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Security Policy of POLICE according to Increase of Elder Crimes

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Abstract

Demographic dynamics is a factor having a huge impact on society and economy of a nation and especially Korea, which is set to mark the eighth out of the countries with eldest population globally based on median age by 2030 is projected to undergo many changes. Change of such megatrend is expected to trigger social welfare problems and be connected to crimes, which means security policy of police should have strategy tailored to the elderly people.

In line with the increase of elderly divorce and 'living alone' elders in this aging society, they may not only experience dementia and missing but also are positively engaging in insurance frauds and easily become the targets of ever evolving 'voice phishing'. Should the increase of sexual assaults out of elder crimes and traffic accidents emerge as a social issue, it may trigger generational conflicts and is highly likely to cause the increase of so-called 'wild and violent elders'.

So, police's security policy should brace for client-oriented trends in a mid and long term in step with the aging society, while elders could be the victims of sophisticated forms of crimes alongside the increase of elder crimes, probably resulting in shortage of correctional facility for elders in the future.

From official crime statistics, we can see the increase of elder crimes remarkably, whereas police are currently dealing with this trend just in the level of preventing their abuses and also lack diverse PR strategy, meaning mostly ex post police activity.

Under the circumstances, some provincial police offices are promoting public order strategy customized to the aging society but with little effects so far. So, as part of police activity in local community, police are conducting active PR by visiting living-alone elders and many other elder-care facilities, which needs to be expanded further in the future.

Therefore, to brace for the aging society, police desperately need to have plans to play an important mediating role in physical health and psychological counseling as an organization not only ensuring the safety of senior citizens from crime but as a leading one in collaborations between organizations.

Based on this need, this study examined the present state of elder crimes and damages from crimes, cases of elder crimes in our country, the actual state of police security policy and problems related with elder crimes and damages. By doing so, the study aimed at suggesting security policy measures of police to brace for the aging society in the future.

[Keywords] Policing, Elders, Aging Society, Elder Crime, Security Policy

1. Introduction

Demographically-changing trend is, needless to say, a key driving force having a fundamental impact on the society as a whole. No. 1 out of ten issues that will have an important

impact on our society ten years later is low birth/aging[1].

For the moment, our country sees improved quality of life in step with the advancement of top-notch medical services and

expansion of social welfare against a backdrop of rapid economic growth and consequently the increase of average life span each year. The country already entered an aging society in 2000 and, coupled with low birth rate, is expected to have its rate of aged population rapidly increased to 14.3% in 2018, 20.8% in 2026 and 41.0% in 2060[2]. Social problems such as poverty of the aged, their suicide and elder crimes may function as a big social danger, and elder crimes and damages from them are expected to rise relatively. A crime seriously coming to the forefront of social concern particularly among the old is 'murder', because this prompts tensions due to hard support of the spouse from poverty and diseases and sometimes has been connected to a murder[3].

As a matter of fact, our country sees plenty of problems in various areas in society rising from phenomenon of excluding elders and of these, sensitive issues such as the increase of their violent crimes and sexual violence have come to the forefront as social issues. Though customized security measures are needed to prevent crimes and reduce elder crimes out of the existing policies focused on the field of elderly welfare, the current security measures of the country's police agencies are deployed only for relevant fields by functionality, resulting in low effectiveness.

On the other hand, physically young and healthy elders, suffering still economic poverty and alienated from emotional interaction, have more lonely death. While, the increase of elderly divorce causes more elders of living alone, leading to the potential even for self-funeral rituals and proportionally we see the increase of the number of the dead without family or friends.

Amid the rise of social unease factors as such, police, along with the launch of Moon Jae-in government in 2017, is performing security policy focused on protection of the socially alienated as one of national issues. In this framework, the existing police activities in charge of child abuse are being comprehensively engaged in abuse protection. For the present, police are approaching problems of the elderly by each functionality and, bracing for the entry into a aging society, it is time

now for police to have preemptive security policy by fostering specialists as well as operating a collaboration system by each functionality.

Thus, this study conducted analysis on the state of elder crimes and damages from crimes, cases of elder crimes, and the actual state and problems of police security policy to prevent and deal with elder crimes. By doing so, in preparation of a forthcoming full-scale aging society, the study aimed at suggesting security policy of the Republic of Korea's police.

2. Theoretical Background

2.1. Concept of aging

'Aging' means that the rate of the old out of the total population the increases along with the rise of the number of the old. Trend of aging is generally indicated by the 'rate of aging' - the rate of the population of 65 years or older out of the total population. According to the United Nations, a society with less than 4% of the population of 65 years or older is 'young society', a society with 4-7% is 'mature society', more than 7% is 'aging society' and more than 14% is 'aged society' And a society that advances aging further from an aged society is called 'super-aging society'[4].

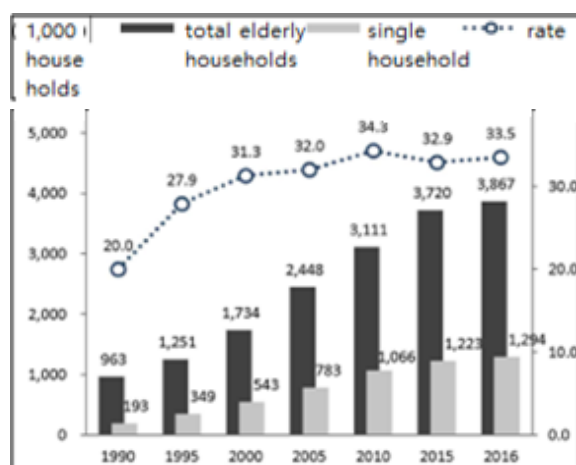
2.2. Current state of Korea's aging

The total population of the Republic of Korea as of 2017 is 51,446,000. Of these, people of 65 years and older are 7,076,000 taking up 13.8%. And in 2018, the country, with the aging rate of 14.3%, enters into an aging society. By age, rates of 65-69 year-olds and 70-79 year olds decrease, whereas the rate of 80 year and older people is expected to continually increase.

Looking at <Figure 1> below, in 2016, we see single households with the householder's age of 65 year or older amount to 1,294,000, making up 33.5% of the total households with the same age group of 3,867,000. By gender, in 1990, the number of female single households was six time more than that of males but in step with advanced medical technology and prolonged life expectancy, the rate of

male single households continually increased, reaching more than that of females by three times. By age, rapid aging saw the rate of single households of the 70s being 47.5% as well as the continual increase of the rate of 80 years and older. In other words, the rate of 65-69 year olds decrease, while the rate of 80 years and older increase, telling us more aging trend. So, along with countermeasures in society as a whole, police security measures should be prepared preemptively by separating the age groups of elders.

Figure 1. State of single households of elders[5].



3. Characteristics of Elder Crimes

In case of elder crimes, offending rate of ex-convicts is high; in 2015, ex-convicts out of total criminal law offenders of 53,880 were 22,668 taking up 42.1%, while elders without criminal records took up 19.21%. That is, of elder crime offenders, ex-convicts double those without criminal records. Reoffending rate of violent crime offenders in particular is relatively high at 56.5%, which is exceedingly high compared with that of violent criminals of 48.0% and that of property offenders of 20.1%. This implies that special measures are needed to deal with reoffending of criminals of murder, robbery, arson and sexual violence out of violent crimes.

Reoffending of ex-convicts may be caused from diverse reasons such as personal, domestic, social and economic factors, and societal cool reception and discrimination towards them can be the biggest obstacle to

their due return to the society. Reoffending rate of elder crime offenders seems to be caused from those factors[6].

The reality facing them ahead of return to the society after long prison life may work as a psychological burden to them. And they often experience weakened adaptability to the society after leaving the prison because of separation from family and social branding and as a result they sometimes show the willingness to return to a prison[7].

Sexual assaults of elders tend to increase these days according as elders are more interested in their health along with fever for welfare together with strict self-control, advanced medical technology and they are more engaged in leisurely activity than ever.

Looking at the age groups in the order of high occurrence rate of sexual assaults by sex offenders, the 20s take up the largest rate of 23.7% with 6,452 persons, followed by the 30s 5,867, 21.6%; the 40s 5,335, 19.6%; the 50s 3,812 14.0%; below 19 year olds 2,820, 10.4%, and 60 years and older 7.4%[8].

People in their 50s or early 60s with criminal records enter into the elderly group in several years later and particularly baby boomers(those born between 1955-1963) all are set to enter into the elderly group in 10 years, prompting the potential for explosive increase of elders. For this reason, the society as a whole must prepare social countermeasures to deal with this group showing the sign of sexual assault reoffending tendency in advance[9].

That is, our country's elder crimes have high reoffending rate and that of sexual assaults tends to be rapidly on the increase. While they are at correctional facility, aging carries on and eventually they may cause unstable social security by difficulty in normal to return to family. So, proper countermeasures to reduce reoffending of elders must be prepared by the government, local governments, civic groups, police, the prosecution and courts all together.

As we see actual cases from Japan, certain elders may be willing to go to the correctional facility by stealing daily necessities. And then

we can infer our country might see the increase of theft for survival by low-income elders as a result of bi-polarization, causing the alteration in sentencing guidelines in the future.

4. State of Occurrences of Elder Crime & Cases

In terms of its frequency, elder crimes in Korean society tends to increase each year and in terms of quality, they turn out to be stronger and more violent. It seems that crimes which elders were not thought to commit in the past continue to be committed by highly motivated and energetic 'young elders' along with more numbers of such crimes[10]. Of total crimes in 2013 of 1,741,302 cases, elder crimes made up 7.7% with 134,506 and the relevant figures in 2014 were 8.9%, 150,902 while in 2015 elder crimes made up 9.6% with 170,904 out of total crimes 1,771,390. We can see the increase rate of 2.8% by the increase of 47,575 cases of the country's total crimes from 2012(1,723,815) to 2015(1,771,390). On the other hand, we see rapid increase rate of elder crimes 36.7% from 125,012 of 2012 to 170,904 in 2015, far exceeding increase rate of total crimes committed.

As per below <Table 1>, comparing the crimes committed in 2015 with those in 2011 by the name of crimes, murder increased by 28 cases showing increase rate of 29.8%. Sexual abuse increased by 1,019 cases from 991 to 2,010 marking increase rate of 102.8%. Arson-a violent crime-also increased by 61 cases from 81 to 142, marking increase rate of 75.3%. crime of drugs increased by 62.2% too, In case of crime of violence, it increased by 9,748, marking increase rate of 53.5%. Here we can see the largest increase of sexual abuses in four years time, followed by arson, drugs, violent crime and murder.

Table 1. State of crimes committed by elders[11].

(Unit: person, %)						
Year	Total	Murder	Theft	Sexual abuse	Drugs	Violence
2011	20,167	94 (7.6)	81 (1.7)	991 (5.2)	693 (7.6)	18,227 (5.3)
2012	24,051	96 (8.6)	60 (1.7)	1,045 (5.4)	566 (6.1)	22,213 (6.0)
2013	24,741	121 (11.6)	54 (1.9)	1,421 (6.2)	642 (6.6)	22,400 (6.6)
2014	27,173	127 (11.9)	59 (2.8)	1,684 (6.7)	599 (6.1)	24,581 (7.4)
2015	31,420	122 (11.6)	47 (2.3)	2,010 (7.4)	1,124 (9.4)	27,975 (8.1)

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Typical elder crime case in our country may be the murder case of a fisher in Boseong-gun, Jeonnam with following outline of the case.

On October 31, 2007, Mr Oh(then aged 71) let one male and one female in their 20s aboard his boat at the sea in Boseong-gun. The fisher made the male drowned undersea and also killed the female by pushing her to the sea as she resisted his sexual assault. On September 25, the same year, he let two females in their 20s aboard his boat, and three persons all were thrown to the sea while the females resisted his assault. As a result, one female was missing in the sea and another one struggling to get aboard was killed by him as he pushed aside her by fishing gear to the sea. He was sentenced to death in 2008 and he appealed, which was dismissed in 2010. Currently he is in prison.

5. Security Policy of Korea's Police

Looking at the result of the past one month since last June when national police agencies conducted activities to prevent elder abuse and missing of elders with dementia, reports of suspected elder abuse were totally 611 cases, which showed increase rate of 52.4% by 210 cases compared with average monthly reports of 401. This can be attributed mainly to the rise of social interest and promotion of reporting. Along the way, police agencies visited facility for the old to conduct prevention education of 1,889 sessions in total and also carried out aggressive PR via online media and press reports. On top of those, police agencies found 896 elders with dementia

from 899 elders(99.7%) who had gone missing during one month of June. They have been focusing on the activity to prevent missing with the number of prior registration of elders with dementia like fingerprints reaching 1,032. In the future, police agencies are going to raise people's awareness on elder abuses and strengthen the work of responding at the scene and monitoring so as to investigate minor incidents carefully and to build a system that allows early discovery of elders with dementia by distributing wander alarm detectors to them.

In an effort to keep elders safe from crimes, police agencies are conducting 'elastic patrol' customized to elders matching local environments and have built a system to discover and protect elders via monitoring of elders in crisis. Currently they are actively conducting a diverse range of activities: building a system to quickly respond to 112 reports of crimes targeted at elders; prevention of voice phishing among elders and reinforcement of crack-down thereon; reinforcement of preventive policing activity for the block of violent crimes targeted at elders; prevention activity customized to elderly victims. On the other side, in an effort to protect elders from diverse accidents, police agencies are conducting a number of activities: increase their awareness on traffic safety, expand traffic safety facilities, establish a system to deal with prevention of elders with dementia and early discerning and responding system, patrol to care for elders living alone and collaborate with local governments if necessary.

6. Conclusions

In 2016, 43.1% of elder single households expressed their 'anxiety' on our society's overall safety and only 14.2% of them felt it was 'safe'. They cited occurrence of crimes as the major cause of anxiety with 29.0%. That is, elders are currently complaining about unstable security and elder crimes are on the increase in general, needless to say of sexual violence crimes. What makes worse, 'elders living alone' separated from family are on the increase along with the increase of the number of the dead without family or friends, and

elderly prisoners. Under the circumstances, national police agencies are deploying 334 officers exclusively in charge of abuses across the country and promoting collaboration with other governmental agencies but still not enough indeed. Jeonnam Provincial Police Agency has been implementing overall measures for elderly safety since last September as the area's population of the old exceeded 20%, which is still initial phase of implementation and is exploring countermeasures diversely in an effort to firmly establish security policy customized to specific local environments. At this moment when development of police's security policy is desperately needed in this aging society, there must be a certain limit to sort out problems only by police force. Government-wide overall measures for safety of elders are required to solve all the problems of worsened health conditions of elders, increase of poverty rate from bi-polarization, generational conflict with the young and mid-aged and loneliness, emotional instability. It's essentially required to establish security strategy aiming at prevention of elder crimes and reducing the victims at the time of introducing local community policing system by area in step with the changing trend of the aged population.

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A Study on the Establishment of the Concept of a Vessel Constrained by Her Air Draft in COLREG

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Abstract

A vessel with high air draft cannot operate without restriction on manoeuvring in certain height-limited areas. As electricity supply has been possible to island areas, and bridges connecting islands to the mainland or islands to islands are constructed, instances where because of her air draft a vessel is restricted in her ability to deviate from the course she is following (Hereafter "vessel constrained by her air draft") are increased.

This paper reviewed whether the current sailing and steering rules in International Regulations for Preventing Collisions at Sea, 1972(COLREG) can be properly applicable to the navigation of vessel constrained by her air draft. Firstly, the possibility of application of the sailing rules of 'vessel not under command' and 'vessel restricted in their ability to manoeuvre' was examined. Secondly, sailing and steering rules of 'vessel constrained by her draft' was considered because she has the similar limitation of navigable water as that of a vessel constrained by her air draft. Finally, it was concluded that she is not a vessel that has lost her manoeuvrability or a vessel whose ability is restricted due to the nature of her work to the extent that she is unable to keep out of the way of another vessel. In addition, compared to a vessel constrained by her draft, she may take more responsibility to give a considerable duty of care to the conduct of other vessels under the present rule.

Therefore, for the sake of seamen who operate a vessel constrained by her air draft, a separate definition needs to be included into COLREG such as that of 'vessel constrained by her draft', and importantly the responsibility relation over other vessels must be enacted in terms of the equal status with that of 'vessel constrained by her draft'.

[Keywords] *A Vessel Constrained by Her Air Draft, COLREG, A Vessel Constrained by Her Draft, A Vessel not under Command, A Vessel Restricted in Her Ability to Manoeuvre*

1. Introduction

As electric power cables over seas and various bridges connecting to landmass or islands have been constructed, vessels with high air draft such as mega container vessels, cruise ships, etc. cannot properly maintain their course against ordinary power-driven vessels, and can keep out of sea areas to be constrained by her air draft and can only navigate further through the safe side. Thus risky

situations may occur with regard to the conduct of other vessels which are not aware of such vessels constrained by her air draft.

In case of 'Vessels constrained by their draft', it did not cause any problems until very large vessels came into existence. Since 1960s a large number of very large vessels, in particular Very Large Crude Oil Carriers(VLCC), have come into being and owing to their deep draft the manoeuvrability has become restricted[1].

On the other hand, as the industry has developed and electricity supply has been possible to island areas, and also bridges connecting islands to the mainland or islands to islands, it now occurs that there are instances where some tall ships are restricted in their height in terms of navigation in particular areas.

2. Case Study

The passenger ship N of <Table 1>, which operates between Nock-Dong and Jeju Island in the south of the Republic of Korea, has been passing by means of evading the particular area that restricts height in terms of electrical cables installed over the sea area.

Table 1. Specification of passenger ship N.

LBP	105m	Depth	11.5m
Breadth	23.0m	Draft of full load	4.716m
LOA	116.0m	Vessel type	Passenger ship
Length in registration	110.0m	Gross tonnage	3,780ton
Air draft	37m 33m	Draft of no load	3.426m
Maximum speed	23.0 KNOT	Navigation speed	19.0 KNOT

As <Figure 1> and <Figure 2> show, the area between A point(Yeonhong Island) and B point(Jungang Island, Rock) has electrical power cables over the sea area and the height between power cables and the surface of the waters is 25 meters. The passenger ship 'N' passes under the cables, that is the passenger ship route 'F'.

Commonly, navigational rules apply the Port-to-Port passage between the passenger vessel 'N' and other vessels in particular M/V Y1. However, where the ship 'N' which con-

strained by her air draft has the navigable waterways 'P' on its port side and has the areas to be restricted in height on its starboard side, then its navigational rule of the Starboard-to-Starboard Passage applies with regard to the other ship 'Y2'. This leads to a dangerous situation that the ship 'N' and 'Y1' meet on head-on situation before the conclusion of a navigational passage by means of radio-telecommunication.

Figure 1. Navigation of a vessel restricted in her height to manoeuvre.

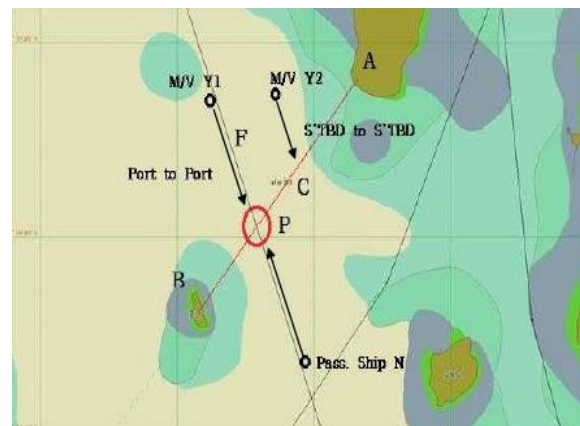
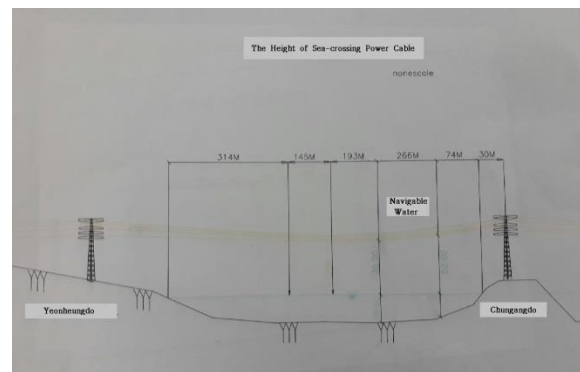


Figure 2. Height of sea-crossing power cables between electrical towers.



3. Review of COLREG, 1972

The International Regulations for Preventing Collisions at Sea, 1972(hereinafter "COLREG") were adopted by the International Maritime Organization(IMO) in 1972 and came into force in 1977. Through the sixth revision, IMO Res. A1085(28) newly enacted Part VI(Rules

39, 40, 41) and such Rules entered into force in 1 January 2016[2]. According to Rule 1(a), COLREGs apply to all vessels lying on the high seas and in all waters connected therewith where seagoing vessels are able to navigate. Rule 1(b) of COLREGs requires the administration to make special rules which conform as closely as possible to COLREG Rules although nothing in COLREG Rules shall interfere with the operation of special rules made by an appropriate authorities for roadsteads, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. COLREG Rules provide for the principle of the unification of maritime traffic rules globally. Therefore under the present COLREG Rules, it needs to be considered to see whether mariners may choose proper navigational rules in the operation of a vessel constrained by her air draft, and to see whether, with regard to steering and sailing rules that have been chosen, responsibility relation between two parties can be judged by inference.

Steering and Sailing Rules of COLREG have been set by means of the division of the visibility status. Rules 4-10 apply to the conduct of vessels in any visibility, and Rules 11-18 apply to the conduct of vessels in sight of one another, and Rules 19 apply to vessels in restricted visibility. The conduct of vessels in any condition of visibility, the conduct of vessels in restricted visibility and the conduct of vessels in sight of one another equally apply to both sides having approaches with the risk of collision[3]. Although a vessel constrained by her air draft, action to avoid collision does not differ from any other vessels. However, except for COLREG Rules 9(Narrow Channels), 10(Traffic Separation Schemes) and 13(Overtaking) under the conduct of vessels in sight of one another, the rules 18 of responsibilities between vessels apply in terms of the superiority and inferiority of manoeuvrability. Vessels having the superiority of manoeuvrability must keep out of the way of vessels of manoeuvrability inferiority. The manoeuvrability of ships can be divided like power-driven vessel>sailing vessels>vessels engaged in fishing>vessels restricted in their ability to manoeuvre>vessels not under command[1]. Therefore

the problem is to see whether vessels constrained by her air draft in case of the conduct of vessels in sight of one another should take action to avoid collision in accordance with Rule 18 under what extent of responsibilities between vessels. In order to judge the clear responsibility relation of vessels constrained by her air draft, the paper needs to give consideration to see whether they may be regarded as 'vessels not under command' or 'vessels restricted in their ability to manoeuvre', and to see whether their responsibility superiority and inferiority can be judged in comparison with 'vessels constrained by their draft'.

3.1. Consideration of the application of the sailing rules of 'vessel not under command' or 'vessel restricted in their ability to manoeuvre'

According to Rule 3 of COLREG, 'vessel not under command' refer to a vessel which through some exceptional circumstances is unable to manoeuvre as required by COLREG Rules and is therefore unable to keep out of the way of another vessel. The term 'some exceptional circumstances' excludes circumstances or situation or any cause commonly applying to all ships[1]. The English court cases do not admit that the status of 'vessel not under command' is presumed with inclement weather[4]. The exceptional cases refer to circumstances where the vessel is unable to manoeuvre owing to the breakdown of the steering gear system or the breakdown of the main engine or the propulsion system. Therefore in order for a vessel to be 'vessel not under command', it first must lose its manoeuvrability objectively and, second, proves that it is unable to keep out of other vessels. Finally, it must inform other vessels around of the status of 'vessel not under command'. The requirement of notification is necessary because it is difficult to see by appearance if a vessel has lost her ability to manoeuvre.

When being underway, situations having restriction in height depend on geographical environments rather than the restriction resulting from the air draft of a vessel itself. Vessels constrained by her air draft refer to vessels whose manoeuvrability is restricted

owing to the limitation of the width of a navigable fairway relating to their air draft. They cannot meet those criteria mentioned above because it cannot be considered that their own manoeuvrability have been lost and they cannot keep out of the way of other vessels. Therefore, vessels constrained by her air draft are not vessels not under command.

Nevertheless, where the master of a vessel constrained by her air draft has notified other vessels of her situation by means of lights and shapes or whistle signal, this may be controversial. In this case, the other vessel sees that the vessel constrained by her air draft is really a vessel not under command and will take appropriate action to avoid collision. When no maritime accident occur there is no problem, but if there is a collision incident, a vessel constrained by her air draft should take responsibility with fault since it is considered that the vessel has inflicted a loss on a third party in good faith. This is backed by an English court case that did not accept that a vessel restricted in her ability to manoeuvre asked other vessels to keep out of the way by means of showing the lights, shapes and whistle signals of a vessel not under command[5].

Where a vessel restricted in her height to manoeuvre is not 'vessel not under command', it needs to be considered to see if it can be considered 'vessel restricted in her ability to manoeuvre'. The term 'vessel restricted in her ability to manoeuvre' means a vessel which, from the nature of her work, is restricted in her ability to manoeuvre as required by COLREG Rules and therefore is unable to keep out of the way of another vessel[8]. COLREG Rule 3(g) provides that the term 'vessel restricted in her ability to manoeuvre' shall include but not be limited to the following six types of vessels in <Table 2>. A vessel restricted in her height to manoeuvre is not one of the six types and it needs to be considered to see if it can be regarded as a vessel restricted in her ability to manoeuvre with its similarity to the six types of ships.

Table 2. COLREG Rule 3(g) (i)~(vi) types of vessels restricted in her ability to manoeuvre.

	Vessels restricted in her ability to manoeuvre
1	A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline
2	A vessel engaged in dredging, surveying or underwater operations;
3	A vessel engaged in replenishment or transferring persons, provisions or cargo while underway;
4	A vessel engaged in the launching or recovery of aircraft;
5	A vessel engaged in mine clearance operations;
6	A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

First, even though COLREG Rule 3(g) provides that the term 'vessel restricted in her ability to manoeuvre' shall include but not be limited to those six types of ships, it is reasonable that the term should be limited to the case where a vessel must be restricted in her ability to manoeuvre to the equivalent extent. Otherwise, there may be many cases that vessels abuse the position of a vessel restricted in her ability to manoeuvre deliberately. Therefore the first condition for satisfying the term 'vessel restricted in her ability to manoeuvre' is a vessel whose ability is actually constrained because of the nature of her work and next, a vessel which is unable to keep out of the way of other vessels. A vessel constrained by her air draft is not a case with the de facto limitation of manoeuvrability due to the intrinsic work on board. This is because the direct reason for the limitation of height to manoeuvre results from the outside environment. Finally, A vessel constrained by her air draft cannot meet those criteria aforementioned, it cannot be applied to the term 'vessel restricted in her ability to manoeuvre'.

3.2. Consideration of sailing rules of 'vessel constrained by her draft'

In accordance with Rule 3(h) of COLREG, the term 'vessel constrained by her draft' means a power-driven vessel which because

of her draft in relation to the available depth and width of navigable water, is severely limited in her ability to deviate from the course she is following. The original COLREG did not see the concept but it came into being in 1972 COLREG due to a trend in the size of ships becoming larger.

A vessel constrained by her draft is a vessel which is constrained in its manoeuvrability by the geographical nature of the depth of the waters and may run into danger, for instance running aground, when altering her course. Therefore it has a duty of notifying the surrounding ships of its excessive draft by means of lights and shapes. In case that it did not meet the duty of care and became involved in collision, then it will not be free from its liability with fault.

A vessel constrained by her draft will have priority over other vessels since it cannot evade the way of other vessels owing to its large draft and limitation of navigable fairways. When sailing vessels, fishing vessels and power-driven vessels encounter a vessel constrained by her draft, they must take positive action to avoid the risk of collision. However, this kind of priority is not a kind of absolute priority over all vessels and a vessel constrained by her draft cannot enjoy priority over vessel not under command or restricted in her ability to manoeuvre. This results from the fact that in the inception of COLREG, a vessel constrained by her draft cannot be equally treated as vessels not under command or restricted in her ability to manoeuvre because it cannot ensure rationality in terms of the application of navigation rules. Therefore COLREG needed a separate conception of a vessel constrained by her draft in order to give different status of responsibilities to vessels not under command or restricted in her ability to manoeuvre. It also needed to make provisions of lights and shapes which a vessel constrained by her draft must show.

A vessel constrained by her air draft can be similar to 'vessel constrained by her draft' when considering the responsibility relation of 'vessel constrained by her draft' in terms of navigational rules. First, a vessel constrained

by her air draft is similar to 'vessel constrained by her draft' from the fact that it is not a vessel of being not under command or being restricted in her ability to manoeuvre due to the problem with a vessel itself resulting from the breakdown of the main engine or the breakdown of the steering gear system. In normal cases, the same steering and sailing rules as a power-driven vessel apply to a vessel constrained by her air draft and it has limited ability to manoeuvre because of the limitation of navigable fairways in relation to the height of structures over the seas such as bridges, cables or cable cars involving geographical setting. This is the same as the case where 'vessel constrained by her draft' has limitation with manoeuvrability resulting from the limitation of navigable fairways owing to the depth of the waters. Also like 'vessel constrained by her draft', it cannot say that the manoeuvrability is absolutely limited in relation to vessels not under command or restricted in her ability to manoeuvre. Therefore it is inferred that the navigational priority of a vessel constrained by her air draft cannot exceed over vessels not under command or restricted in her ability to manoeuvre and is equal to that of 'vessel constrained by her draft'.

4. Conclusions

A vessel constrained by her air draft has no definition in the present COLREG and the point was to see whether it can enjoy the same status as 'vessel not under command' or 'vessel restricted in her ability to manoeuvre' in terms of responsibility relation in COLREG. However, as mentioned above, a vessel constrained by her air draft does not meet the criteria of 'vessel not under command' and 'vessel restricted in her ability to manoeuvre' and it cannot see that its manoeuvrability is limited in comparison with that of vessels not under command or restricted in her ability to manoeuvre. A vessel constrained by her air draft is not a vessel that has lost her manoeuvrability or not a vessel whose ability is restricted due to the nature of her work to the extent that she cannot give way. Therefore it takes responsibility to

give a considerable duty of care to the conduct of other vessels.

On the other hand, a vessel constrained by her air draft has similarity to 'a vessel constrained by her draft' from the perspective of the reasons for the restriction of manoeuvrability and also responsibility relation under steering and sailing rules. Therefore, for the sake of seamen who operate a vessel constrained by her air draft, a separate definition needs to be included into COLREG such as that of 'a vessel constrained by her draft', and importantly the responsibility relation over other vessels must be enacted in terms of the equal status with that of 'a vessel constrained by her draft'.

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A Study on the Role of the Minor OFFENSE Screening Committee in Republic of KOREA

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Abstract

Recently the Korean police organization has faced the domestic and international changes; the rapid social changes and increasing desires of various civil human rights. So social asks for the quality-improvement of the procedure of investigation have been increasing and various ways for satisfying their needs have been focused. In connection with this situation, the academic world has been interested in the minor offense screening committee to guarantee appropriateness of investigation. The police invited citizens and formed the minor offense screening committee that decides which offender should go to summary trial or be dismissed on warning. Korea minor offence screening committee is the system to preserve civil right through rapid procedures.

Therefore the purpose of this study is to analyze present condition and problem of minor offense screening committee. Consequently this study will offer effective ways to guarantee human right. First of all the minor offense screening committee shall screen the following matters: Larceny, Embezzlements of Lost Articles, Fraud (free riding, eating without paying a bill), Crime of Violence, Object of Summary Judgments in a criminal offence and so forth. And Subject for Screening shall be following persons; the person who has no criminal history record, the person who needs social the person who has no summary judgments record within the limit of one year and economical protection in the reason of disabled person and basic living security received people and so on.

And the committee shall be comprised of at least seven but not more than nine members, including the chairperson. Consultants are chosen three to five people who have much knowledge and experience in and take respect from community. The terms of office for the consultant shall each be three years and they may be reappointed or recommissioned only once. The chiefs of police stations may dismiss any consultant of the Committee who falls under politicians who are elected, party member and the persons who are concerned in policing.

Also committee can make a decision on the minor crime by the summary judgements or initial disposition maintenance and on the summary judgements by the dismissal with a caution or initial disposition maintenance. The chief of committee makes a decision by over two thirds of attendant members including the chief and members record the opinions on the report of the minor offence screening committee. Also the chief of the police station can take a support action to prevent the repeated crime of the subject of screening: the connection to the welfare department of the local government.

On the basis of above study result, this study suggested some necessary ideas on managing and administering the minor offense screening committee effectively in the future. Concretely, this study proposed exclusion, recusal and refrainment of minor offence screening committee members. Also this study suggested Procedure for raising an appeal and mediation.

[Keywords] Minor Offense Screening Committee, Human Right, Police Discretion, Investigation Authority, Criminal Mediation

1. Introduction

Recently, Korean police has made an effort on preserving the human right[1][2][3]. They have taken various actions to preserve civil rights in welfare and other parts[4][5].

In a bid for support, the National Police Agency operates the minor offense screening committee to keep the law and enhance the law enforcement for social disadvantages: basic living security received people and old ages.

To put it concretely, The National Police Agency invited citizens and formed the minor offense screening committee that decides which offender should go to summary trial or be dismissed on warning.

Even if the offence crime constitute for elements of crime, it is better to save the criminal by the minor action for civil right than to make ex-convicts.

The National Police Agency conducted the minor offense screening committee at 17 police stations from March 23rd to October 30th 2015 for 8 months and has operated at middle scale police stations. This system is very important in dividing the investigation authority in the nations which don't give investigation authority to police[6].

So this study will propose various ways through the introduction of this minor offense screening committee.

2. Composition and Management of Minor Offense Screening Committee

2.1. Purpose and subject-matter of examination case

The National Police Agency is preparing an administrative rule for minor offense screening committee. The purpose of these rules is to prescribe the basic structure for composition and management of minor offense screening committee[7].

The minor offense screening committee shall screen the following matters:

Larceny, Embezzlements of Lost Articles, Fraud(free riding, eating without paying a

bill), Crime of Violence, Object of Summary Judgments in a criminal offence and so forth.

Also, the minor offense screening committee shall screen object of summary judgments which is claimed by the chief of the competent police station except object of summary judgments claimed by disposition of notification and nonpayment.

2.2. Subject for screening

Subject for Screening shall be following persons.

- The person who has no criminal history recodes.

- The person who has no summary judgments recode within the limit of one year

- The person who wasn't wanted to take criminal punishment or summary judgement by the crime victim.

In addition, the minor offense screening committee shall screen the following persons exceptionally.

- The person who has no crime history recode and over 70 years old.

- The person who needs social and economical protection in the reason of disabled person and basic living security received people.

2.3. Organization of screening committee, the terms and dismissal of members

2.3.1. Organization of screening committee

First, the committee shall be comprised of at least seven but not more than nine members, including the chairperson. And the chairperson is the chiefs of police stations who manage administer general affairs and has an equal right to vote on a resolution. When the chief of police stations is unable to perform his/her duty due to unavoidable circumstances, police affairs section chief corporal shall act on his/her behalf.

And, section chief, criminal section chief, investigation section chief or office of complaints and internal affairs. Substitute can attend if he/her has advance agreements.

Lastly consultants are chosen three to five people who have much knowledge and experience in and take respect from local community. For example, consultants of the jecheon police station minor offence screening committee are composed of legal expert, educator and doctors. Appointment letter and Confidentiality used for consultant choice are followed by special form.

2.3.2. The terms and dismissal of consultant

The terms of office for the each consultant shall be three years and they may be reappointed or recommissioned only once.

Chiefs of police stations may dismiss any consultant of the committee who falls under any of the followings:

- Politicians who are elected: member of the National Assembly, head or assemblyman of self-governing community and member of political party: party member, person related to election affairs.

- The person who are concerned in policing.

Also when consultant falls under any of the following, they may be dismissed by the speaker with the committee.

- The case of bringing on public criticism and injury to dignity.

- The indolence in the performance of consultant's duties.

- The case of being unable to his/her performance(physical condition) and so forth.

2.4. Authority and duty of members

Members can exercise his/her vote and suggest opinions on committee screening case. And members must not reveal the information he/she becomes aware of in the course of carrying out his/her duties and harm the fair of screening.

2.5. Screening procedure

2.5.1. Committee opening

Committee opens on the 1st day every month and over two consultants have to be attended. But, if there is no case, committee opens in next month.

But because this rule is an obstruction to rapid criminal procedure, it needs to be revamped.

2.5.2. Minor offense screening committee procedure

The chief of the police station chooses cases suggested by the public-safety section chief, criminal section chief and investigation section chief by the three days before the opening day.

Subject of screening has to attend. But if the subject of screening is unable to attend due to illness or old age, the committee can proceed the screening procedure without the subject by the decision of committee.

Also the chief of committee can listen to the statement to figure out the specific fact in attendance of the case police officer, (including chief constable) the victim and the reference witness and so forth.

And committee can make a decision on the minor crime by the summery judgements or initial disposition maintenance and on the summery judgements lay the dismissal with a caution or initial disposition maintenance.

The chairperson of minor offence screening committee makes a decision by over two thirds of attendant members including the chief and members recode the opinions in the report of the minor offence screening committee.

2.6. Budget execution and support action and so on

The chief of the police station can pay the consultant fee within budget. But, consultant fee is 100,000won by a month. And the chief of the police station can purchase necessary articles within budget.

Also the chief of the police station can take a support action to prevent the repeated crime of the subject of screening: the connection to the welfare department of the local government. This refers to community policing. Also, it is affiliated with problem oriented policing. Outside of that, the chief of committee makes a decision operation details which

are not scribed by this rules by the decision of committee members.

3. Conclusion

The purpose of this study is to analyze present condition and problem of minor offense screening committee. Consequently this study will offer effective ways to guarantee human right.

Korean minor offence screening committee is the advanced system for guaranteeing civil human right. And Screening of minor offence has no parallel in Korea police history. But reform measures have to be asked to solve the early performance problems. First of all, it is important to guarantee the fairness of committee members[8]. So it is necessary to add the exclusion, recusal and refrainment of members. We suggest the followings.

3.1. Exclusion, recusal and refrainment of Members

Any consultant who falls under any of the following cases shall be excluded from the Commissions's deliberation and resolution:

- Where a member or his/her current or former spouse is a party, joint right holder, or joint obligor with respect to the relevant matter.

- Where a member is or was a relative of the person directly involved for the relevant matter.

- Where a member conducted testimony, appraisal, legal counsel or damage assessment with respect to the relevant matter.

- Where a member has participated in an audit, investigation or research with respect to the relevant matter before he/she becomes a member.

- Where a member is or was involved in the relevant matter as an agent of the person directly involved.

Where a party having an interest in the deliberation and resolution of the Commission has a ground to believe that he/she can hardly expect impartiality from a member,

the party may make an application for recusal of the member.

If a member finds that he/she is subject to exclusion or recusal on the ground referred to in the above, he/she may voluntarily refrain from the deliberation on and resolution of the relevant matter.

Introduction of exclusion, recusal and refrainment of minor offence screening committee will improve dramatically the fairness of the judicial system and investigation authority.

3.2. Procedure for raising an appeal

Also committee has to prepare procedure for raising an appeal to guarantee appropriateness of investigation. We suggest the followings[9].

First, objections raised too late in time or evidently aiming at delay of procedure shall be dismissed by decision of committee: Provided, that if the objections raised too late in time are related to important matters, the objections shall not be rejected only for the reasons for being too late.

Second, when the court deems the objections unreasonable, it shall dismiss them by decision of minor offence screening committee.

Finally, when the chief of police station or committee deems the objections reasonable, it shall, by means of a Committee's decision, take such corresponding measures to the objections such as suspension, rescission, cancellation, and change of action, disposition or ruling.

Introduction of procedure for raising an appeal of minor offence screening committee will improve relief of human right in criminal justice procedure. And this system improves the trust of police investigation.

3.3. Mediation suggestion

We suggest mediation of minor offence screening committee. Mediation of committee will fulfill social asks for the quality-improvement of the procedure of investigation[10][11][12]. We suggest the followings.

If deemed necessary for prompt and fair resolution of a civil petition for grievance which involves multiple persons or is deemed to have a significant impact on society, a minor offence screening committee may mediate the petition on the request of the parties concerned or ex officio.

Mediation shall be constituted when the details agreed by the parties concerned are entered in a written mediation on which the parties concerned affix their signatures and seals, and the minor offence screening committee confirms it.

Mediation shall have the same effect as the reconciliation under the Civil Act.

We expect the effective operation and improved systematic change of minor offence screening committee.

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A Study on People's Recognition of the Effect of Community POLICING on Crime Prevention in KOREA: Focusing on Sociodemographic Characteristics

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Abstract

The quantitative and qualitative changes in crime have required the appearance of new forms of police activities. Community policing appeared to meet these requirements and has been introduced in many countries around the world including USA, UK and Japan and is now in use. Community policing has also been introduced here in Korea. The police in Korea have accepted it as the new paradigm for the police to prevent crime in local communities.

This study is designed to find out people's recognition of the effect of community policing on crime prevention, which is its ultimate goal and analyze the difference in people's recognition of its effect on crime prevention from the sociodemographic perspective in order to provide the police with basic data for improvement in their community policing.

For the achievement of the purposes of this study, the factors such as 'reduction in the fear of crime', 'reduction in crime occurrence' and 'reduction in disorder in the local community' were selected to measure people's recognition of its crime prevention effect. The research using questionnaires was conducted from Nov. 20, 2013 to Dec. 31, 2013 and administered to 303 people. The SPSS 21.0 program was used as the statistical analysis tool and the t-test and analysis of variance (ANOVA) were conducted.

The analysis results show that the average points in the factors of reduction in the fear of crime, reduction in crime occurrence and reduction in disorder in the local community were all below 3 points, thus indicating that people do not recognize the positive effect of community policing on crime prevention.

For checking the difference in citizen's recognition depending on the sociodemographic factors, the people's recognition of the effect of community policing on crime prevention has been researched depending on 5 factors such as the sex, age, urban residential area, period of residence and job. It was found in this research that the job factor (1) makes a significant difference on the recognition of the reduction in the fear of crime, the job factor (1) makes a significant difference on the recognition of the reduction in crime occurrence and the three factors (3) such as job, form of urban residence and period of residence make a significant difference on the recognition of the reduction in disorder in the local community.

Company workers showed higher level of recognition in all respects such as the reduction in the fear of crime, reduction in crime occurrence and the reduction in disorder in the local community than those in technology and production fields. In addition, those who live in the residential area showed higher level of recognition of the reduction in disorder in the local community than those living in industrial areas and others. In terms of period of residence, those who lived for at least 1 year but less than 3 years and those for 9 years or above showed higher recognition of the reduction in disorder in the local community than those who lived for at least 6 years but less than 9 years did.

These analysis results indicate that there is a need for a more diversified community policing in consideration of the people's characteristics in terms of their job, urban residential area and period of residence and there should also be a continuous effort for change in community policing through the periodic evaluation of community policing to improve people's positive recognition toward community policing.

[Keywords] *Community Policing, Crime Prevention, Reduction in the Fear of Crime, Reduction in Crime Occurrence, Reduction in Disorder in Local Community*

1. Introduction

Community policing has been adopted by the Korean police as a new paradigm for police activities to meet the growing social demand for preparation against crime which continues to increase quantitatively and qualitatively and gets more diversified, violent and clever. Korean police are now making effort to realize the philosophy and idea of community policing[1].

Then, do the Korean police conduct community policing in a satisfactory way from the view of general people?

Sparrow argued that community policing is evaluated by the frequency of crime and disorder[2]. That means that the core goal of community policing is to prevent crime in local communities and that the success in community policing depends on the keeping of the local community from crime.

Accordingly, this study will find out how people recognize the effect of community policing on crime prevention and analyze the difference in people's recognition of crime prevention effect depending on the people's sociodemographic characteristics in order to provide the police with basic data for successful implementation of the community policing system.

2. Theoretical Background

2.1. Definition of community policing

For the efficient conduct of police work for the police organization, community policing has been suggested as the new alternative to traditional policing. Community policing was first studied in the US in the 1970s and has been adopted as a new paradigm in many countries including UK and Canada[3]. However, though community policing has been discussed by many scholars in many countries for long, it has still not been clearly defined

yet. It may be caused by the fact that community policing has diverse types of police activities and that the 'community' also has a comprehensive and broad meaning[4][5].

As for the definitions made by the scholars on community policing, Hooper said that it is a series of values and organizational strategies emphasizing the problem-solving partnership between local residents and police, in which the police check the criminal issues under the goal of improving the general quality of life of the local resident, determine the priorities and make efforts to solve the issues along with the local community[6]. In addition, Ford defined it as the strategy emphasizing the police making a partnership, teamwork and knowledge management with the local community in which, the police organization enforces the quality of life in the local community and makes crime prevention activities[7]. Fraizer defined the community policing as the cooperation between police and local residents on four items such as apprehension of criminal, crime prevention, problem monitoring and solving and improvement of quality of life for local people[8].

When considering all the definitions made by the scholars on community policing above, community policing may be defined as a new form of police activities, in which the police and the local community cooperate with each other for the strengthening of the quality of life in the local community, crime prevention and problem solving.

2.2. Community policing and crime prevention

As shown in the definitions of community policing, community policing considers the social disorder and the fear of crime as the main targets for the police's main works[9]. In addition, it considers that advance crime prevention is the police's goal which should be ultimately achieved through community policing[10].

There have been a lot of ideas on how community policing should be implemented for crime prevention in addition to traditional patrol activities[11]. The police in Korea has prepared a lot of programs and now implement them, which include the volunteer crime prevention team, children's safety keeping house, local security committee, people's police school, police dedicated to schools and others for the goals of expansion of the crime information channel for the people, thereby helping the people and local community to actively participate in crime prevention activity, and in the preparation of the crime prevention program depending on the type of crime[12].

3. Description of Study Method and Variables

3.1. Method of study

This study has been conducted through the research of prior studies and the empirical studies. 350 sheets of questionnaires were distributed to people from Nov. 20, 2013 to Dec. 31, 2013. Among them, 303 sheets which were responded were used for the final analysis.

As for the method of analyzing the questionnaires, the SPSS 21.0 program was used and the t-test and ANOVA were conducted to find out people's recognition of the effect of community policing on crime prevention depending on the sociodemographic characteristics of people.

3.2. Description of variables

The factors such as reduction in the fear of crime, reduction in crime occurrence and reduction in disorder in the local community have been selected to measure the people's recognition of the effect of community policing on crime prevention.

Each factor can be defined as follows.

First, the reduction in the fear of crime means the reduction in the fear that a person can be a victim of a crime. Second, the reduction in crime occurrence means the degree of

recognition of the reduction in crime and the increase in crime suppression. Third, the reduction in disorder in the local community means the degree of recognition of the reductions in behaviors such as the violation of basic orders.

4. Researches and Analysis

4.1. Sociodemographic characteristics

The analysis results of the people's sociodemographic characteristics show the followings; the people were composed of males of 50.2%(152 people) and females(49.8% or 151 people), with their ages in teens(1.0%, 3 people), 20s(47.2%, 143 people), 30s(36.0% or 109 people), 40s(10.6% or 32 people), 50s(4.3% or 13 people) and 60s(1.0% or 3 people).

The people can be classified according to their urban residential area; people living in residential area(79.1%, 239 people), those in agricultural and fishery area(2.6% or 8 people), commercial and amusement area(10.3%, 31 people), industrial area(5.6%, 17 people), and others(2.3% or 7 people), showing that more than 50% of the respondents were living in the residential areas.

Their period of residence was found as follows: people living for at least 1 year but less than 3 years(34.6% or 104 people), for at least 3 years but less than 6 years(24.9%, 75 people), for at least 6 years but less than 9 years(17.3%, 52 people) and for 9 years or longer(23.3% or 70 people): As for the job, the subjects were composed of students(28.4%, 86 people), people in agricultural and fishery industry (0.3%, 1 person), company workers(26.7% or 81 people), public officers(17.2% or 52 people), those in service business(5.3% or 16 people), those in technical and production field(2.0% or 6 people), self-employed people(4.6% or 14 people) and others (15.5% or 47 people).

These results can be summarized as shown in <Table 1> Sociodemographic characteristics.

Table 1. Sociodemographic characteristics.

Classification		Frequency (no. of people)	Ratio (%)	Classification		Frequency (no. of people)	Ratio (%)
Sex	Male	152	50.2	Period of resi- dence	At least 1 year but less than 3 years	104	34.6
	Female	151	49.8		At least 3 years but less than 6 years	75	24.9
	Total	303	100.0		At least 6 years but less than 9 years	52	17.3
Age	10s	3	1.0		9 years or longer	70	23.3
	20s	143	47.2	Job	Total	301	100.0
	30s	109	36.0		Students	86	28.4
	40s	32	10.6		Agriculture and fishery	1	.3
	50s	13	4.3		Company worker	81	26.7
	60s or above	3	1.0		Public officers	52	17.2
	Total	303	100.0		Service business	16	5.3
Urban residential form	Residential area	239	79.1		Technology and production	6	2.0
	Agricultural and fishery area	8	2.6		Self-employed	14	4.6
	Commercial and amusement area	31	10.3		Others	47	15.5
	Industrial area	17	5.6		Total	303	100.0
	Others	7	2.3				
	Total	302	100.0				

4.2. People's recognition of the crime prevention effect of community policing

The people's recognition of the effect of the community policing on the crime prevention was researched using a 5-point scale for each factor of reduction in the fear of crime, reduction in crime occurrence and reduction in disorder in the local community. The results showed the average value of 2.94 for the

reduction in the fear of crime, 2.89 for the reduction in crime occurrence and 2.89 for the reduction in disorder in the local community. These results indicate that the local people do not recognize the crime prevention effect much in terms of all 3 factors, thus showing that there is a need for general corrective actions to the crime prevention activities of community policing.

Table 2. People's recognition of the crime prevention effect of community policing.

Classification	Reduction in the fear of crime	Reduction in the crime occurrence	Reduction in the disorder in the local community
Average	2.94	2.89	2.89
Standard deviation (SD)	0.836	0.706	0.880

4.3. Difference in the recognition of crime prevention effect depending on the sociodemographic characteristics

T-test and analysis of variance(ANOVA) were conducted to find out the difference in the recognition of effect of community policing on crime prevention depending on the sociodemographic characteristics. The results showed that the job factor (1)makes a significant difference on the people's recognition of the reduction in the fear of crime, the job factor (1)makes a significant difference on the people's recognition of the reduction in crime occurrence and the three factors (3) such as job, form of urban residence and period of residence make a significant difference on the people's recognition of the reduction in disorder in the local community.

As for people's recognition on the factor in the reduction in the fear of crime depending on their job, students(M=2.96), company workers(M=3.19), self-employed(M=2.82), and others(M=2.82) showed high level of recognition than the service business(M=2.59) and technology & production(M=1.94) and

that people in the service business have higher recognition of the reduction in crime occurrence than those in technology and production.

As for people's recognition of the reduction in disorder in the local community depending on their type of urban living area, the people living in the residential areas(M=2.97) showed a higher level of recognition than those in the industrial areas(M=2.18) and those in other areas(M=2.14). As for the period of residence, those living for at least 1 year but less than 3 years(M=3.04) and those for 9 years or above (M=2.92) showed higher level of recognition than those living for at least 6 years but less than 9 years(M=2.62). As for the job, the company workers(M=3.23) showed a higher level of recognition of the reduction in disorder in the local community than those in service business(M=2.59) and technology & production industry(M=2.08) and that the students(M=2.81), public officers(M=2.81) and others(M=2.79) showed a higher level of recognition than those in the technology & production industry($p < 0.01$).

Table 3. Difference in the recognition of crime prevention effect depending on the sociodemographic characteristics.

Classification		Reduction in the fear of crime				Reduction in crime occurrence				Reduction in the disorder in the local community			
		Average	Standard deviation	t or F	p	Average	Standard deviation	t or F	p	Average	Standard deviation	t or F	p
Sex	Male	3.03	0.827	1.903	.058	2.96	0.748	1.612	.108	2.92	0.909	.758	.449
	Female	2.84	0.837			2.83	0.658			2.85	0.850		
Age	10s	2.83	0.289	.275	.927	2.78	0.192	.760	.580	2.67	0.577	.808	.545

	20s	2.94	0.909			2.94	0.735			2.89	0.906		
	30s	2.89	0.789			2.81	0.681			2.89	0.800		
	40s	3.06	0.770			3.02	0.703			3.05	1.058		
	50s	3.04	0.660			2.74	0.596			2.58	0.787		
	60s or above	3.00	0.866			2.89	1.072			2.33	1.041		
Urban residential form	Residential area	3.00	0.835	2.152	.074	2.94	0.692	1.670	.157	2.97b	0.859	4.961	.001
	Agricultural and fishery area	2.56	0.729			2.71	0.677			2.81ab	0.594		
	Commercial and amusement area	2.79	0.883			2.81	0.833			2.77ab	0.825		
	Industrial area	2.62	0.650			2.57	0.598			2.18a	0.883		
	Others	2.50	0.913			2.62	0.780			2.14a	1.069		
Period of residence	At least 1 year but less than 3 years	3.01	0.892	.688	.560	2.94	0.731	.525	.666	3.04b	0.871	2.919	.034
	At least 3 years but less than 6 years	2.92	0.784			2.86	0.760			2.83ab	0.840		
	At least 6 years but less than 9 years	2.81	0.817			2.81	0.721			2.62a	0.983		
	9 years or longer	2.95	0.826			2.92	0.601			2.92b	0.824		
Job	Students	2.96b	0.918	2.737	.013	2.97bc	0.734	4.780	.000	2.81bc	0.980	3.904	.001

	Com- pany worker	3.19b	0.772			3.12c	0.698			3.23c	0.822		
	Public offic- ers	2.72ab	0.831			2.72bc	0.707			2.81bc	0.870		
	Service busi- ness	2.94b	0.512			2.58b	0.463			2.59ab	0.612		
	Tech- nology and pro- duc- tion	2.25a	0.612			1.94a	0.443			2.08a	0.801		
	Self- em- ployed	2.82b	0.750			2.79bc	0.649			2.64abc	0.745		
	Others	2.82b	0.837			2.81bc	0.617			2.79bc	0.757		

5. Conclusions

The analysis results show that people's level of recognitions of the reduction in the fear of crime, reduction in crime occurrence and reduction in disorder in the local community are at the range of 2 in average, showing that people don't think that community policing is effective in crime prevention.

As for the difference in the citizen's recognition depending on the sociodemographic factors, it was found that the job factor makes a significant difference on the recognition of the fear of crime, and the job factor also makes the makes a significant difference on the recognition of the reduction in crime occurrence and that the three factors such as job, form of urban residence and period of residence make a significant difference on the recognition of the reduction in disorder in the local community.

All these analysis results indicate that there is a need for methods for more diversified community policing considering the job, urban residential area and period of residence of people in order to make people recognize the effect of community policing on crime prevention in a more positive direction. In addition, there should be a continuous effort for change in community policing through periodic evaluation of community

policing to improve people's positive recognition toward community policing.

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A Study on Reasons of SCHOOL MALADJUSTMENT of Multicultural Background Learners and Responding Measures

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Abstract

The ultimate purpose of this study was to seek ways that multicultural background learners could adapt school life well and have sense of belonging to school as well as self-identity. For this, it classified types of school maladjustment of multicultural background learners based on the status of them and looked at responding measures in the educational and sociocultural aspects to solve these problems.

Since the number of members who have a variety of langue and cultural backgrounds due to the expansion of exchanges between countries and cultures recently is increased, the Korean society changes to a multicultural society rapidly and the number of multicultural families is increasing. As the Korean society enters into the multicultural society, the number of multicultural background learners with various language and cultural backgrounds is swiftly increasing at school, a problem of Korean education for them is raised as a current issue and the phenomenon of not adjusting school life because of failure of communication, low school performance, identity crisis, and school violence problems, is increasing as well.

Most multicultural background learners should experience lots of difficulties in adjusting to school life as they are not familiar with Korean language and culture most of all. The lack of Korean ability can be connected to low school performance and to school maladjustment. Thus, it is urgent for them to have a certain level of Korean most of all to grow as members of Korean society overcoming these difficulties. The difficulty in using Korean that they feel could be connected to low school performance, emotional anxiety, complaints against the society, and isolation.

School maladjustment of multicultural background learners analyzed as difficulty of communication due to the lack of Korean and because of it, the difficulty in study performance due to the lack of basic learning, school violence due to the cultural, social, and physical differences and prejudice which came from the difference in the dual culture of their parents, and economic difficulty.

As responding measures to solve these problems, it suggested the necessity of effective Korean education and the activation of systemic device in the educational level to improve multicultural background learners' communication ability in Korean and study ability, in the sociocultural level, it suggested the improvement in ways of police response and activation of their activities as well as a variety of sociocultural programs, and it also suggested the preparation of scholarship system and effective operation for the responding measures in solving economic difficulties.

This study will contribute that multicultural background learners could adjust school life well while establishing the sense of belonging and self-identity as members of school and Korean society.

[Keywords] Police Response, Crime Prevention, School Violence, Korean Education, School Maladjustment

1. Introduction

Since the number of members who have a variety of language and cultural backgrounds due to the expansion of exchanges between countries and cultures recently is increased, the Korean society changes to a multicultural society rapidly and the number of multicultural families is increasing. As the Korean society enters into the multicultural society, the number of multicultural background learners with various language and cultural backgrounds is swiftly increasing at school, a problem of Korean education for them is raised as a current issue and the phenomenon of not adjusting school life because of failure of communication, low school performance, identity crisis, and school violence problems, is increasing as well. Most multicultural background learners should experience lots of difficulties in adjusting to school life as they are not familiar with Korean language and culture most of all. The lack of Korean ability can be connected to low school performance and to school maladjustment. Thus, it is urgent for them to have a certain level of Korean most of all to grow as members of Korean society overcoming these difficulties. The difficulty in using Korean that they feel could be connected to low school performance, emotional anxiety, complaints against the society, and isolation.

Thus, this study classifies reasons of school maladjustment of multicultural background learners based on their status and the research on the actual maladjustment condition and to solve these problems, finds out educational and sociocultural aspects for responding measures to make them adjust well at school life and have the sense of belonging and self-identity which is the ultimate purpose of this study.

2. Status of Multicultural Background Learners and Actual School Maladjustment Condition

Since the number of members who have a variety of language and cultural backgrounds due to the expansion of exchanges between countries and cultures recently is increased,

the Korean society changes to a multicultural society rapidly and the number of multicultural families is increasing. As the Korean society enters into the multicultural society, the number of multicultural background learners with various language and cultural backgrounds is swiftly increasing at school, a problem of Korean education for them is raised as a current issue and the phenomenon of not adjusting school life because of failure of communication, low school performance, identity crisis, and school violence problems, is increasing as well. Most multicultural background learners should experience lots of difficulties in adjusting to school life as they are not familiar with Korean language and culture most of all. The lack of Korean ability can be connected to low school performance and to school maladjustment. Thus, it is urgent for them to have a certain level of Korean most of all to grow as members of Korean society overcoming these difficulties. The difficulty in using Korean that they feel could be connected to low school performance, emotional anxiety, complaints against the society, and isolation.

Thus, this study classifies reasons of school maladjustment of multicultural background learners based on their status and the research on the actual maladjustment condition and to solve these problems, finds out educational and sociocultural aspects for responding measures to make them adjust well at school life and have the sense of belonging and self-identity which is the ultimate purpose of this study.

2.1. Status of multicultural background learners

According to the research result of '2017 Basic Education Statistics' which researched on schools, teachers, and facility status of kindergarten, elementary, middle, and higher education institutions by the Ministry of Education and Korea Education Development Institution, the rate of multicultural background learners was 1.9% in the whole elementary, middle, and high school students which was 0.2%p increased compared to the

previous year. The rate of multicultural background learners of each school level was 3.1% which was 0.3% and the greatest increase at elementary school, 1.2% which was 0.2% increase at middle school and 0.6% which was the same as the previous year at high school.

The number of multicultural background learners was 109,387 which was 10,201 (10.3%) increase and the number for each school level was increased 8,761(11.8%) at elementary school, 865(5.7%) at middle school, 518(5.3%) at high school, and 57(17.9%) at other schools compared to the previous year. In the number for each type, the internationally married families(Korea born) were 89,314(81.6%) which was the greatest, the foreign families was 12,281(11.2%), and internationally married families(came to Korea in the middle) were 7,792(7.1%)[1].

2.2. School maladjustment condition of multicultural background learners

According to '2015 National Multicultural Family Status(announced in April 26, 2016)' which the Ministry of Women and Family announced, 89.8% among the total schoolers responded that they were well adjusted and in the reason that they could not adjust well (duplicated answer), 64.7% responded that they did not get along with friends which was the greatest, not interested in school study was 45.5%, not speaking Korean well was 25.5%, lack of parents' interests or economic support was 10.9%, appearance was 7.7%, discrimination of teachers was 2.5%, and other was 5.3%[2].

And in reasons that they quit schools in Korea, school life and culture were different (18.3%), school study was difficult(18.0%), transfer and preparing to study at overseas (15.3%), to make money(14.4%), poor economic situation (just did not want to go to school)(11.1%), and other was 7.4%. It can be said that we should urgently expand the multicultural education at school efficiently most of all to make them not to experience difficulties after becoming members of Korean society and a part of it.

3. Reasons of Multicultural Background Learners' School Maladjustment and Responding Measures

This chapter seeks to classify types of reasons for multicultural background learners' school maladjustment and responding-measures based on the statistics on their actual condition research of Chapter 2.

3.1. Reasons of multicultural background learners' school maladjustment

This clause is going to classify types of reasons for their school maladjustment based on '2015 Status of National Multicultural Families(announced in April 26, 2016)' which was announced by the Ministry of Women and Family as mentioned above.

3.1.1. Difficulty of communication and study performance

Since multicultural background learners lack in using Korean skill, they often experience difficulty in communication and it often results difficulty in the study performance. This kind of difficulty becomes an important factor for the group bully. It was revealed that when mom's communication skill of multicultural family is good, it is positive in children's language development as well as school adjustment, self-identity, and self-efficacy[3].

3.1.2. School violence due to cultural, social, and physical differences and prejudice

Multicultural background learners are confused in forming of identity while experiencing both home training which the two cultures are mixed and school education of Korea at the same time[4]. This confused identity forming works negatively in the forming process of personal relations and often become victims of school violence as they could be bullied from peers and pushed away in school education as they lose confidence. When there is no protection for victims of school violence or proper treatment, their self-esteem could be damaged and being more vulnerable due to the lowered self-esteem[4].

3.1.3. Economic difficulty

Another reason that multicultural background learners could not adjust at school life is the economic difficulty. In many cases, lots of multicultural families experience severe economic difficulty. This family situation affects children and becomes a reason that makes their school life more difficult and causes maladjustment at school as it influences to their cognition development and induces problematic behaviors and quit school eventually[5].

3.2. Responding measures on school maladjustment of multicultural background learners

As above, multicultural background learners experience maladjustment at school life because various reasons. To solve these problems, this study suggest measures dividing into educational and sociocultural levels.

3.2.1. Responding measures in educational level

Effective Korean education should be made as the responding measure in educational level for the improvement of their communication ability in Korean and study performance[6].

Recognizing the necessity of Korean education for multicultural background learners, the KSL curriculum noticed by the Ministry of Education, Science, and Technology in July 2012 was developed as the national level curriculum together with 2009 Revised curriculum as a way of 'multicultural student education advancement method' and since March 2013, Korean education is held at schools which need it for multicultural background learners at elementary, middle, and high schools nationwide[7].

'2017 Revised Korean (KSL) Curriculum' divides the teaching of Korea in 'Living Korean education' and 'Learning Korean education' and suggests details. In 2017 Revised Korean (KSL) Curriculum, the 'Living Korean education' is composed to learn basic 'communication Korean' skill necessary in daily life and school life and the 'Learning Korean education' is composed to have 'Korean for subject

adaptation' which helps to have 'Korean as a learning tool' and entering and adjusting to learn each subject which are the learning tool and basics for every subject. By differentiating the portion in beginner, intermediate, and advanced, it is systemized to improve the Korean skill and complete gradually. To resolve school maladjustment of multicultural background learners, measures to apply actual school sites, fostering professional teachers for multicultural education, improving support programs for them, and activity of understanding Korean culture for their parents, should be prepared together with the activation of Korean education at the level of education policy[8].

3.2.2. Responding measures in sociocultural level

In responding measures in sociocultural level to solve school maladjustment of multicultural background learners, the responding measure to school violence that they experience is to improve responding attitude of police[9]. It would be good if police explains how to respond to school violence to learners and runs preventive education. And multicultural understanding education for police, organizing department exclusively for multicultural families and its systematic operation, and crime prevention activity in the connection with multicultural families, immigration office, local multicultural centers, educational institutions, civic organizations, and social welfare centers[10].

In addition, by preparing various sociocultural programs for them and strengthen the sociocultural experience activities that they can directly/indirectly participate[11].

On the other hand, we actively consider to prepare scholarship system and its effective operation and activation of supporting for their textbooks and learning materials should be considered to solve their economic difficulty that they experience at school even a little[12].

4. Conclusion

As above, this study thought ways that multicultural background learners could adapt school life well and have sense of belonging to school as well as self-identity as the ultimate goal. For this, it classified types of school maladjustment of multicultural background learners based on the status of them and looked at responding measures in the educational and sociocultural aspects to solve these problems.

The reasons of school maladjustment of multicultural background learners were difficulty in communication due to the lack of Korean skill, difficulty of study performance, school violence due to cultural, social, physical differences and prejudice, and economic difficulty. As the educational level of responding measures, it suggested the necessity of effective Korean education and activation of systematic device. As the sociocultural level, it suggested improving responding method of police and activation of police activity, activation of sociocultural programs as well as preparing scholarship system and its effective operation and activation of supporting textbooks and learning materials to solve their economic difficulty.

If suggestions of this study is actively used, multicultural background learners will adjust at school life well and will contribute to establish sense of belonging and self-identity as members of school and the Korean society.

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