding the force reduction proposals raised in the First East Asia Strategic Initiative (EASI I). The reduction of approximately 3,500 U.S. troops stationed in the Philippines, which had been included in the first-phase reduction plan of the First East Asia Strategic Initiative, was increased to 11,000 troops following the Philippine Senate's rejection of the renewal of the U.S. bases agreement. As a result, by 1992, when the first-phase reduction plan was completed, U.S. forces in the Pacific had been reduced by approximately 20 percent compared to previous levels. In addition, the Second East Asia Strategic Initiative (EASI II) possessed another distinctive feature in that, for the first time, it defined China as a 'potential source of instability' in East Asia [5].

## **2.2. Military and security strategy and U.S. forces in East Asia under the Clinton administration**

Unlike previous administrations, which had focused on Cold War style military security interests, the Clinton administration shifted the priority of national interests toward 'economic interests.' This change in strategic perception was clearly reflected in the revised A National Security Strategy of Engagement and Enlargement issued in February 1995. The report characterized U.S. economic interests in the Asia-Pacific region as 'incalculable'. The United States' perception of East Asia was articulated through the concept of a 'New Pacific Community' when President Clinton (at the time) visited South Korea and Japan in July 1993. In this initiative, President Clinton characterized the U.S. Japan relationship as one that embodies the 'sharing of power, the sharing of prosperity, and the sharing of engagement in democratic values,' and defined it as the most important bilateral relationship in the Asia-Pacific region. In particular, he emphasized the continued presence of U.S. forces in the Asia-Pacific region [6].

The foreign strategy of the Clinton administration was explained in a more systematic manner in a speech delivered in September 1993 by National Security Advisor Anthony Lake at the School of Advanced International Studies of Johns Hopkins University. This strategy was named *Engagement and Enlargement* and was based on the principle that the United States would engage in various global issues and expand market economies and democracy worldwide. In a lecture delivered at the National Press Club in July 1995, U.S. Secretary of State Warren Christopher of the Clinton administration articulated the United States' Asia-Pacific strategy as comprising the following elements: (a) the maintenance and revitalization of foundational alliances with South Korea, Japan, Australia, the Philippines, and Thailand; (b) the active pursuit of engagement policies toward former adversaries of the Cold War era; (c) the establishment of regional institutions capable of achieving economic prosperity, regional integration, and long-term stability; and (d) support for democracy and human rights based on U.S. ideals and interests.

## **2.3. U.S. force presence policy and security strategy in East Asia under the Clinton administration**

The Clinton administration fundamentally accepted the importance of the 'Regional Defense Strategy' of President George H. W. Bush and defined the required force level as 'the forces

necessary to win two nearly simultaneous major regional contingencies.' Accordingly, the Bottom-Up Review (BUR) was announced on September 1, 1993, by Secretary of Defense Les Aspin in the form of guidelines for the formulation of the FY 1994 defense budget. The policy organized post-Cold War security threats into four categories: (a) threats posed by nuclear weapons and other weapons of mass destruction; (b) threats arising from aggression by regional powers or from ethnic and religious conflicts; (c) threats resulting from the failure of democratic reforms in the Soviet Union or other regions; and (d) threats to the U.S. economy. Conversely, the policy also stated that the post-Cold War environment could operate favorably due to the following four factors: first, the expansion of security cooperation and democratic communities; second, the strengthening of regional deterrence; third, the achievement of dramatic nuclear reductions; and fourth, the reduction of resources required for national defense [7].

The Bottom-Up Review removed references to the existence of a global-scale threat and to the former Soviet Union as a potential threat. Instead, it adopted the concept of 'regional threats' from the George H. W. Bush administration, pointing out the high likelihood of the outbreak of major regional contingencies, and identified Iraq, North Korea, and war-torn Croatia as major flash points. The Review also concluded that the United States should maintain sufficient forces to prevail in two nearly simultaneous major regional contingencies, and noted that a U.S. force presence of approximately 100,000 troops would be maintained in East Asia. Specific policies regarding forward deployment are clearly reflected in the East Asia Strategy Report, released on February 27, 1995. The principles of 'engagement' and 'enlargement,' which constitute the core ideology of the Clinton administration, are also reflected in the East Asia Strategy Report. 'Engagement' refers to the strengthening of relationships with allies and friendly countries in the Asia-Pacific region, while 'enlargement' conveys the meaning of expanding democracy by strengthening relations with various countries that are not allied [8].

### 3. China's Rise and the United States' Policy Emphasis on East Asia

#### 3.1. The China threat theory and the George W. Bush administration's East Asia policy

With the inauguration of the Republican administration of George W. Bush on January 20, 2001, the United States' global military strategy underwent a significant transformation. Unlike the previous Clinton administration, which had addressed global strategy and security issues primarily through the lens of U.S. economic interests, the Bush administration placed military and security affairs at the top of the United States' global strategic priorities. The return to a policy prioritizing military and security strategy under the Bush administration was shaped by the combined influence of two factors. Even under the Clinton administration, the U.S. Republican Party consistently advocated force restructuring through congressional activities in a manner that strongly supported the demands of the U.S. military. In this regard, the direction of military and security policy adopted by the foreign and security team of the new Bush administration does not differ significantly from the objectives of the force restructuring pursued by the military. In particular, the *Defense Transformation* report of the National Defense Panel (NDP) published in 1997 can be regarded as indicative of the military and security policy orientation of the Bush administration, given that it was prepared with the participation of members of the Republican foreign and security team, including Armitage [9].

The defense policy orientation of the Bush administration had already been evident in the report of the National Defense Panel (NDP) in 1997. The National Defense Panel reexamined, from a mid- to long-term perspective, the force structure designed to address 'two major regional contingencies,' and in December 1997 published a lengthy evaluative report entitled *Defense Transformation* concerning the 1997 Quadrennial Defense Review (QDR). The report criticized the concept of 'major theater wars,' which serves as the premise of the 'two major theater

war victory strategy,' arguing that it was based on Cold War assumptions and that allocating resources to low-probability scenarios constrained the long-term development of U.S. security required through 2010-2020[10].

The U.S. Joint Chiefs of Staff had also begun to reexamine the 'two major theater war victory strategy' even before the emergence of the Bush administration. In *Joint Vision 2020*, released in May 2000, the Joint Chiefs of Staff urged the need to prepare for new forms of warfare, emphasizing that future conflicts were highly likely to involve 'asymmetric attacks'[11]. The Joint Chiefs of Staff warned that U.S. military forces were being deployed in small units across wide areas, thereby weakening combat readiness, and that shortages of ships, aircraft, and personnel would prevent the United States from achieving simultaneous victories in two major regional contingencies (MRCs)[12].

### **3.2. The rise of the China threat theory and the policy emphasis on East Asia**

Following the inauguration of the Bush administration, a prominent characteristic of the United States' East Asia strategy was its grounding in the China Threat Theory. Fundamentally, the Republican Party regarded China as a 'strategic competitor.' As a result of the shift in U.S. perceptions of China accompanying the Republican Party's return to power, the center of gravity of U.S. military and security strategy moved toward East Asia. In accordance with the China Threat Theory, the Bush administration simultaneously pursued two objectives: a 'return to an East Asia focused policy' and a 'recalibration of U.S. forces stationed in East Asia.' The U.S. Joint Chiefs of Staff's *Joint Vision 2020* had already foreshadowed that the United States' global military strategy in the twenty-first century would shift from an emphasis on homeland defense and Europe-centered policy to an Asia-centered policy. As the Bush administration's perception and assessment of the China threat evolved, the core of the Asia-focused policy came to be centered on a strategy toward China[13][14].

As China came to be assessed as a new security threat, the concept of 'two theater wars,' which had assumed provocations by so-called 'rogue states' such as Iraq, Iran, and North Korea, underwent a fundamental reassessment. Rather than preparing for conventional wars against North Korea and similar actors, countermeasures for future warfare premised on the threat posed by China became the central focus. The China Threat Theory was only implicitly suggested in *Joint Vision 2020* as referring to a state capable of posing asymmetric threats to the United States, and it was also not explicitly mentioned in the *2001 Quadrennial Defense Review*, released just nineteen days after the September 11, 2001 terrorist attacks, due to political considerations that required China's cooperation in the international coalition against terrorism. However, the *U.S.-China Security Review*, released on July 12, 2002, openly revealed the Bush administration's concerns regarding China[15].

In accordance with its new military strategy, the Bush administration pursued a Ballistic Missile Defense (BMD) program to defend the U.S. homeland and its allies, and strengthened the forward deployment of air and naval forces as well as the Guam base in order to address potential threats to China's sea lines of communication. In August 2000, approximately sixty-two air-launched cruise missiles were transported from Fairchild Air Force Base in Washington to Guam. The strengthening of U.S. military bases on Guam was carried out in accordance with a long-term military buildup plan aimed at reinforcing Guam as a forward base for military operations in the surrounding Pacific region.

Meanwhile, the United States assessed 'alliances with South Korea, Japan, and other partners as one of the sources of American power capable of responding to twenty-first-century security challenges,' and, while emphasizing the importance of the roles of allied countries, called for their participation in U.S. efforts to address complex security challenges such as counterterrorism and weapons of mass destruction[16].

### 3.3. The Obama administration's Asia pacific rebalancing strategy

The security strategy of the Barack Obama administration was formally articulated through the administration's first National Security Strategy, released on May 27, 2010. In the security domain, the document identified the strengthening of capabilities to respond to terrorist threats; the dismantling, disruption, and defeat of al-Qaeda and violent extremist groups; the prevention of the proliferation of nuclear, biological, and chemical weapons; the securing of nuclear materials; the promotion of peace and security in the Middle East; and the enhancement of security in cyberspace as national interests [17].

**Table 1.** Four major defense strategies of the Obama administration.

Items	Main contents
①	Victory in the Afghanistan and Iraq Wars
②	Conflict prevention and deterrence
③	Preparedness to defeat hostile forces and respond to diverse contingencies
④	Preservation and strengthening of resources and force structure

Note: Source: Im GH. United States Forces Korea and United States Forces Japan. Planet Media (2022).

In the international order, the strategy specified the deepening of alliance relationships with South Korea, Japan, Australia, the Philippines, and Thailand, which constitute the foundation of security in Asia, and stated that the United States would pursue a mutually beneficial, constructive, and comprehensive cooperative relationship with China. On May 28, 2014, President Obama, in his commencement address at the United States Military Academy, emphasized that all security issues around the world ultimately affect U.S. alliances and the U.S. military, and argued that when global issues do not pose a direct threat to the United States, responses should be undertaken jointly with allies and partner countries. The Obama administration's first defense strategy document, the 2010 Quadrennial Defense Review (QDR), emphasized a posture of force rebalancing and the integration of multidimensional and multi-directional efforts. Based on the strategic environment characterized by the rise of China and India and the proliferation of weapons of mass destruction by rogue and fragile states, the 2010 Quadrennial Defense Review (QDR) presented four major defense strategies, as shown in <Table 1>[18].

Meanwhile, the 2014 Quadrennial Defense Review (QDR), as a military implementation plan for the Obama administration's new Defense Strategic Guidance issued in 2012, presented force rebalancing measures aimed at maximizing the readiness of U.S. forces under the constraints of defense budget reductions resulting from the activation of sequestration (automatic federal budget cuts) in 2013. Specifically, the plan called for reducing Army personnel from 520,000 to approximately 440,000~450,000, decreasing the number of Navy carrier strike groups from eleven to ten, and pursuing reductions in Air Force combat squadrons. The 2014 Quadrennial Defense Review (QDR) clearly stated that, by positioning the Asia Pacific region as the center of global political and economic activity, the United States would promote its Asia Pacific rebalancing policy while strengthening strategic alliances with South Korea, Japan, Australia, the Philippines, and Thailand [19].

### 3.4. Formulating the Asia pacific rebalancing strategy to contain China

The Obama administration's 'Pivot to Asia' strategy brought about a shift in U.S. security strategy toward greater concentration on the Asia Pacific countries. The Asia-focused strategy of the Obama administration originated from Secretary of State Hillary Clinton's expression 'Pivot to Asia,' but was subsequently established under the term 'Rebalancing Strategy.' Secretary Clinton stated that, over the following decade, investment in the Asia Pacific region in the

diplomatic, economic, and strategic domains would be significantly increased. She presented six key action priorities for implementing the Asia Pacific focused strategy: (a) strengthening bilateral security alliances; (b) enhancing cooperative relationships with emerging major powers such as China; (c) engaging with regional multilateral institutions; (d) expanding trade and investment; (e) demonstrating a broad U.S. military presence; and (f) promoting democracy and human rights[20].

The Obama administration's rebalancing strategy centered on the United States' strategy of constraining China. President Obama declared that the United States was a Pacific nation and emphasized that military rebalancing would be pursued to safeguard U.S. security interests in Asia. At the same time, China was identified as the most significant challenge that the United States would need to manage in the future, and it was stressed that transparency in China's military modernization must be ensured, while urging China to play a constructive role in addressing regional and global issues. To this end, the administration made clear the need to expand cooperation with countries in the Asia Pacific region[21].

These initiatives led to changes in defense policy and military strategy. In January 2012, the U.S. Department of Defense directly referred to the threat posed by China in the Defense Strategic Guidance. The Department of Defense emphasized that transparency regarding China's strategic intentions must accompany the expansion of China's military capabilities in order to prevent the emergence of conflicts in the Asia Pacific region, and specified that countries such as China and Iran were expanding their Anti-access/Area-denial(A2/AD) capabilities by enhancing asymmetric means, identifying the development of military capabilities to counter such challenges as one of the core tasks of the United States. To this end, Secretary of Defense Leon Panetta announced at the 11th Asia Security Conference on June 2, 2012, that 60 percent of U.S. naval forces would be concentrated in the Asia Pacific region[22].

### **3.5. The Indo-pacific strategy of the first Trump administration and the Biden Administration**

The National Security Strategy (NSS) of President Donald Trump's administration, published on December 18, 2017, demonstrated that the strategic center of the United States had shifted to the Indo-Pacific region (extending from the western waters of the Indian Ocean to the western waters of the United States). The Trump administration's 2010 National Security Strategy (NSS) articulated an 'America First' national security strategy and explicitly identified China, Russia, North Korea, and Iran as challenge states that threaten U.S. security[23].

**Table 2.** Military and security priorities in the India-pacific region during the first Trump administration.

Priority	Main Contents
①	Deterrence of adversaries and maintenance of forward-deployed military forces capable of defeating them when necessary
②	Strengthening cooperative networks with allies and partner countries
③	Maintaining the "One China" policy while sustaining strong relations with Taiwan
④	Expanding defense and security cooperation with India

Following the military and security priorities in the Indo-Pacific region outlined in <Table 2>, the Trump administration's National Security Strategy was reflected in the U.S. defense and military strategies published the following year in 2018, and in May 2018 the Pacific Command

was renamed the Indo-Pacific Command. The U.S. Strategy Framework for the Indo-Pacific published by the U.S. Department of Defense in June 2019 identified as the United States' strategic challengers: (a) China as a revisionist power within the region; (b) Russia seeking to reemerge as a malign state; and (c) North Korea as a rogue state. It further specified the U.S. Indo-Pacific defense strategy objectives as: (a) defense of the U.S. homeland; (b) maintaining the world's most capable military; (c) ensuring a favorable balance of power for the United States in key regions; and (d) building an international order conducive to U.S. security and prosperity. To achieve these objectives, the Department of Defense presented as major strategic tasks the dynamic deployment of naval and air forces in the Indo-Pacific region, the strengthening of special operations capabilities, and the enhancement of anti-submarine warfare and intelligence, surveillance, and reconnaissance capabilities[24].

The U.S. Department of Defense's 'Indo-Pacific Strategy' can be defined as a defense strategy toward Asia aimed at constraining the rise of China. Through the 'Indo-Pacific Strategy Report', the United States identified the Japan-U.S. alliance as the 'cornerstone of the Indo-Pacific strategy' and the ROK-U.S. alliance as the 'linchpin of peace and prosperity in Northeast Asia', while also declaring the strengthening of alliances with Australia, the Philippines, and Thailand. The Trump administration's Indo-Pacific strategy has been carried over into the President Joe Biden's administration, which took office in January 2021. Through the Interim National Security Strategic Guidance released in March 2021 and the Indo-Pacific Strategy announced in February 2022, the Biden administration explicitly identified China as the only competitor capable of threatening the international system and reaffirmed its intention to constrain China through cooperation with allies such as South Korea, Japan, and Australia. Placing superiority in strategic competition with China and Russia as the highest national security priority, the administration has actively called for the expansion of the roles of the ROK-U.S. alliance and the Japan-U.S. alliance, as well as strengthened trilateral security cooperation among South Korea, the United States, and Japan, to prevent the expansion of China's capabilities in the Indo-Pacific region[25].

#### **4. Role Transformation of the United States Forces Korea in the Post-Cold War Era**

The USFK, as a product of the Korean War, have been stationed in South Korea based on Article IV of the ROK-U.S. Mutual Defense Treaty. During the Cold War period, when the defense of the Korean Peninsula constituted the primary mission of the USFK, its foremost task was to deter provocations by North Korea and, in the event that deterrence failed, to defeat North Korea through combined operations with the South Korean armed forces. To this end, the majority of U.S. Army forces were concentrated north of the line connecting Uijeongbu and Dongducheon, thereby functioning as a tripwire that ensured the automatic involvement of the USFK and U.S. reinforcement forces in the event of a North Korean invasion[26][27].

In addition, the USFK, as forces deployed on the front line of Northeast Asia, also served as a shield to block the southward expansion of the Soviet Union and communist China in the region. In this way, the USFK also fulfilled the role of defending Japan, thereby contributing to the creation of conditions that allowed Japan to concentrate on its own economic development while entrusting its security to the United States. With the end of the Cold War, as threats diversified due to factors such as the rise of China and the spread of global terrorism, and as demands for South Korea's contribution to international security increased, the roles of the South Korean armed forces and the USFK began to develop in a mutually complementary manner. As the United States pursued the Koreanization of South Korea's defense, it encouraged the strengthening of South Korea's military capabilities and gradually increased the frequency of overseas deployments of the USFK. South Korea actively promoted the transfer of wartime operational control and the relocation of the USFK, and by reaching an agreement with the United States on strategic flexibility, accepted greater operational flexibility in the employment of USFK forces.

Through the convergence of these bilateral efforts, the USFK began to transform from a fixed, permanently stationed force on the Korean Peninsula into an operationally mobile force seeking roles at the regional level[28].

The USFK has evolved in accordance with the strategic flexibility agreed upon by South Korea and the United States in 2006. This includes the expansion of USFK participation in overseas training exercises since 2010, and the implementation of rotational deployments of USFK that began in earnest in 2015. As North Korea's nuclear and missile threats intensified, the United States flexibly managed the entry and exit of U.S. forces by rotating a variety of U.S. strategic and tactical assets onto the Korean Peninsula. The free movement of USFK into and out of the Korean Peninsula signifies that the USFK is transforming into an operationally mobile force [29].

In addition, USFK bases in South Korea, such as those in Pyeongtaek and Daegu, together with United States Forces Japan bases, including those in Okinawa that perform the role of strategic hubs, assume the role of operational hubs within the Asia Pacific region. By using hub bases in South Korea and Japan as a foundation, the U.S. military has come to possess the conditions necessary to conduct entry into and exit from Northeast Asia more flexibly. As a result, it has been able to secure greater flexibility in military operations aimed at deterring North Korea and China. These changes are largely attributable to transformations in U.S. security strategy and Northeast Asian defense strategy in the post-Cold War period. In addition, South Korea's security autonomy resulting from the growth of its national power, and further its efforts to restore military sovereignty, have naturally facilitated a transformation in the role of the USFK. In other words, as the role of the South Korean armed forces in the defense of South Korea has expanded, the USFK can be understood as gradually shifting toward a more supportive role, as well as toward a role as a response force to newly emerging threat actors in the region, including China.

## 5. Conclusion

Following liberation from Japanese colonial rule on August 15, 1945, South Korea achieved economic growth and advanced into a developed nation under the security umbrella of the United States. In the twenty-first century, amid the Northeast Asian security environment marked by the advancement of North Korea's nuclear capabilities and the rapid rise of China's national power, the South Korean government has adopted a security strategy that extends and deepens its alliance with the United States and maintains the continued presence of U.S. forces as a regional stabilizing force.

Under these circumstances, what should be done to firmly secure South Korea's security? Firstly, the ROK-U.S. alliance should not be confined solely to a military alliance but should be developed into a comprehensive strategic alliance encompassing the sharing of democratic values and the expansion of economic cooperation. Deepening the ROK-U.S. alliance into a comprehensive strategic partnership would also strengthen South Korea's diplomatic leverage vis-a-vis neighboring countries. In addition, the existence of the ROK-U.S. alliance and the USFK can help prevent the process of Korean reunification from escalating into international or inter-Korean military conflict and can serve as the greatest supporting force capable of assisting South Korea throughout the entire reunification process.

Secondly the ROK-U.S. alliance should be developed into a partner for regional security beyond the security of the Korean Peninsula. If the role transformation of the USFK is rejected and the ROK-U.S. alliance is confined solely to deterrence against North Korea, South Korea's strategic value to the United States will decline, and the United States is highly likely to choose a policy of continuously reducing the USFK[30]. Therefore, in order for the ROK-U.S. alliance to harmonize with multilateral security cooperation frameworks, its scope of activities should be

expanded across East Asia, and it should also assume roles in regional stability and peacekeeping and peace-enhancement activities. Careful attention must be paid to the relationship with the Japan-U.S. alliance. While promoting close security cooperation among South Korea, the United States, and Japan, caution should be exercised to ensure that such cooperation does not become an exclusive regional alliance that could provoke opposition from neighboring countries such as China and Russia<sup>[31][32]</sup>.

This article has confirmed that, following the collapse of the Soviet Union, the United States has concentrated its national capabilities on containing China, which has the potential to threaten Pax- Americana. When South Korea remains a close ally of the United States, China is constrained from treating South Korea arbitrarily. The ROK-U.S. alliance and the USFK constitute major assets of South Korea's foreign policy. Accordingly, careful and sustained attention must be devoted to the ROK-U.S. relationship to ensure that the United States does not retreat its Pacific defense line to Japan. At the same time, prudence must be exercised so that South Korea does not become a regional alliance aimed at containing China in a manner that undermines amicable relations with Beijing.

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## 7. Appendix

### 7.1. Author's contribution

	Initial name	Contribution
Lead Author	JL	<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></ul>
Corresponding Author*	JY	<ul style="list-style-type: none"><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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