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Understanding Terrorism Aiming at Energy Infrastructures: How to PROTECT KOREAN Energy Infrastructures

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Abstract

The purpose of this study is to examine the trends and characteristics of terrorist attack on energy infrastructure since recent terrorist attacks using drones in Saudi Arabia's oil facilities raise the question about traditional countermeasures of terrorism. Because of new technology with the fourth industrial revolution increasing the risk of a new way of terrorism, it is necessary to come up with new countermeasures to prepare for terrorist attacks, especially on energy infrastructure. To accomplish research purposes, this study examined the national protection system of South Korea government for energy infrastructure and to identify trends and characteristics of terrorist attacks on energy infrastructure by using GTD data.

According to review South Korean's protection plans for national critical infrastructures, the major regulations in the Disaster Safety Act, the Integrated Defense Act and the Presidential Decree provide preventive tactics for national energy infrastructure. 46 energy infrastructure sites have been selected and managed as important national facilities. However, it is not clear how the existing national defense system is being operated as information is not disclosed. There are also human protection plans for energy infrastructure, but physical protection plans are not specific. In order to respond to new terrorist risk factors such as drones, the improvement of physical environment of energy infrastructure is needed. For this reason, it is necessary to introduce criminal opportunity theory in criminology in the field of terrorism in order to promote safety.

Analysis of GTD showed that terrorist attacks on energy infrastructure have continued to increase and decrease. In particular, more than 150 terrorist attacks have occurred every year. Although South Korean energy infrastructure is unlikely damaged because of the rarely occurrence of terrorist attacks in East-Asia, caution is need. Due to the increasing frequency of North Korea's drone operations, it is necessary to prepare countermeasures. In addition, the characteristics of terrorist attacks on energy infrastructure are mostly those using explosives with a small number of people involved. Since the success rate of terrorist attacks on energy infrastructure is very high, it is important to prevent terrorist attack from occurred.

[Keywords] Nation Critical Infrastructure, Terrorist Attacks, Energy Infrastructure, Drone Attack, Bombing

1. Introduction

Saudi Arabia's two oil facilities, taking out half of the country's oil production about 5.7 million barrels per day of crude, were hit by twenty-five drones and missiles on 14th Sep-

tember 2019. Despite of Yemen's Houthi rebels claiming themselves as the attackers, the escalated tensions between the United States and Iran have been emerged. Secretary of State Mike Pompeo accused Iran and the Saudi government also pointed the finger directly at Iran. Even as the key questions were

not answered, the drones, only cost \$15,000 or less, have shown the cost effective evidence damaging the world's third-highest importer, Saudi Arabia, on military equipment in 2018, an estimated \$ 67.6 billion.

It is virtually not the first time that a drone attack on Saudi Arabia's oil facilities has been launched. A year earlier, a drone attack on Venezuelan President Nicolas Maduro in August 2018 left seven wounded. The drone used in the attack is an M600 series drone that costs 6 million won per drone. In addition, the U.S. detonated a homemade bomb at his girlfriend's home in September 2019. There were no victims, but this is an example of a danger of the spread of drone-based terrorism across society. In other words, drones have become a new tool for terrorist attacks.

Although we have been no terrorist attacks in South Korea due to drone strikes, it does not mean no danger at all. On 17th September 2019, a man in his 40s took photos with a drone near Hanvit nuclear power plant, one of South Korea's major nuclear power facilities. Despite of no intention to damage it, it was not possible to prevent the use of drones to film around nuclear facilities in advance. There was no way to stop it if it was dropped on a drone like the Saudi Arabian incident. Particularly worrisome is the possibility of a drone attack by North Korea. In 2017, the North shot the THAAD base in Seong-ju using a drone and crashed in In-je, Gangwon Province, but the South Korean military was not aware of it. It is also reported that North Korea has a considerable number of small drones for suicide attacks.

Since 2010, the drone as a military weapon has been rapidly applied to more than 95 countries around the world. In addition, the aviation of drones become a familiar hobby of people. More and more people are learning drones and participating to the competitions using drones. Economic activity using drones also on the rise in companies. As Amazon is preparing for delivery service by utilizing drones, it seems that the drones itself and its using will take an important position in the world economy.

The expanding use of drones makes the possibility of terrorist attacks by drones more worrisome than ever before. Unfortunately, it is unclear how to effectively counteract terrorist attacks by drones. Particularly, in Korean National Defense Planning(KNDP) for Korean National Critical Infrastructures(KNCI), there are no countermeasures to deal with new threats by drones. On a long period of time, South Korea, the only divided country in the world, has attempted to prepare effective defensive ways against North Korea's attack. It is necessary to include what to do against the drone. At the outset, as like Saudi Arabian drone strike, we need to discuss how to cope with the threat of terrorism against the KNCI, especially, National Energy Infrastructures(NEI). However, it is rarely to find a discussion about the dangers of terrorism in the EI in existing domestic studies. In response, this study seeks to find out the status of the NEI and its protection plan and discuss how to cope with new threats such as drones. In particular, the study aims to analyze terrorist attacks on energy infrastructures from 1970 to 2017 using International Terrorism Data(ITD) to identify the characteristics of terrorist attacks on energy infrastructures. It provides a chance to examine the limitation of defense system for energy infrastructures from new threats by drones through figuring out the status of terrorist attacks on existing energy infrastructures around the world. It will also give a chance to discuss an effective way to counteract the drone strike.

2. Theoretical Background

2.1. Definition of energy infrastructure

Energy infrastructure(EI) refers to energy supply facilities that are installed to produce, convert, transmit or store energy. Energy infrastructure is one of the areas of national critical infrastructure(NCI) or facility(NCF). NSI means physical facilities that if their functions are paralyzed, could have a serious impact on human life and the national economy[1].

Article 3 subparagraph 1 of the Disaster Act defines energy, telecommunications, transportation, finance, medical care, water, etc as the National Infrastructure System. Article 26 paragraph 1 of the Disaster Act demonstrated that these national significant facilities need to be continuously managed to protect the national infrastructure system.

Similarly, Article 2 no.13 of the Integrated Defense Act stipulates that national facilities are those facilities that, if occupied, destroyed or paralyzed by the enemy, such as public institutions, airports, ports, and major industrial facilities, have a serious impact on national security and people's lives.

After all, EI is a critical infrastructure for the nation and a facility that needs to be prepared for the risk of new terrorist attacks such as drone, bomb, intrusion etc.

2.2. Various risk factors for energy infrastructure

The risk factors for energy infrastructure are various natural and social disasters. Heavy snow, typhoons, heavy rains, floods and earthquakes are feared as natural disasters[2]. The 2011 explosion at a nuclear power plant in Japan was derived from the tsunami made by the historically scaled earthquake. There are major nuclear power plants located in the eastern coast of Korea which means the risk of tsunami existing. After the Pohang earthquake, the reheater 4-scale earthquake, it is natural to worry that the energy infrastructure could be damaged by a powerful earthquake or tsunami.

On the other hand, social disasters include fires, collapses, explosions, chemical and biological accidents, pollution, terrorism, production disruptions, and shutdowns etc. Korean National Defense Planning ensure that the identification of vulnerabilities is needed to protect the national energy infrastructures from such a risk situation[2].

In particular, a variety of criminal behaviors can be anticipated. There can be the acts of deliberately destroying the energy infrastructure, releasing, leaking or spraying gas or radiation or radioactive materials, and the

acts of destroying or destroying workpieces of oil, gas, electricity, or steam, causing human life, body or property damages.

2.3. Protection plan for energy infrastructure

To counter these risks, the Korean government consistently attempts to ensure safety in various ways. In order to effectively respond to terrorist attacks on KNSI, the government operates a Terrorist Information Integration Center(TIIC) at the National Intelligence Service based on the Presidential Decree No.337, and the prime minister is appointed as the chairman of the Terrorism Countermeasures Council in TIIC, the foreign minister, the unification minister, the justice minister, the defense minister and related agencies are appointed to participate in the council in order to cope with the state-level antiterrorism alert and counterterrorism response. TIIC is responsible for collecting, analyzing, writing and distributing terrorist information at home and abroad, supporting the operating of the council, integrating information on domestic and overseas terrorism, and educating and promoting terrorism prevention[3].

In addition, the Integrated Defense Act requires the establishment of a protection plan for national critical facilities. Article 2 of the Integrated Defense Act defines NCF and requires managers of these facilities to take responsibility for expenses, security and protection and set up defense plans. Among the national critical facilities, the energy infrastructure includes twenty locations in the power sector, three in the gas, eighteen in the oil and five in the nuclear energy sector as of February 2014. The electricity sector includes power plants, power transmission facilities, power distribution facilities and the Kore Power Exchange. In the oil sector, oil production facilities, the KNOC(Korean National Oil Company)'s storage facilities and private companies' oil storage facilities are covered. Finally, in the gas sector, gas production and supply facilities are designated as national critical facilities[2][3].

Interest in the safety of NCI, including energy infrastructure, has increased significantly worldwide since the 9/11 terrorist attacks in 2001. In particular, the U.S established the Department of Homeland Security after the 9/11 and established the National Infrastructure Protection Plan based on Homeland Security Act and Homeland Security Presidential Directive 7(HSPD-7)[4]. In this plan, the U.S. Department of Energy is required to establish a safety assurance plan for energy infrastructure with homeland security[4]. Academic interests have also raised in the field of terrorism research focusing terrorist attacks on energy infrastructure [5][6][7][8][9][10].

2.4. The need for research on terrorism in energy infrastructure

Many studies on terrorism and security have recently been underway in Korean academia[11][12][13][14][15][16], which has led to some discussions on how to effectively respond to terrorism and secure security for infrastructure. In particular, many recent studies seem to focus on the potential for cyber terrorism[17][18][19][20]. However, after reviewing existing literature and previous researches, it is believed that a terrorist research focused on energy infrastructure has not been carried out properly in Korea. In particular, the protection and security of NCI are often handled secretly by the police, the National Intelligence Service, and the Defense Ministry, which lacks clear data on how they are coping with physical or cyber breaches of actual energy infrastructure. Based on interviews with several relevant experts and practitioners, it seems that there is a lack of specific planning or preparedness for routine protection and security activities. Although there are basic manuals in place, it is not clear how it works. In addition, the existing studies in Korea also are mainly focused on the definition, type, trend and status of terrorism. The industrial security sector also is being discussed with a focus on cyber security. Therefore, there is a lack of discussion on safety assurance or protection plans for physical encroachment on actual energy facilities.

In particular, recent criminological discussion[21] may provide a lesson to secure energy facilities from terrorist attacks. Criminal opportunity theories(CPTED, Situational Crime Prevention) derived from Neo-classical criminology provide an opportunity to block the dangers of terrorism on the energy infrastructure. Through risk management and risk assessment to prevent terrorism, physical protection plans for nuclear power plants and other energy facilities can be strengthened and the building design, which enhances the level of supervision and physical rigidity, provides a theoretical basis for blocking the risk of terrorism.

3. Characteristics and Trends of Terrorism on Energy Infrastructure from 1970 to 2017

3.1. Global terrorism database(GTD)

In this study, the data used to figure out the characteristics and trends of terrorism on energy infrastructure are GTD[22]. GTD is a unique database for terrorism research in the world. GTD maintained by the National Consortium for the Study of Terrorism and Responses to Terrorism(START). GTD is the product of various data collection methods including publicly opened unclassified sources such as media articles, electronic news archives, books, journals, and legal documents so on. Originally, GTD incidents collected by the Pinkerton Global Intelligence Service between 1970 to 1997. After START, the Center for Terrorism and Intelligence Studies(CETIS) collected terrorist incidents from 1998 to 2008 and The Institute for the Study of Violent Groups(ISVG) continued to collect the data from 2008 to 2011. And then START located in the University of Maryland continues to manage GTD until now[22].

3.2. Research subject

With GTD, this study aims to figure out the characteristics and the trends of terrorism on energy infrastructure from 1970 to 2017. Previous terrorism studies using GTD mainly focused on the status of general terrorism. As a result, it is rarely to examine terrorist attacks

on energy infrastructure. For terrorists, energy infrastructures are one of the best targets to harass hostile countries and their people. In addition, recent terrorist attacks by the drones as like the Saudi incident make us more worried than ever. Therefore, the subjects of this study are to find out the trends of terrorism on energy infrastructure and the characteristics of these terrorist attacks such weapon usage, type of weapon, causality, suicide attack etc. These analyses can provide major information about terrorist attacks on energy infrastructure and proper response methods to prevent terrorist attack on energy infrastructure.

3.3. Procedure of research

The STAST provides GTD data and its codebook. The guideline of codebook describes the history, data collection methods, revisions, and variables of GTD. With GTD and its codebook, at the first, the time range of terrorist attacks is from 1970 to 2017. Second, out of all the terrorist attacks from 1970 to

2017, the attacks on utility were chosen because the energy infrastructure belongs to the utility category in target type variable. Among 22 target types, 'utilities' are defined as "the facilities for the transmission or generation of energy including power lines, oil pipelines, electrical transformers, high tension lines, gas and electric substations,[22]" Total 6023 terrorist attacks were chosen. With these incidents, statistical analyses were performed.

3.4. Result

3.4.1. Frequency of incidents by country

Table 1 shows top 20 countries in frequency of occurrence by country. From 1970 to 2017, the largest number of terrorist attacks in the country has been in El Salvador 1,063 times. The next largest terrorist attack was Colombia, which has 758 times. Peru and Pakistan have carried out more than 600 terrorist attacks on energy infrastructure. In the past 50 years, a total of 11 countries have been hit by more than 100 terrorist attacks on their energy infrastructure.

Table 1. Top 20 countries in frequency of occurrence by country.

Ranking	Country	Frequency	%	Ranking	Country	Frequency	%
1	El Salvador	1063	17.6	11	Nigeria	141	2.3
2	Colombia	758	12.6	12	Spain	97	1.6
3	Peru	652	10.8	13	United States	88	1.5
4	Pakistan	636	10.6	14	India	86	1.4
5	Chile	462	7.7	15	Egypt	83	1.4
6	Iraq	337	5.6	16	South Africa	78	1.3
7	Philippines	192	3.2	17	Guatemala	75	1.2
8	Angola	179	3.0	18	Nicaragua	69	1.1
9	Thailand	167	2.8	19	Turkey	68	1.1
10	Yemen	165	2.7	20	Russia	43	0.7

3.4.2. Frequency of incidents by continent

An analysis of terrorist attacks on energy infrastructure by continent has shown that South America has the most terrorist attacks. There have also been a number of terrorist attacks in Central America and the Caribbean, with a total of 1227, or 20.4 percent of total

terrorist attacks. The Middle East and North Africa were also heavily targeted at energy infrastructure. In comparison, there were very few terrorist attacks in Central Asia, East Asia and Oceania. However, quite a number of terrorist attacks have occurred in South Asia and Southeast Asia among Asian countries, showing contrasting results.

Table 2. Frequency of occurrence by continent.

Ranking	Continent	Frequency	%	Ranking	Continent	Frequency	%
1	South America	1930	32	7	Western Europe	191	3.2
2	Central America & Caribbean	1227	20.4	8	North America	104	1.7
3	Middle East & North Africa	812	13.5	9	Eastern Europe	86	1.4
4	South Asia	799	13.3	10	Central Asia	9	0.1
5	Sub-Saharan Africa	474	7.9	11	East Asia	5	0.1
6	Southeast Asia	382	6.3	12	Australasia & Oceania	4	0.1

3.4.3. Attack success rate and terrorism status

The following analyses show the success rate of terrorist attacks targeted at energy infrastructure, suicide attacks, and compliance with terrorist criterion 1. An analysis of the clear case of success or failure of a terrorist attack shows that the probability of success is 94.7% percent, indicating that it is highly likely to be harmed in the event of a terrorist attack. In other words, it is a result of a lack of ability to contain and prevent terrorist attacks if they actually occur. Suicide attacks, on the other hand, are different from many suicide bombings in the general terrorist attacks, which have increased until recently, as the percentage of total energy infrastructure

terrorist attacks by suicide was found to be very low. Next, terrorism is defined in the GTD codebook as follows[22]. First of all, "the incident must be intentional". Second, "the incident must entail some level of violence or immediate threat of violence"[22]. Third, "the perpetrators of the incidents must be sub-national actors[22]." With these three conditions, GTD also includes three additional criteria. Firstly, terrorist attacks must be pursued to attain a political, economic, religious, or social purpose(Criterion 1). Secondly, terrorist attacks are intentional acts to coerce, intimidate, or convey some message to people(Criterion 2). Finally, criterion 3 indicates that terrorist attacks are not a legitimate warfare activities[22]. Of the

6,023 terrorist attacks on energy infrastructure that meet both the GTD's definition of terrorism almost all of them were found to be satisfied with the additional criteria of terrorism. The implications of this result are that

terrorism targeted at energy infrastructure is all deliberately and unjustifiable violent means that instill fear into the general public to achieve political, economic and religious goals.

Table 3. Attack success rate & terrorism status.

Variable	Response	Frequency	%
Attack success	Yes	5703	94.7
	No	32	5.3
Suicide attack	Yes	6008	99.8
	No	15	0.2
Terror criterion 1	Yes	6013	99.8
	No	10	0.2
Terror criterion 2	Yes	6022	100
	No	1	0
Terror criterion 3	Yes	6023	100
	No	0	0

3.4.4. Attack type of terrorist attacks on energy infrastructure

According to the analysis of the types of terrorist attacks on the entire energy infrastructure, bomb attacks have occurred most frequently. It is also understood that bomb attacks coincide with attacks on facilities and infrastructure. Overall, it can be seen that for

a successful energy infrastructure attack, the attack is taking place in an explosive manner. It should pay attention to changes in the way booms are carried out, as seen in the Saudi Arabian drone attack. Hostages and assassinations, traditional methods of terrorist attacks, were less frequent in terrorist attacks on energy infrastructure.

Table 4. Attack type of terrorist attacks on energy infrastructure.

Ranking	Type	Frequency	%
1	Bombing / Explosion	5452	90.5
2	Facility / Infrastructure attack	301	5.0
3	Armed assault	118	2.0
4	Unknown	107	1.8
5	Hostage taking(kidnapping)	26	0.4
6	Hostage taking(barricade incident)	13	0.2
7	Assassination	4	0.1
8	Hijacking	1	0
9	Unarmed assault	1	0

3.4.5. Types of energy infrastructure

Energy infrastructure means a facility that

produces, stores and supplies electricity, oil or gas. Thus, terrorist attacks on energy infrastructure are divided into attacks on these three types of energy facilities. It has been identified that the most vulnerable of the energy infrastructure is the electrical facility. Gas facilities will often be storage and delivery facilities rather than direct gas production facilities, so it is expected that they will be more

likely to attack oil or electricity production facilities. Meanwhile, the sources of energy generation among electrical facilities vary, including oil, gas, nuclear power plants and hydro power, but the GTD does not clearly distinguish them, thus preventing more information from being identified.

Table 5. Types of energy infrastructure attacked.

Types of infrastructure	Frequency	%
Electric facility	4198	70.5
Oil facility	1184	19.9
Gas facility	576	9.7
Total	5958	100

3.4.6. Terrorist organization

Most of the organization cited as the primary culprits in the terrorist attacks on energy infrastructure have not actually carried out terrorist attacks. It was not the work of the first group to be blamed in the 91.6 percent terrorist attacks. More than 30 percent of the attacks on energy infrastructure have not been identified. However, if we look at terrorist organizations that have been found

to be the main culprits behind the actual terrorist attacks, it is understood that most of them are rebel forces based in areas where terrorist attacks on energy infrastructure have occurred. For example, two rebel forces in Colombia came in fourth and fifth in the terrorist attacks on energy infrastructure. Although terrorist attacks on energy facilities have not occurred directly in South Korea, the possibility of an attack by North Korea cannot be ruled out.

Table 6. Top 20 terrorist organization attacking energy infrastructure.

Ranking	Name	Frequency	%
1	Unknown	2005	33.3
2	Farabundo Marti National Liberation Front(FMLN)	923	15.3
3	Shining Path(SL)	567	9.4
4	National Liberation Army of Colombia(ELN)	291	4.8
5	Revolutionary Armed Forces of Colombia(FARC)	234	3.9
6	Manuel Rodriguez Patriotic Front(FPMR)	177	2.9
7	National Union for the Total Independence of Angola(UNITA)	177	2.9
8	Baloch Republican Army(BRA)	140	2.3
9	Movement of the Revolutionary Left(MIR-Chile)	84	1.4
10	Islamic State of Iraq and the Levant(ISIL)	77	1.3
11	Basque Fatherland and Freedom(ETA)	73	1.2
12	New People's Army(NPA)	62	1.0
13	Niger Delta Avengers(NDA)	49	0.8
14	African National Congress(South Africa)	46	0.8
15	Kurdistan Workers' Party(PKK)	44	0.7

16	Simon Bolivar Guerrilla Coordinating Board(CGSB)	44	0.7
17	United Liberation Front of Assam(ULFA)	40	0.7
18	Al-Qaida in the Arabian Peninsula(AQAP)	36	0.6
19	Barisan Revolusi Nasional(BRN)	36	0.6
20	Nicaraguan Democratic Force(FDN)	32	0.6

3.4.7. Types of weapon on terrorist attacks on energy infrastructure

Among the weapons used in the terrorist attacks on energy infrastructure, the most

frequent used was explosives. Since the energy infrastructure is buildings and structures, explosives will be preferred to destroy it and cause damage. As a result, more than 90 percent of the attacks involved explosives. Other gun attacks followed.

Table 7. Types of weapon on terrorist attacks on energy infrastructure.

Ranking	Type of weapon	Frequency	%
1	Explosives	5425	90.1
2	Firearms	249	4.1
3	Unknown	209	3.5
4	Incendiary	86	1.4
5	Sabotage equipment	41	0.7
6	Melee	12	0.2
7	Other	1	0

3.4.8. Number of terrorists in attacks and their membership in terrorist organizations

Fewer than 10 terrorists were involved in one terrorist attack on the entire energy infrastructure(two(16.6%), one(13.9%), four(11.3%), ten(7.3%), three(6.6%),

six(4.6%), eight(4.6%), five(4%)). In other words, terrorist attacks on energy infrastructure are carried out with a small number of terrorists mobilized to emphasize mobility and tactics, unlike large-scale wars. In addition, all of terrorist attacks on energy infrastructure were carried out terrorists who are members of a terrorist organizations. Only in 3 cases the culprits were individuals.

Table 8. Number of terrorists in attack and their membership in terrorist organizations.

Membership	Frequency(%)	Number of terrorist	Frequency(%)
Yes	6020(100)	2 terrorists	25(16.6%)
No	3(0)	1 terrorist	21(13.9%)

3.4.9. Trend of terrorist attacks on energy infrastructure

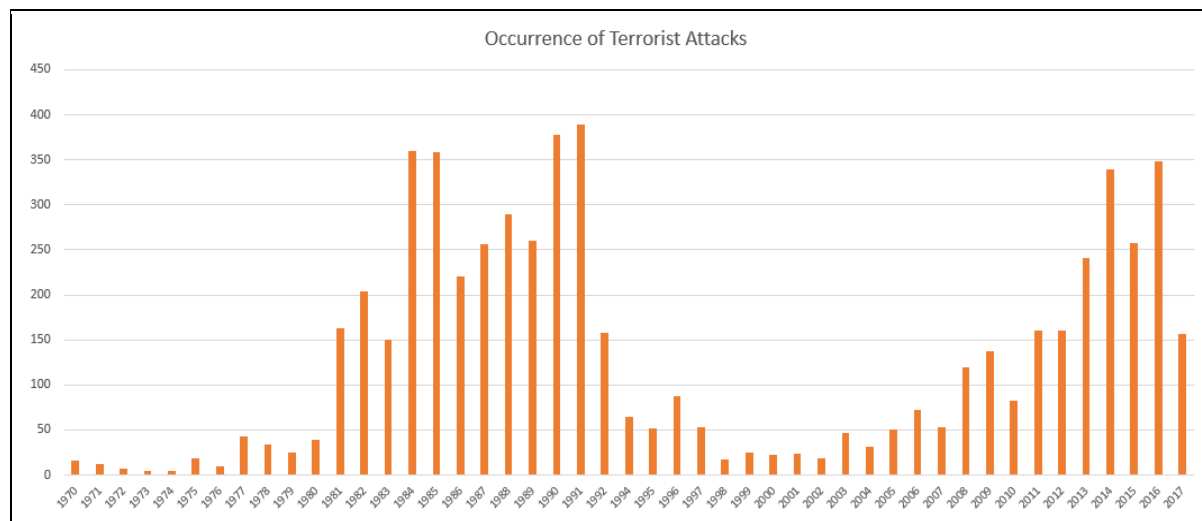
The characteristics of terrorist attacks on energy infrastructure were reviewed above

through GTD analysis. Next, GTD also show the trend of terrorist attacks on energy infrastructure from 1970 to 2017. Analysis of GTD data by year shows that terrorist attacks on energy infrastructure repeat increases and

decreases. Terrorism attacks on energy infrastructure have rapidly increased since 1981, hitting their highest point in 1991 and then declining since the mid-2000s, again in the

mid-2000s. More than 150 terrorist attacks have been targeted every year, especially since the mid-2000s.

Figure 1. Trend of terrorist attacks on energy infrastructure.



4. Conclusion

Recent bombings using drones raise the need for big changes in existing terrorist research and preventive countermeasures of terrorism. The introduction of new technology with the fourth industrial revolution increases the risk of a new way of terrorism, not the traditional way. In Particular, technological advances in new delivery tools such as drones emphasize the need to come up with new countermeasures to prepare for terrorist attacks. In the sector of national critical infrastructure, energy infrastructure is an important state-run facility, which causes enormous damage when terrorist attacks occur. Therefore, the study sought to identify the characteristics and trends of terrorist attacks on energy infrastructure. To carry out research purposes, this study examined the national protection system of South Korea government for energy infrastructure and to identify trends and characteristics of terrorist attacks on energy infrastructure by using GTD data.

Protection plans for national critical infrastructures have been established and oper-

ated through the Disaster Safety Act, the Integrated Defense Act and the Presidential Decree. In particular, 46 energy infrastructure sites have been selected and managed as important national facilities. However, it is not clear how the existing national defense system is being operated as information is not disclosed. There are also human protection plans for energy infrastructure, but physical protection plans are not specific. In order to respond to new terrorist risk factors such as drones, the improvement of physical environment of energy infrastructure is needed. For this reason, it is necessary to introduce criminal opportunity theory in criminology in the field of terrorism in order to promote safety

So far, terrorist attacks on energy infrastructure have continued to increase and decrease. In particular, more than 150 terrorist attacks have occurred every year. Although South Korean energy infrastructure is unlikely damaged because of the rarely occurrence of terrorist attacks in East-Asia, caution is need. Due to the increasing frequency of North Korea's drone operations, it is necessary to prepare countermeasures.

The characteristics of terrorist attacks on energy infrastructure are mostly those using explosives, and a small number of people involved in guerrilla attacks. In addition, the goal of attacks is to destroy the energy infrastructure so that bombing attacks are the most frequently occurred. Moreover, terrorist attacks on energy infrastructure, there were many attacks by rebel forces against the government. Most importantly, the success rate of terrorist attacks on energy infrastructure is very high. Therefore, it is more important to prevent terrorist attack from occurring rather than to deal with them after attacked.

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Research field

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The Effects of Organizational Justice on Organizational Citizenship Behavior of the KOREAN Police Officers: Mediating Effect of Supervisor Trust INVESTIGATION

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Abstract

With the trend of strengthening the so-called "local autonomous police road map", the Korean National Police Agency is pushing for five areas, including Jeju, Sejong and Seoul, as pilot areas by 2020 and the autonomous police system as well as reforming the investigation structure by 2022. Many prior studies have shown that police officers inside the police also improve the effectiveness of the organization by doing voluntary work while accepting changes. It is, in other words, organizational citizenship behavior. In the National Police Agency, interest in major variables affecting organizational citizenship behavior continues. This study began with the following recognition: There has been a series of studies that have had a great impact on organizational citizenship behavior, but there is very little research on the impact of the criminal prevention of the local police and the organizational justice of the police officers whose investigative functions are to work effectively in order to improve the quality of life of the residents, and there is no research on the effect of supervisor trust. This study has selected distribution justice, procedural justice, and interactional justice as sub-variables of the organizational justice of the police officers, which is an independent variable, organizational citizenship behavior as a dependent variable, and supervisor trust(emotional trust and cognitive trust) as parameter. The analysis of the data from this study shows that the distribution justice and interaction justice of the organizational justice have a positive effect and process justice has a negative effect on organizational citizenship behavior. And it also shows that emotional and cognitive trust have a positive mediating effect on the effect of supervisor trust on organizational citizenship behavior.

[Keywords] Organizational Citizenship Behavior Investigation, Organizational Justice, Emotional Trust, Cognitive Trust, Local Autonomous Police System

1. Introduction

The Korean police are struggling to carry out their police duties democratically and efficiently, experiencing unprecedented changes in recent years. Until now, they have traditionally implemented regular patrol, directed patrol, and recently "elastic patrol system" as a theme patrol for local residents, a changed form from the previous ones. This triggers a need to observe organizational citizenship behavior based on the voluntary actions of the police officers. In particular, a

need for research arose on the assumption that the organizational justice, as an independent variable, and supervisor trust, as a parameter, would affect the Organizational Citizenship Behavior(hereinafter OCB). OCB has been studied, not just its concept defined, through various leading variables, such as leadership, organizational immersion, organizational justice, and supervisor trust[1][2][3][4][5][6][7].

There are few reports of OCB involving the Korean police, but OCB involving the police officers are often

found[8][9][10][11][12][13][14][15][16]. This study validates the relationship between organizational justice, an independent variable, and OCB, a dependent variable, with supervisor trust as a parameter.

2. Theoretical Discussion

2.1. Discussion on the concept of OCB

OCB has been pointed out to be important in the function of an organization, and related research has continued to show a sharp increase since the early 1980s through the early 1990s. OCB was first introduced by Organ, based on Barnard(1938)'s "willingness to Cooperate" and Katz(1964)'s "taking the lead and voluntary actions"[17]. (Bateman and Organ, 1983) Organ(1988) has a conceptual definition of OCB as "an individual's discretionary behavior, not directly or explicitly recognized by the formal reward system, that enhances the effective functioning of the organization as a whole[18][19]." The recent OCB is considered to be a virtue of the organization's value in differentiating an organization's assessment. In the field of police science, various types of organization members are living together, raising interest in OCB, being researched and reported.

2.2. Types of organizational justice

The term organizational justice was introduced by Greenberg(1987) to refer to the recognition of justice in an organization. Distribution justice is based on an exchange relationship and is related to the members of an organization receiving compensation proportionate to their input. Distribution justice is based on the theory of fairness of Adams (1963) and refers to the recognition of justice in relation to distributions allocated to others that are comparable[20]. Therefore, it implies a relative concept of comparability with others in an organization.

Procedural justice refers to the fairness of the rules and procedures in which compensation is distributed and to what the members feel about the organization's decision as a whole, a concept formed amid the recognition of the importance of the process. Greenberg(1990)

identified three elements of procedural justice: formal characteristics of procedures, descriptions of procedures and decisions, and interpersonal management. Although interactional justice is viewed as part of procedural justice, focusing on having aspects of the legality of information or the sensitivity of personal relationships[21], there are differences among scholars[22].

Table 1. Researcher types of organizational fairness.

Researcher	Distribute justice	Procedural justice	Interactional justice
Goodwin & Ross (1992)		Procedure control, result control, procedure	Acceptance of blame, apologize
Maxham III & Netemeyer (2002)	Fairness	Promptness, policy	Courtesy, respect
Writz & Mattila (2004)	Fair, demand	Promptness	Courtesy, attention

2.3. Discussion of the concept of supervisor trust

In this paper, supervisor trust, the parameter, is defined to the extent that Mooman et al(1992), who defined human trust in organizations, defines trust as a degree to which dependence is sought based on confidence in the subjects. The intention to accept the risk arises as a result of the expectation that the other person will do something for one, and reliable actions are considered to be the most important factor in building trust[23].

Table 2. Trust types and scales of supervisors.

Researcher	Emotional trust	Cognitive trust
Schoorman et al.(2007)	Divine, faith, conviction, dependence	Consistency, reasonable knowledge

Nyaga et al. (2010)	Exchange relationship intention, motivation	Competence, professionalism, fairness
Seo et al.(2016)	Knowledge sharing	Innovation behavior

After Mayer et al.(1995), studies were conducted to verify the relationship among ability, consideration, integrity, and supervisor trust, which are the factors of trust presented in their integrated model of trust[24][25]. However, the relier's tendencies, which are suggested as independent variables and parameters in the model, have not been included in related studies depending on the researchers, indicating that the researchers have focused on the personal behavior characteristics of supervisors as a factor of supervisor trust.

2.4. The preceding studies on the police related OCB

The following are some of the preceding studies that have researched under the theme of the Korean police's OCB. As mentioned, the concept of OCB is defined as "an individual's discretionary behavior, not directly or explicitly recognized by the formal reward system, that enhances the effective functioning of the organization as a whole"[26]. There are few thesis on OCB of police officers, but police science related OCB is being steadily reported.

3. The Design of the Research

3.1. Data collection subject

In order to measure the variables of the study, 20 questionnaires were distributed to 3 police stations of Kimpo, Siheung, and Hwaseong Seobu, 60 to 3 other police stations, and 40 to 12 other police stations including Gyeonggi Bukbu, Yeoncheon, Paju, Ilsan Dongbu, Ilsan Seobu, Goyang, Uijeongbu, Yangju, Pocheon, Namyangju, and Guri. A total of 535 questionnaires were retrieved and finally 500 were used, excluding 35 that

included insincere answers. This study sets the research model based on the influence factor of OCB as the dependent variable, with organizational justice as the independent variable and supervisor trust as the parameter. Specifically, the effect was verified by performing technical statistics, factor analysis, reliability analysis, correlation analysis, and multiple regression analysis of variables using IBM SPSS Ver 22.0.

3.2. The research model and variable measurement

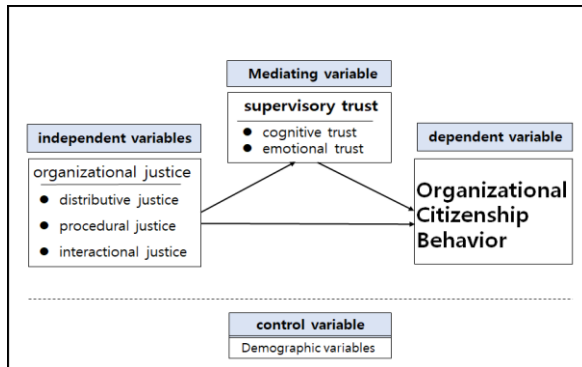
1)Research hypothesis and model

The purpose of this research is to study the effect on the police officers' OCB(altruistic, conscientious, participatory, sportsmanship) with organizational justice(distribution justice, procedural justice, interactional justice) as the independent variable and supervisor trust(emotional trust, cognitive trust) as the parameter. It hypothesizes as Table 3 under the assumption that the factors of the organizational justice of the police officers and supervisor trust will play a mediating role in OCB and affect the police officers' OCB, which is the dependent variable.

Table 3. Research hypothesis.

	Research hypothesis
Theory1	The distribution of independent variables, procedures, and interaction fairness of police officers will have a positive(+) effect on dependent citizenship behavior.
Theory2	The distribution, procedures and interaction fairness of police officers will have a positive(+) effect on the trust of the parameter bosses.
Theory3	The trust of parameter firms will have a positive (+)effect on the dependent variable organizational citizenship behavior.

Figure1. Research model.



2)Method of variable measurement and analysis

Table 4. Measures and questionnaires of the study.

Variable			Measurement index
i n d e p e n d	I	a	Appropriate compensation given accountability (distribution fairness1).
			Properly rewarded for their efforts (distribution fairness2)
			Properly rewarded in light of career (distribution fairness3).
			Properly rewarded in light of career (distribution fairness4).
		b	Police departments(districts) have a consistent and fair performance appraisal process(procedure fairness1).
			The police station(district) has fair procedures such as job evaluation, various awards and achievements(procedure fairness2).
			Police stations(districts) are consistent and fair in allocating procedures (procedure fairness3).
		c	Suggest ideas that can contribute significantly to the boss's goals(reverse coding) (interaction fairness1).
			Performance evaluation is mainly based on my own performance(interaction fairness2).
			Consistent and fair to bonuses or bonuses to upper and lower employees (interaction fairness3).
p e r a m e	II	d	Supervisors maintain intimate relationships and speak up emotional expectations(emotional confidence1).
			I talk about my work-related difficulties and listen to my supervisors as well (emotional trust 2).

t	e	If I change positions, both my boss and I will be disappointed(emotional trust).
		Consideration is given to the staff of the police station(district) (cognitive trust1).
		The welfare of police station staff is important (emotional confidence2).
		Value the happiness of police station staff (cognitive trust3).
	f	It is very important for employees to follow rules and procedures(reverse coding) (cognitive trust4).
		Police station(district) is willing to help a lot of work(altruistic behavior1).
		Help the chief of the district chief and team leader work(altruistic behavior2).
		Do not gossip about work or fellow employees (conscientious behavior1).
		Don't complain about trivial things at work or department(conscientious behavior2).
		Voluntary attendance at work meetings without compulsion(participatory action1).
		Participate voluntarily in martial arts training and pistol shooting exercises (participation action 2).
		Participate in activities that enhance your organization's image outside of work (participatory action)
	i	Always be aware of publications and announcements(sportsmanship 1).
		After work, I am ready to actively assist in handling complaints(sportsmanship 2)

As shown as <Table 4>, this study was conducted on police officers to measure the independent variable by 4 questions for distribution justice, 3 for procedural justice, and 3 for interactional justice; the parameter by 3 questions for emotional trust and 4 questions for cognitive trust; and OCB by 2 questions for altruistic, 2 for conscientious, 3 for participatory, and 2 for sportsmanship. All of the above questions were measured by the Likert 5-point scale(1=strongly disagree, 2=disagree, 3=neutral, 4=agree, 5=strongly agree). The data collected from this study were analyzed using the statistical package program

SPSS(22.0 version). A "factor analysis" was conducted to determine whether the lower dimensions of the independent and dependent variables were classified as homogeneous questions, the 'Chronbach's α test' was performed to confirm reliability, a "technical analysis" was performed to present average scores and standard deviation for each of the questions constituting each variable, and a "correlation analysis" and "multiple regression analysis" were performed among respective variables.

4. Results and Discussions on the Research and Analysis

4.1. The demographic and social characteristics of the survey subjects

<Table 5> is the result of frequency analysis by percentage on the survey subjects' demographic characteristics, gender, age, academic background, work function, organization, years of service, employment route, progress, and position. The specific demographic characteristics of the survey subjects are as shown in <Table 5>.

Table 5. Demographic characteristics(n=500, unit: people, %).

Division		Frequency (percent)	Division		Frequency (percent)
Gender	male	364 (72.9)	Working years	5 years Under	56(11.2)
	female	135 (27.1)		5 years~10 years	63(12.6)
Age	20's	45(9.0)		10 years~20 years	155(31.1)
	30's	123 (24.6)		20 or more	225(45.1)
	40's	186 (37.3)	Standing path	Co-precruitment	407(81.6)
	50 or more	145 (29.1)		Department of Police	65(13.0)

				Administration	
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For gender, 364 male police officers(72.9%) and 135 female police officers(27.1%); for age, 45 in their 20s(9.0%), 123 in their 30s(24.6%), 186 in their 40s(37.3%), 145 over 50s(29.1%); for academic background 110.05%(14.4%) graduates from junior colleges, 72 graduated from high school(14.4%), 110 2-year college(22.0%), 302 4-year college(60.5%), 15 graduate school(3.0%); for employment route, of the 500 people surveyed, 407 were recruited through an open recruitment process(81.6%), 65 special employment from police administration department(13.0%), 9 cadets(1.8%), 4 police academy(0.8%), and 14 other special employment. What is remarkable is that the number of police officers from general open recruitment and special employment from police administration department is increasing.

4.2. Results of the final reliability analysis after factor analysis

Table 6. Factor analysis and reliability analysis results (N=500).

factor	question	Factor loading value	Eigen-value	Dispersion Ratio	'Chronbach's - α
a	3	.914	-.244	-.248	.907
a	2	.906			
a	1	.815			
a	4	.810			
b	2	.909	.045	-.697	.803
b	1	.795			
b	3	.741			
c	2	.867			
c	1	.702	-.148	-.388	.718
c	3	.687			
d	2	.927			
d	1	.888			
d	3	.777	-.341	-.510	.856
e	7	.879			
e	6	.846			
e	8	.773			
e	5	.708	-.067	-.276	.834
f	1	.916			
f	2	.909			
f	1	.893			
f	2	.883	-.414	-.069	.826
g	1	.866			
g	2	.813			
g	3	.632			
h	1	.874	-.302	-.256	.728
			-.138	-.425	.715

h	2	.828			
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Note: 2 questions for distribution justice are removed as they are found to be less than 0.4 as a result of the Varimax rotation.

The results of the exploratory factor analysis of OCB are as shown in <Table 6>. A total of 16 questions(2 for altruistic, 3 for citizenship, 2 for conscientious, 3 for courteous, 3 for participatory, 3 for sportsmanship) and 9 more questions(2 for altruistic, 2 for conscientious, 3 for participatory, 2 for sportsmanship) that are sub-variables of OCB are confirmed to be above the factor loading value of 0.4, being within the range of .632 to .916. The mean reliability level, or Chronbach's α value, for OCB was shown at .719 to confirm the reliability. First, the reliability of the participatory citizenship behavior, or Chronbach's α value, was shown at .728 to confirm the reliability. First, for the participatory OCB, all the 3 questions(Q. 1 – Q. 3 of distribution justice) were identified as being above the factor loading value of 0.4 or higher, being within the range of .632 to .866. Second, the reliability, or Chronbach's α value, for the sportsmanship OCB was shown at .715 to confirm the reliability. All the 2 questions(Q. 1 and Q. 2 of sportsmanship) were identified as being above the factor loading value of 0.4 or higher, being within the range of .828 to .874. Third, the reliability, or Chronbach's α value, for the participatory citizenship behavior was shown at .826 to confirm the reliability. All the 2 questions(Q. 1 and Q. 2 of altruistic citizenship behavior) were identified as being above the factor loading value of 0.4 or higher, being within the range of .909 to .916. Fourth, the reliability, or Chronbach's α value, for the conscientious citizenship behavior was shown at .759 to confirm the reliability. All the 2 questions(Q. 1 and Q. 2 of conscientious citizenship behavior) were identified as being above the factor loading value of 0.4 or higher, being within the range of .883 to .893.

The exploratory factor analysis for the dependent variable OCB was conducted by the principal component analysis, the eigenvalue 1, and the Varimax rotation method, with 9 questions, and the reliability analysis was performed for the extracted variables.

4.3. Results of factor analysis and reliability of the independent variable: organizational justice

4 questions(distribution justice Q. 1 - Q. 4) out of the 6 questions were identified as being above the factor loading value of 0.4 or higher, being within the range of .810 to .914. The reliability, or Chronbach's α value, for distribution justice was shown at .907 to confirm the reliability. All the 3 questions (procedural justice Q. 1 - Q. 3) were identified as being above the factor loading value of 0.4 or higher, being within the range of .741 to .909. The reliability, or Chronbach's α value, for procedural justice was shown at .803 to confirm the reliability. All the 3 questions(interactional justice Q. 1 - Q. 3) were identified as being above the factor loading value of 0.4 or higher, being within the range of .687 to .867. The reliability, or Chronbach's α value, for interactional justice was shown at .718 to confirm the reliability.

4.4. Factor loading value for the parameter supervisor trust

The results of the exploratory factor analysis of cognitive trust are as follows. All the 4 questions(cognitive trust Q. 5 - Q. 8) were identified as being above the factor loading value of 0.4 or higher, being within the range of .708 to .897. The reliability, or Chronbach's α value, for cognitive trust was shown at .834 to confirm the reliability.

The results of the exploratory factor analysis of emotional trust are as follows. All the 3 questions(emotional trust Q. 1 - Q. 3) were identified as being above the factor loading value of 0.4 or higher, being within the range of .777 to .927. The reliability, or Chronbach's α value, for emotional trust was shown at .856 to confirm the reliability. The exploratory factor analysis for cognitive and emotional trust was conducted by the principal component analysis, the eigenvalue 1, and the Varimax rotation method, with 16 questions, and the reliability analysis was performed for the extracted variables. The analysis results are as shown in <Table 7>.

Table 7. Trust factor analysis and reliability analysis results.

Concept	Variable name	Factor loading		
		Cognitive trust	Emotional trust	Commonality
Supervisor's trust	c7	.879		.788
	c6	.846		.739
	c8	.773		.605
	c5	.708		.562
	e2		.927	.875
	e1		.888	.802
	e3		.777	.660
Cronbach's α		.834	.856	

4.5. Technical statistics of the independent variables, parameters, and dependent variables

In order to verify the technical statistics and normal distribution of the independent variable organizational justice, the parameter supervisor trust, and the dependent variable OCB, the skewness and kurtosis are presented through the analysis of technical statistics as shown in <Table 8>.

Table 8. Descriptive statistics of each variable(N=500).

V- name	Question	Min-value	Max-value	Dwars	Kurtosis	Average	Standard Deviation
In-dep	I	a1	1	5	-.244	3.398	.853
		a2	1	5			
		a3	1	5			
		a4	1	5			
	I	b1	1	5	-.697	3.153	.966
		b2	1	5			
		b3	1	5			
		c1	1	5			
	I	c2	1	5	-.388	3.331	.856
		c3	1	5			
Parameter	II	d1	1	5	-.341	3.490	.889
		d2	1	5			
		d3	1	5			
		e1	1	5			
	II	e2	1	5	-.276	3.339	.781
		e3	1	5			
		e4	1	5			
Dependent	III	f1	1	5	-.414	3.813	.822
		f2	1	5			
		g1	1	5			
		g2	1	5			
	III	h1	1	5	-.302	3.671	.748
		h2	1	5			
		h3	1	5			
		i1	1	5			
	III	i2	1	5	-.425	3.584	.821

For distribution justice, the sub-variable of organizational justice, the range is 1.00 to 5.00, and the mean value is 3.398(standard deviation: 0.85). For procedural justice, the range is 1.00 to 5.00, and the mean value is 3.15(standard deviation: 0.966). For interactional justice, the range is 1.00 to 5.00, and the mean value is 3.33(standard deviation: 0.86). For distribution justice, the sub-variable of organizational justice, the skewness is -.244 and kurtosis is -.248; for procedural justice, the skewness is -.045 and kurtosis is -.697; and for interactional justice, the skewness is -.148 and kurtosis is -.388 to be confirmed to assume a normal distribution. For emotional trust, the sub-variable of the parameter supervisor trust, the range is 1.00 to 5.00, and the mean value is 3.490(standard deviation: 0.856). For cognitive trust, the range is 1.00 to 5.00, and the mean value is 3.34(standard deviation: 0.889). For emotional trust, the sub-variable of the parameter supervisor trust, the skewness is -.341 and kurtosis is -.510, and for cognitive trust, the skewness is -.067 and kurtosis is -.276 to be confirmed to assume a normal distribution.

Of the total 16 questions for the dependent variable OCB, 9 questions, excluding 1 from citizenship, 3 from courteous behavior, and 1 from sportsmanship, were considered. For altruistic behavior, the sub-variable of OCB, the range is 1.00 to 5.00, and the mean value is 3.813(standard deviation: 0.822). For conscientious behavior, the range is 1.00 to 5.00, and the mean value is 3.500(standard deviation: 0.809). For participatory behavior, the range is 1.00 to 5.00, and the mean value is 3.671(standard deviation: 0.748). For sportsmanship, the range is 1.00 to 5.00, and the mean value is 3.584(standard deviation: 0.821). For altruistic behavior, the sub-variable of OCB, the skewness is -.414 and kurtosis is -.069; for conscientious behavior, the skewness is -.166 and kurtosis is -.391; for participatory behavior, the skewness is -.302 and kurtosis is -.256; and for sportsmanship, the skewness is -.138 and kurtosis is -.256 to be confirmed to assume a normal distribution. In order to verify the technical statistics for independent and dependent variables and their normal distribution, the skewness and kurtosis are presented through the analysis of the

technical statistics, as shown in <Table 4>, <Table 5>.

4.6. Discussion on the influence factors of the Korean police officers

1)Verification of hypothesis 1: Correlation analysis among major variables

To verify the correlations among the influence factors of the Korean police officers, a correlation analysis was conducted and the results are shown in <Table 9>.

Table 9. Correlation analysis between key variables (n=500).

	A	B	C	D	E	F	G	H	I
a	1								
b	.29 2 **	1							
c	.40 5 **	.43 0 **	1						
d	.35 0 **	.32 5 **	.43 6 **	1					
e	.25 4 **	.37 6 **	.35 5 **	.35 3 **	1				
f	.17 0 **	.19 5 **	.17 2 **	.30 9 **	.17 0 **	1			
g	.15 9 **	.16 6 **	.18 9 **	.26 0 **	.26 8 **	.06 9	1		
h	.17 0 **	.22 6 **	.20 0 **	.24 1 **	.32 6 **	.20 7 **	.14 0 **	1	
i	.18 9 **	.21 9 **	.26 8 **	.15 0 **	.25 7 **	.23 6 **	.17 5 **	.36 5 **	1

As a result of correlation analysis, <Table 9> shows that the correlation among the variables is statistically significant at the 0.01 level. For the analysis of the hypothesis, multiple regression analyses were performed by establishing organizational justice as independent variable, supervisor trust as parameter, and OCB as dependent variable.

2)Verification of hypothesis 2: Verification of the mediating effect of the parameter

To verify Hypothesis 2 of this study, a regression analysis was conducted in three phase: distribution/procedural/interactional justice and supervisor trust in phase 1,

distribution/procedural/interactional justice and OCB in phase 2, and lastly, distribution justice and supervisor trust, procedural trust and supervisor trust, and interactional justice and supervisor trust. First, in phase 1, hypothesis 1(there would be a significant positive effect relationship between the independent variable distribution justice and the parameter supervisor trust) was verified as shown in model 1 with $R^2=.362$, $p=.000$. Second, in phase 2, to verify the mediating effect, hypothesis 2(there would be a significant positive effect relationship between the independent variable distribution justice and the dependent variable OCB) was verified to have a significant effect as shown in model 2 with $R^2=.071$, $p=.000$. It has been shown that there is a significant effect among ΔR^2 the distribution justice and OCB and procedural justice and the parameter supervisor trust.

Table 10. Verification of mediating effects of parametric regression(N=500).

Parameter name		N-S-coefficient		S-coefficient	t	R ²	ΔR^2
		B	Standard error	β			
a-1	II	.289	.033	.362 ***	8.669	.131	.130
b-2		.302	.029	.428 ***	10.553	.183	.181
c-3		.379	.031	.477 ***	12.090	.227	.226
a-1	OCB	.160	.026	.269 ***	6.230	.071	.072
b-2		.472	.022	.692 ***	21.358	.479	.478
c-3		.192	.025	.323 ***	7.620	.105	.103
a- II -1		.066 .326	.025 .326	.111 *** .437 ***	2.631 10.405	.239	.236
b- II -2		.382 .298	.023 .032	.560 *** .308 ***	16.919 9.305	.556	.554
c- II -3		.073 .312	.026, .033	.124 *** .418 ***	2.784 9.395	.240	.237

3)Verification of hypothesis 3: Verification of hypotheses among major variables

Multiple regression analysis was performed to verify hypothesis 3. Regression

analysis is a statistical analysis that identifies the linear relationship between an independent variable and a dependent variable by determining how much the dependency changes as the independent variable increases[27]. To check the regression analysis

between the independent, dependent, and major variables, multiple regression analysis was performed among organizational justice, supervisor trust, and OCB, and the analysis results are as shown in <Table 11>.

Table 11. Organizational fairness, mediating effects multiple regression analysis between trust influence factors and OCB.

		Organizational citizenship behavior											
		Model 1			Model 2			Model 3			Model 4		
		B (S.E)	β	t	B (S.E)	β	t	B (S.E)	β	t	B (S.E)	β	t
C o n t	GeN	-.006 (.047)	-.007	-.137	-.060 (.044)	-.064	-1.363	-.054 (.042)	-.058	-1.300	-.043 (.041)	-.045	-1.042
	Ag e	.120 (.037)	.269 ***	3.269	.117 (.034)	.263 ***	3.426	.121 (.032)	.273 ***	3.760	.126 (.032)	.284 ***	4.001
	Sp E c	-.007 (.004)	-.143	-1.519	-.003 (.004)	-.064	-.721	.001 (.004)	.021	.250	.001 (.004)	.019	.229
I n d e	c	.019 (.025)	.323 ***	7.620	.135 (.027)	.229 ***	4.966	.108 (.029)	.182 ***	3.767	.073 (.026)	.124 **	2.784
p a r t	b				.116 (.024)	.220 ***	4.790	.105 (.024)	.201 ***	4.348	.382 (.023)	.560 ***	16.919
	a							.137 ***	3.009	.066 (.025)	.111 ***	2.631	
	e									.326 (.031)	.437 ***	10.405	
	f									.298 (.032)	.308 ***	9.305	
constant		34.742 3.007 (.087) ***			30.596 2.829 (.092) ***	25.591 2.677 (.105) ***			20.755 2.312 (.111) ***				
R ²		.105 ***			.141 ***	.160 **			.228 ***				
ΔR ²		.103 ***			.144 ***	.154 **			.226 ***				
F		58.059 ***			22.943 ***	9.055 **			146.787 ***				

As a result of verification of hypothesis 1 (there would be a significant positive effect relationship between interactional justice and organizational justice of the local police officers), the regression analysis is significant with $F=58.059$, $p=.000$, and the independent variable explains the dependent variable altruistic behavior about 10.3%. Interaction

($\beta=.323$; $t=7.620$, $p < .001$) is a factor that has a statistically significant effect on altruistic behavior, which is a dependent variable, at the significant level of .05. The remaining organizational justice and supervisor trust factors were shown to have no significant impact on altruistic behavior.

As a result of verification of hypothesis 2 (there would be a significant positive effect relationship between organizational justice and conscientious behavior of OCB of the local police officers), the regression analysis is significant with $F=22.943$, $p=.000$, and the independent variable explains the dependent variable conscientious behavior about 14.4%. Interaction ($\beta=.229$; $t=4.966$, $p < .001$) and procedural justice ($\beta=.220$; $t=4.790$, $p < .001$) are factors that have a statistically significant effect on conscientious behavior, which is a dependent variable, at the significant level of .05. The remaining organizational justice and supervisor trust factors were shown to have no significant impact on conscientious behavior.

As a result of verification of hypothesis 3 (there would be a significant positive effect relationship between organizational distribution justice and participatory behavior of OCB of the local police officers), the regression analysis is significant with $F=9.055$, $p=.01$, and the independent variable explains the dependent variable participatory behavior about 15.4%. Interaction ($\beta=.182$; $t=3.767$, $p < .001$), procedural justice ($\beta=.201$; $t=4.348$, $p < .001$), and distribution justice ($\beta=.137$; $t=3.009$, $p < .001$) are factors that have a statistically significant effect on participatory behavior, which is a dependent variable, at the significant level of .05. The remaining supervisor trust factors were shown to have no significant impact on participatory behavior.

As a result of verification of hypothesis 4 (there would be a significant positive effect relationship between supervisor trust and sportsmanship of OCB of the local police officers), the regression analysis is significant with $F=146.787$, $p=.000$, and the independent variable explains the dependent variable sportsmanship about 22.6%. Interaction ($\beta=.124$; $t=2.784$, $p < .001$), procedural justice ($\beta=.506$; $t=16.919$, $p < .001$), and distribution justice ($\beta=.111$; $t=2.631$, $p < .001$) are factors that have a statistically significant effect on sportsmanship, which is a dependent variable, at the significant level of .05. Emotional trust ($\beta=.326$; $t=.437$, $p < .001$) and cognitive trust ($\beta=.308$; $t=9.305$, $p < .001$), the sub-variables of supervisor trust, are additional factors that have a statistically significant effect on

sportsmanship, which is a dependent variable. The remaining organizational justice and supervisor trust factors were shown to have no significant impact on sportsmanship. The Durbin-Watson value in this study is 1.839, the tolerance limit is all .1 or higher, and the variance inflation factor (VIF) is below 10 for all the sub-variables, including distribution justice (1.272), so there is no problem with the dispersion of this regression formula. Therefore, the problem does not appear with multi-collinearity, which indicates a high correlation between independent variables in multiple regression analyses.

4) Discussion on the analysis results

The results of the multi regression analysis in this study first showed that interactional justice of organizational justice had a significant positive(+) effect on altruistic behavior. Procedural justice of organizational justice had a significant positive(+) effect on conscientious behavior. Distribution justice of organizational justice had a significant positive(+) effect on participatory behavior of OCB. Lastly, supervisor trust had a significant positive(+) effect on sportsmanship.

5. Conclusion

It was analyzed that the organizational justice of the Korean police officers had a significant positive(+) influence on altruistic, conscientious, participatory behavior, and sportsmanship, which are subsets of OCB, with the mediating effect of supervisor trust. Based on the results of this study, the following points should be improved with regard to the factors affecting OCB of the police officer. First, in the case of distribution justice, although they are paid according to the remuneration regulation of the civil servants, bonus payments on the performance of the service is paid at the end of each year to the police officers. Depending on each police substation or precinct station, the junior officers tend to yield what they have earned through their performance to the senior officers according to the seniority, which is not a fair bonus payment system and should be rectified. The second issue is the procedural justice.

Since the outcome of the police officers' case resolution may lead to their performance evaluation and there is a concern of being procedurally unfair. Considering the working patterns of most police officers, it is necessary to discuss fundamental problem solving measures as the performance of arresting criminals tends to be regarded as the performance of senior police officers. Third, regarding the interactional justice issue, the police officers are always exposed to the physical pain and danger, especially considering the nature of the local police, with day/night shift schedules. The government try to treat them with sufficient compensation as a result of the interaction in the higher departments such as the local police agencies, but ever, it should be pointed out that a lot of Korean police officers are having trouble due to obstacles in the interactional justice. Considering the organizational structure, it is necessary to activate a channel program that serves as an official bridge between police managers and police officers. This is because if there is no reliable human relationship with mutual respect and interaction among police organization members in the course of carrying out their duties, complaints and conflicts among individual police officers may accumulate and cause many problems in the police organization management. Therefore, it is necessary to strengthen the sense of community among the police officers through sports events or collective training. In the future, it is also necessary to strengthen the screening of the qualifications for police duties, develop a hearing and inspection system involving the citizens, such as the citizen ombudsman system for corrupt police officers, and develop public criteria to measure standards for emotional and cognitive trust.

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A Study on the Utilization of PROTECTED Water Plants in the Park

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Abstract

The reality is that despite the increasing area of green areas along with the diverse urban development phenomena, the area of green areas has been reduced relatively Daegu, Korea, causing various social and environmental problems. In response, the city of Daegu considered a plan to create a pocket park using protective water, which is an important factor, in order to expand the insufficient green area even a little. The Act on Urban Parks and Green Sites, etc. provides protection water pocket parks as shown in Table 17.

First, based on the analysis factors and the criteria for formation, the creation of a pocket park based on the location can be divided into rural and urban types. In the case of rural types, 1 type of materials that can create protected water will be the preferred target for the village entrance or if located inside the village. 2 Natural green areas can be created first. 3 There is a high possibility of the formation of linked land if it is farmland or forest. For urban types, areas with minimal noise generation(1, 2 lanes) could be preferred. 5 In the form of flat land and structured land, 6 residential areas will be able to create urban rest areas. 7 In particular, for urban types, it was deemed that not far from the side of the road or on the side of the road was suitable for the requirements of the location of the formation for the simple resting or resting space of pedestrians.

Second, for land-related matters, it is deemed appropriate to apply the area below the average effective area(1,854 square meters) and below to create a pocket park utilizing protected water space. In addition, further research on securing raw space for future protected water pipe widths will need to be carried out. 2 The state that owns the land. If the land is shared, it can be built first. 3 There will be a need to actively secure green space by purchasing or leasing 53 percent of private land. 4 The protected water first forms a forest or bottleneck, but due to the nature of the pocket park, even a single tree will be the subject of sufficient composition.

Third, the conclusion of the facility related matters should first consider the installation of a guide plate, chair, table, crest, potter, toilet, root protection deck among rest facilities, sports facilities and management facilities. 2 In addition to the basic information transfer factor for protected water, supplemental installation of signboards containing myths and legends will be required. 3 The development or supplementation of devices for the presentation of receipts will be necessary.

Fourth, the conclusion on matters related to vegetation is that 1 average recipient is 288 years, and the number of protected water with a high receipt is the preferred target. 2 After examining the conditions of the pressure response or the rate of high death of the branches, it can be created for protected water with a moderate or higher raw meat condition. 3 The installation, dermis, and superfruits of shielding fences around the protected water may be properly mixed and stocked. 4 Protective water in itself exerts sufficient Amenity function in the area, so do not place too many facilities in the space. There should be sufficient awareness among ordinary citizens or local people about the creation of parks using these protected water, and there should be a policy-driven device or system.

[Keywords] Green Area, Rural Types, Environmental Problems, Green Area, Vegetation

1. Introduction

Protected trees are regulated as "The city/provincial governor or the head of the Ministry of Fatty and Forests should designate trees that need special protection as 'protected trees' such as old trees, giant trees, and rare trees, and manage them securely by the company," by Article 13 of the Forest Protection Act. In Korea, Dongmok(a representative tree of a town) has been common thing since ancient times. For reference to the 1916 [Joseon Rohgeomyeongmok], published by the Governor-General of Korea, some of Dongmok have played an important role as the center of the people of towns, and others have been treated as just a part of the tree. Among these trees, especially trees that have been the center of the people's community, have been designated as the Nosu(an old tree)/Geosu(a giant tree) along with various kinds of names[1]. As part of the green fields, the old giant trees are considered valuable resources that are highly valuable as cultural heritage, along with their historical value accumulated while enduring natural damage and artificial external damages such as war, fire, and development[2]. Nosu/Geosu is a living cultural asset that grows and changes, and becomes a very important resource in that it has a space available to local residents[3]. As the industrial society develops, the green space in urban areas will inevitably be reduced[4]. The development of housing sites,




infrastructure expansion of the basic industry, and the reduction of natural green space to prevent urban sprawl are sometimes inevitably eroded in the name of development. Such urbanization and industrialization have led to erosion of natural green areas, leading to the disappearance of even existent scattered green fields. It is also true that the Daegu City has been actively creating neighborhood parks and theme parks in the past few years to provide citizens with many green spaces, compared to other cities[5]. Nevertheless, green areas policies such as village rearing and community revitalization through the creation of a village-level shelter or a small green space are insufficient[6].

Therefore, the purpose of this study is to seek efficient management measures and utilization of protected trees in the process of developing the insufficient green space into a pocket park using them, in order to further increase the symbolism and cultural value of the protected trees, and to organize each of the villages in which they are located into a historic and living cultural community space.

2. Methods

In order to achieve the objectives of this study, the survey was conducted in time, space and content ranges as shown in <Figure 1>.

Figure 1. Scope diagram of research.

Time range	Space range	Content range
		
<p><1st investigation> Sep 2017 – Mar 2018</p> <p><2nd investigation> Apr 2018 – Aug 2018</p>	<p>◦ 287 of the total 304 trees</p> <p>◦ 124 of the total 130 locations</p>	<p>◦ Location-related matters</p> <p>◦ Land-related matters</p> <p>◦ Features and utilities</p> <p>◦ Facility-related matters</p> <p>◦ Matters related to vegetation</p>

2.1. Gathering data

Adjacent roads, location land shape and gradient, land use, adjacent land use, protected tree location surface area, effective area, land price, land ownership principal, vegetation type, function, spatial utilization, folk-related matters, protection installation status and type, type and amount of existing facilities, tree age, state of growth.

2.2. Data analysis

As shown in <Table 1>, various studies were collected and data analysis was conducted. An in-depth analysis was performed after basic analysis using Excel program, and it was conducted on 11 items, including location type, accessibility, distance to adjacent roads, location land shape and gradient, present condition, land ownership status, vegetation type, safeguards and fences, information board installation, type of existing facilities, and management status.

Table 1. Research and data issuance and utilization status.

Utilization material	Issuer	Utilization contents
Land register	(www.gov.kr)	Owner, area, land price, shutdown status
Land use planning board	(www.luris.molit.go.kr)	Area, public law regulations
A registered copy	(www.iros.go.kr)	Ownership
Cadastral map	(www.gov.kr)	Cadastral boundaries, cadastral shutdown status
Satellite physical picture	Google earth (www.google.com)	Status of the utilization of as society land & adjacent land, maple simplified survey
Satellite cadastral map	Google earth (www.google.com)	Comparison with cadastral map, confirm of administrative boundaries
Demographics data	(www.daegu.go.kr)	Demographics of unit region
Park and amusement park statistics	(www.daegu.go.kr)	Details of park formation in each district
Land ownership status	(www.dnnara.go.kr)	Ownership status by field

3. Results & Discussion

3.1. Location type

We divided spatial classification of the protected trees respectively into urban types, which are located in residential, commercial or industrial areas in Daegu City, and rural types, located in agricultural areas[7].

Satellite images and field surveys show the ratio of two types in each district and county as shown in <Table 2>. Looking at each district and county, it can be seen that urban types account for 46 locations, about 37.1 percent of the total 124 locations, and rural ones account for 78 locations and 62.9 percent of the total, which is majority than urban types.

Table 2. Location type.

District / County	Space classification		Total	Ratio(%)	
	Urban type	Rural type		Urban	Rural
Joong-gu	4	0	4	4(3.3)	0(0.0)
Dong-gu	11	13	24	11(8.9)	13(10.5)
Buk-gu	7	1	8	7(5.6)	1(0.8)
Seo-gu	1	0	1	1(0.8)	0(0.0)
Sooseong-gu	8	0	8	8(6.5)	0(0.0)
Dalseo-gu	10	0	10	10(8.1)	0(0.0)
Dalseong-gun	5	64	69	5(4.0)	64(51.6)
Total	46	78	124(100)	46(37.1)	78(62.9)

3.2. Accessibility

The location of the protected trees was divided into four elements, namely, 'within the village', 'village entrance', 'behind the village', and 'outside the village', based on the judgment criteria for ease of construction and planning[8]. Location in the center of the village was classified as 'within the village', and the 'village entrance' was considered to be the case where the protected tree was located southeast from village. 'Behind the village' meant the location of northwest direction from village, and 'outside the village' was judged to be located at least 100 meters away

from the village. The analysis results are shown in <Table 3>. 'Village entrance' accounted for the largest portion with 32.3 percent of 40 locations, followed by 33 locations or 26.6 percent 'within the village', 16 locations with 'in-buildings', 11.3 percent 'outside the village' and then 'behind the village', 'in the forest', 'on the side of the road' and 'within the construction area'. The analysis results showed that access to most protected trees is convenient, with about 80% more than normal accessibility. However, about 21% were below poorly, and it appeared that the park can be created if the accessibility is improved.

Table 3. Location sites and accessibility.

Location site	Number	Ratio(%)	Accessibility	Number	Ratio(%)
Village entrance	40	32.3	Good	68	54.9
Within the village	33	26.6			
Behind the village	11	8.9	Normal	31	25.0

Outside the village	14	11.3			
On the side of road	2	1.6	Poor	22	17.7
In forest	4	3.2			
In building	16	12.9	Very poor	3	2.4
Within the construction area	1	0.8			
Etc	3	2.4	Total	124	100
Total	124	100			

3.3. Distance to adjacent roads & road size

Distance was measured around city and provincial roads from the location where the protected tree was located, and agricultural roads and village roads were excluded. The number of round-trip lanes was investigated based on the number of lanes on the road and was taken as a low-valuation target due to the large number of lanes[9]. The distance from the adjacent road was measured directly from the center of the road to the center of the protected tree by calculating the distance from the Naver satellite map, based on the 2-lane round-trip provincial road. The size of the lanes was divided into four lanes: 1-lane, 2-lane round-trip, 3-lane round-trip and 4-lane round-trip. The analysis results are shown in <Table 4>. In the case of the 2-lane accounted for 61.6 percent(77 locations). That was followed by 1-lane round-up around with 22.4 percent(28 locations), the 4-lane with 6.4 percent (8 locations), the 6-lane with 5.6 percent(7 locations), the 8-lane with 2.4 percent(3 locations), and the 12-lane with 1.6 percent(2 locations).

3.4. Location land shape and gradient

As a very important factor when constructing and planning a pocket park, the location land shape of protected trees were classified into circle, square, triangle, slender, and indeterminate types, and five assessment items were made in the order of square, circle, triangle, slender, and indeterminate. The degree of difficulty of composition was assessed by re-dividing the type of protected tree locations into four elements: flat, easy slope, normal slope, and steep slope, referring to the analysis of the gradient by Jeong Tae-yeol and Kim Eun-jin(2017)[10]. Flat land was considered to have a gradient of 5° or less, a slope from 6° to 25° was determined as an easy slope, a normal slope was considered from 26° to 45°, and a slope more than 45° was classified as a steep slope. The analysis results are shown in <Table 5>. The largest portion was seized by squares with 34.6 percent, followed by indeterminate 30.6 percent, slender 15.3 percent, triangles 14.5 percent, and circles 4.8 percent. The distribution according to the gradient showed that the steep slopes were 2.4% with 3 locations, and the normal slope was 4.0% in 5 places, easy slope with 8.0% in 10 places, and flat with 85.6% in 106 places, indicating that most of the protected trees were planted on flat land.

Table 4. Distance to adjacent roads & road size.

Type	Number	Ratio (%)	Distance to adjacent roads(m), number				Total
			~10	10~50	50~100	100~	
Maengji	0	0.0	0	0	0	0	0.0
1-lane	28	22.6	16	8	2	2	28
2-lane	76	61.3	24	22	12	18	77

4-lane	8	6.5	0	4	1	3	8
6-lane	7	5.6	2	3	1	1	7
8-lane	3	2.4	0	0	2	1	3
12-lane	2	1.6	0	1	1	0	2
Total	124	100	42	38	19	25	124

Table 5. Location land shape and gradient classification.

Shape type	Slope type	Number	Ratio(%)	Slope(°)
Square	Steep	2	1.6	Steep(45°~) Normal(26~45°) Easy(6~25°) Flat(~5°)
	Normal	1	0.8	
	Easy	3	2.4	
	Flat	37	29.8	
	Subtotal	43	34.6	
Circle	Easy	2	1.6	
	Flat	4	3.2	
	Subtotal	6	4.8	
Triangle	Easy	1	0.8	
	Flat	17	13.7	
	Subtotal	18	14.5	
Slender	Normal	1	0.8	
	Easy	2	1.6	
	Flat	16	12.9	
	Subtotal	19	15.3	
Indeterminate	Steep	1	0.8	
	Normal	3	2.4	
	Easy	2	1.6	
	Flat	32	25.8	
	Subtotal	38	30.6	
Total		124	100	

3.5. Current land usage

The Act on the Construction and Management of Spatial Information, etc., requires the listing of usage of each land by land number[11]. The status of the land usage of the protected tree locations is shown in <Table 6>. Of the 124 sites surveyed, 'land' accounted for the largest portion with 27.4 percent of 34

locations, followed by 'forest' with 25.8 percent at 32 locations, and 'roads' with 16.9 percent at 21. At the time of the protection tree planting, it was inferred that many trees were planted on vacant lot or the side of the road, which was easily accessible to residents. In such a position, it was judged that the park plan had a positive effect.

Table 6. Current land usage of protected tree locations.

Land usage	Number	Ratio(%)
Park	4	3.2
Rice paddy	4	3.2

building site	34	27.4
Road	21	16.9
Official historic site	2	1.6
Unofficial historic site	2	1.6
Forest	32	25.8
Mixed land	7	5.6
Farm	6	4.8
Religious site	4	3.2
Lake	3	2.4
School site	5	4.0
Total	124	100

3.6. Land ownership status

Under the Registrar of the Act on the Ownership of Section 2 of the Act on the Registration of Real[12], the ownership status of the land where the protected trees reside is classified into private land, public land, or national land. We established it as a criterion for assessing the difficulty of the(park) formation, due to easiness in utilization of public or national land and difficulties in the utilization of private property, such as the purchase of land[13]. Private land was viewed as land

owned by an individual or a corporation, and if a land was in the name of a local government or village, it was viewed as a common land. If it were owned by government(for example, Ministry of Agriculture, Food and Rural Affairs, etc.), it was classified as national land. According to the landowners analysis, as shown in <Table 7>, private land accounted for the largest portion with 52.4 percent of 65 sites, followed by public land with 31.5 percent at 39 places and national land with 16.1 percent at 20 places.

Table 7. Ownership classification.

Owner	Number	Ratio(%)
Private land	65	52.4
Public land	39	31.5
National land	20	16.1
Total	124	100

3.7. Vegetation type

The type of vegetation was classified by Jeong Jin-cheol et al.(1993) into singular,

plural, group, and forest, and was used as the basis for a plan to create a pocket park[14]. There were four types of vegetation, 'singular' in which one tree was planted, 'plural' in

which two or more trees were lined or planted facing each other, 'group' in which several trees were collectively planted in one place, and 'forest' in which several 'groups' were gathered. It was considered that forest, group, plural, and singular would be advantageous in order, in terms of utilization or utilization of parks. As shown in <Table 8>, 73.4 percent of the 91 locations and 98 shares

were planted 'singular', followed by 'plural' 17.7 percent for 110 shares in 22 locations and 8.9 percent for 79 shares in 11 'group' sites. The results, analyzed by tree numbers, showed that 'plural' accounted for the largest share of 110 shares with 38.4 percent, followed by 'group' with 27.5 percent with 79 shares.

Table 8. Vegetation type.

Type	Number	Ratio(%)	Tree number	Ratio(%)
Singular	91	73.4	98	34.1
Plural	22	17.7	110	38.4
Group	11	8.9	79	27.5
Forest	0	0.0	0	0.0
Total	124	100	287	100

3.8. Safeguards and fences

Safeguards are important facilities for protecting the growth space of the protected trees[15]. The installation of safeguards was largely divided into two. First, it provides positive effects on the criteria for the plan to create a pocket park as a facility that prevents stamping and protects the growth condition of the root to maintain a healthy growth condition of the tree. Secondly, the installation of safeguards is considered as folklore and religious attempts made with the intention of

separating spaces other than protected tree and preventing human access and sanctifying the protected tree[16]. As shown in <Table 9>, sites with installation of safeguards was more than those with safeguards outnumbered those. According to the analysis, most of stonework safeguards which were the majority were due to the necessity for protection of tree roots from the opening of roads or houses. For protection trees in 108 locations, including 53 uninstalled and 55 stonework ones, we could find potential to construct pocket parks.

Table 9. Safeguards installation.

Safeguards installation status				
Installed			Uninstalled	Ratio(%)
Type	Number	Ratio(%)		
Wall	1	0.8	53	42.8
Stonework	55	44.3		
Fence	11	8.9		
Stonework+ fence	3	2.4		

In building	1	0.8		
Total	71	57.2	53	42.8

In the past, there used to be 14 sacred places such as <Table 10>, but now only three places are left and the other 11 are not

performing ancestral rites, representing 78.6 percent of the total.

Table 10. Correlation between fences and ancestral rites.

Safeguard	Ancestral rites			
Fence	O (Number)	Ratio (%)	X (Number)	Ratio (%)
	3	21.4	11	78.6

3.9. Installation of the signboard

The signboard is an important management facility that provides the history and story of the protected tree[6]. According to the investigation and analysis of the guide plate of the protected trees in Daegu City, each local government used various materials and specifications. The material consisted of wood, stone, stainless, sten + stone or iron. The color of the guide facility was mostly brown in the case of wood, the stone showed

ivory, gray and black, and stainless in silver. Various models of the installation columns were also mixed, including the single and double columns, and the square, the indeterminate, and the apple model. There was a need to supplement the contents of the signboard when the pocket park is constructed in the future. Also, there was a need to set up a separate standardized information board containing myths and legends, and each local government needed to be specialized and uniform.

Table 11. Legibility of signboards.

Type	Good	Normal	Poor	Very poor	Total
Number	9	47	66	2	124
Ratio(%)	7.3	37.9	53.2	1.6	100

3.10. Types and amount of existing facilities

The installation status of existing facilities around the protected trees is shown in <Table 12>. There were 18 types of layout facilities, with 21 sports facilities, 3 entertainment facilities, 18 scenic facilities, 25 cultural facilities, 130 management facilities and 55 infrastructure facilities. There were many different kinds of facilities. The signboards were

installed in various forms, and were designed differently in shape, size, and color for each local government. The height of the signboard was easy to read in most cases. Nevertheless, it was necessary to take measures to enhance readability by adjusting the height, as there were many areas where the contrast of the color is poor, such as color intensity and chromaticity.

Table 12. Types and amounts of existing layout facilities.

Facilities	Number	Types	Number by type	Ratio(%)	Installed number	Ratio(%)
Sports	21	Bar, parallel bar, average bar	21	4.8	6	1.9
Entertainment	3	Swing	2	0.5	2	0.6
		Complex playground	1	0.2	1	0.3
Scenic	18	Stone tower	1	0.2	1	0.3
		Fence	14	3.2	14	4.3
		Natural stone	2	0.5	1	0.3
		Wall	1	0.2	1	0.3
Leisure	187	Pergola / Pavilion	38	8.6	29	9.0
		Bench	92	20.9	27	8.4
		Table	7	1.6	7	2.2
		Low wooden bench	24	5.5	19	5.9
		Chair	26	5.9	8	2.5
Cultural	25	Memorial monument	12	2.7	9	2.8
		Altar	13	3.0	13	4.0
Management	130	Signboard	124	28.4	124	38.7
		Signstone	6	1.4	5	1.5
Infrastructure	55	Stonework	55	12.5	55	17.0
Total	442	18 types	442	100	322	100

3.11. Facility maintenance status

The management status of old giant trees and their accessories is a measure of the frequency of their current use[14]. Therefore, it was decided that it was necessary to reflect this when creating a park. The management status of the facility was classified on a three-point scale, which are good, normal, and poor. As shown in <Table 13>, among the

management status of the facilities around the protected tree with facilities, 'normal' was the highest, with 58.1 percent at 72 locations, while 25.8 percent at 32 locations were 'good' and 16.1 percent at 20 sites were 'poor'. 83.9% of total, 104 out of 124 locations were 'normal' or 'good'. The analysis of the management status of the facility determined that it would be possible to create a park, except for 20 defective locations.

Table 13. Facility maintenance status.

Category	Good	Normal	Poor	Total
Number	32	72	20	124
Ratio(%)	25.8	58.1	16.1	100

4. Conclusion

The reality is that despite the increasing area of green areas along with the diverse urban development phenomena that are needed, the area of green areas has been reduced relatively, causing various social and environmental problems. In response to this,

we inquired into a plan to create a pocket park using protected trees, which is a point factor, in order to expand the insufficient green area in Daegu City even a little. We suggest a plan for construction of protected tree pocket park, according to The Act on Urban Parks and Green Sites. as shown in <Table 15>.

Table 15. Summary of protected tree pocket parks creation plan(reorganized by researcher).

Category		Features and creation criteria of each park type			
		Small park	Children park	Green park	Protected water pocket park
Characteristics		<ul style="list-style-type: none"> ·Available to residents, unspecified residents, and pedestrians 	<ul style="list-style-type: none"> ·Space for children and carers at the same time is required ·Central placement of child facilities in the plaza 	<ul style="list-style-type: none"> ·Necessity of facilities suitable for outdoor life of local residents ·User's gender and age should be available without distinction ·A park with the highest utilization rate among city parks 	<ul style="list-style-type: none"> ·Urban type: rest and education space for ordinary citizens and pedestrians ·Rural type: community meeting, rest, assembly place in a certain village
Analysis factor / Creation plan	Location-related matters	<ul style="list-style-type: none"> ·No restrictions on the distance of attraction ·Disclosure of the city center ·Using small squares and green areas ·External space of building 	<ul style="list-style-type: none"> ·A distance of less than 250m ·In less than five minutes on foot ·Area with good ccessibility ·Location in the residential area ·Flat land ·No noise 	<ul style="list-style-type: none"> ·Distance: No restrictions on urban areas or metropolitan areas, below 500 meters of neighborhood living area, and below 1,000 meters of walking area ·Place which fully function as a park ·Easy to access ·equal accessibility 	<ul style="list-style-type: none"> ·Village entrance or within the village(for rural type) ·Where noise is minimized ·Priority of flat, structured land ·Creating natural green areas first ·Creating residential area into an urban type ·Preferring if adjacent land is farmland or forest ·In case of urban type, prefer road side(pedestrian access are easy)
	Land-related matters	<ul style="list-style-type: none"> ·No area limit (above 300 square meters) ·Using small-scale land ·A small space free from the conditions 	<ul style="list-style-type: none"> ·Area above 1500 square meters 	<ul style="list-style-type: none"> ·More than 10,000 to 1 million square meters ·Mixed topography of static + dynamic 	<ul style="list-style-type: none"> ·Area less than 1,500m2 - Applying the average effective area or below ·National, public land priority ·Leasing and purchasing private property(53%) ·Protective tree should be plural or forest first, but it can be singular too

	Facility-related matters	<ul style="list-style-type: none"> · Long chair, iron bar, parallel bar, drinking fountain, toilet, etc. · Using water-saving facilities · Deployment of the fence 	<ul style="list-style-type: none"> · Entertainment facilities preferred · Sufficient rest facilities for carers · Central layout of facilities · Using natural materials against safety accidents · Installation of lighting facilities 	<ul style="list-style-type: none"> · Sufficient Recreation Facility · The need for various outdoor leisure facilities 	<ul style="list-style-type: none"> · Among rest facilities, sports facilities and management facilities, pergola, table, drinking area, restroom, deck for root protection, signboard(basic + separate information for myths, legends, etc.) · Do not place excessive facilities · Required to develop a device for tree age display
	Vegetation matters	<ul style="list-style-type: none"> · Proper placement of tall trees, shrubs, and herbicides · Deployment based on green area · Protected tree available 	<ul style="list-style-type: none"> · A mix of tall trees and shrubbery · Grass planting · Floods are more important than coniferous trees 	<ul style="list-style-type: none"> · Various reproduction to the extent that it does not damage natural vegetation 	<ul style="list-style-type: none"> · Protected trees with high age first · Preferred installation of trees with good or normal growth condition · Natural fence and herbicides · Grass planting · Greenfield-oriented vegetation layout

First, based on the analysis factors and the criteria for formation, the creation plan of a pocket park based on the location matters can be divided into rural and urban types. In the case of rural types, 1)for type of sites that can create protected trees, 'village entrance' or 'within the village' will be the preferred target. 2)Natural green areas can be created first. 3) There is a high possibility of the formation if adjacent land is farmland or forest. For urban types, 4)areas with minimal noise generation (1-land, 2-lane roads) could be put first. 5)In the form of flat land and structured land, 6) residential areas will be able to create urban rest areas in. 7)In particular, for urban types, it was inferred that sites not far from the side of the road or on the side of the road was suitable for the requirements of the location for the simple resting or resting space of pedestrians.

Second, for land-related matters, 1)it is deemed appropriate to apply the area smaller than 1,500 square meters, which is below the average effective area(1,854 square meters), to create a pocket park utilizing protected tree space. In addition, further research on securing growth space suitable for protected tree size should be carried out. 2)If the land is owned by central or local government, park can be created in priority. 3)For 53 percent of private land, there will be a need to actively retain green field by purchasing or leasing. 4)The type of protected trees shall first be forest or plural, but considering the

characteristics of the pocket park, singular tree will also be sufficient for park construction.

Third, the conclusion of the facility-related matters is 1)that firstly the installation of a signboard, chair, table, pergola, drinking fountain, toilet, and root protecting deck among rest facilities, sports facilities and management facilities should be considered. 2)For signboard, in addition to the basic information transfer factor for protected tree, supplementation or installation of signboards containing myths and legends will be required. 3)The development or supplementation of devices for the presentation of tree ages will be necessary.

Fourth, the conclusion on matters related to vegetation is that 1)the old trees, which are 288 years old on average, are given priority in construction. 2)After examining the conditions of the stamping or the rate of high death of the branches, it can be created for protected tree with a moderate or higher growth condition. 3)Covering fences, grasses or/and flowers may be properly mixed and stocked around the protected trees. 4)Protective tree in itself exerts sufficient amenity function in the area, so only moderate amount of facilities should be placed in the space. There should be sufficient raise of awareness about the creation of parks using these protected trees among ordinary citizens or local residents, and an active policy or system should

also be prepared.

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From MANAGEMENT to Leadership in Diverse Workplaces: Theoretical Proposals

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Abstract

Organizational researchers need to show managers that there is a wide network of values and interests that can contribute to the organization's goals, but they have tried to show only one 'truth' based primarily on the management's perspective. The focuses of organization theories need to keep step with demographic changes in workplaces since demography is an essential variable in those theories.

This essay discusses how those theories need to be changed along with increasing cultural and ethnic diversity in workplaces. In sum, control-oriented management and outcome-oriented leadership theories by themselves have limited implications for cultural and ethnic diversity in workplaces. This is because those theories were conceived on the assumption that workforces are homogeneous and can be integrated in terms of culture and ethnicity. Cultural and ethnic diversity runs counter to conventional wisdom that managers can directly control employees through predesigned patterns and structure. The negative effects of such diversity are produced through the psychological process of identity formation.

However, due to the complexity and subjectivity of the process, managers have a limited capability of controlling the process directly. Hence, control-oriented management theories need to be supplemented by leadership theories focusing on motivation and indirect influences. To draw better leadership, leadership theorists also need to put more emphasis on energizing organizational members to share organizational values and visions through social architecture than to peruse self-interested rational rewards.

The essay suggests implications for two kinds of research: descriptive and prescriptive research. The first section discusses what perspectives researchers need to have in order to describe cultural and ethnic diversity, and the second section examines what theories researchers need to employ in order to prescribe the solution of diversity problems.

[Keywords] Leadership Theory, Management Theory, Workplace, Diversity, Postmodernism

1. Organization Theories Blinded to 'Manageability'

Considering the history of organizational research, scholars have sought to simplify the various organizational phenomena in a generalized causal relationship framework in order to develop generalized theories that can be common to all organizations. However, there is a lot of question as to how practitioners have solved the problems in the organization's field through

these accumulated performances on organizations.

Organizational researchers hope that practitioners will be the so-called "Man of Reason" that engage in instrumental rationalism[1]. In other words, they hope that "rational men" will be able to make value-neutral judgments and contribute to organizational coordination through that judgment. In fact, there are various 'truths' in organizations over the world. However, they are processed into the only truth and

then seen by practitioners in the field who are supposed to be rational men by researchers.

Organizational researchers need to show managers that there is a wide network of values and interests that can contribute to the organization's goals, but they have tried to show only one truth based primarily on the management's perspective. As a result, practitioners in the field, who have hoped to be able to obtain something from theory to solve real problems in fields, come to be often disappointed by the studies of reductionism[2].

Therefore, it is important for organizational researchers to help practitioners face the reality that manageable things are decreasing, rather than trying to inject the confidence of managing anything to practitioners. This is a stimulus that supports them to think humbly about the various aspects of truth and values in the context of the growing diversity of organizations.

Any research oriented toward control and efficiency fall into modernist's view based on functionalism paradigm. Functionalism in academia has contributed greatly to the integration and stability of the system, which often fail to lead to fundamental innovation or breakaway creativity in organizations.

2. Critique of Modernist Management

The postmodernist perspective stresses the diversity of individuals and informal groups that make up organizations, focusing on different history, interests, and perspective. This is because the postmodernist view 'truths' as socially constructed through social interactions of particular individuals in a particular setting.

On the other hand, the modernist perspective hardly pays attention to diversity but seeks for a single, consistent rules and order that guide organizational decisions and that governs the conduct of employees. Most traditional management theories are grounded in the modernist approach, disregarding diversity, pluralism, and ambiguity.

Joanne Martin, in her book *Cultures in Organizations*, attempts to explain organizational culture in both the modernist and postmodernist views[3]. She identifies three perspectives on organizational culture: integration, differentiation, and fragmentation. The integration perspective highlights organizational-level cultural sharedness and downplays cultural differences and conflicts among subunits; the differentiation perspective highlights group-level sharedness and cultural differences and conflicts among groups but downplays organizational-level sharedness; and the fragmentation perspective highlights randomness and inconsistency at both of the organizational level and the group level. She concludes that the fragmentation perspective is closest to postmodern thinking, since it emphasizes ambiguity and multiple interpretations.

We need to carefully examine Martin's three perspectives[3]. First, there is no doubt that the integration perspective runs counter to research analyzing cultural and ethnic diversity because the perspective seeks for a single, organizational-level culture that guides organizational decisions and that governs the conduct of employees. The perspective is closest to the modernist view. Second, the differentiation perspective lies in a middle ground between the modernist and postmodernist views. However, when researchers examine cultural and ethnic diversity, they need to be careful in employing this perspective. It falsely downplays individual differences, assuming that members that make up a cultural group have all the same norms and values.

Rubaii-Barrett and Beck's article "Minorities in the Majority," based on what Martin terms the differentiation perspective, attempts to emphasize just similarities or differences between Anglo-American and Mexican-American employees[4]. However, in real workplaces, group members are guided not only by their own cultural or ethnic group, but also by their organization. At the same time, they may be affected by their gender group. For instance, a Hispanic woman may have a stronger identity as a member of a woman group. Employees mostly reveal multiple

identities, depending upon contexts and situations.

Table 1. Comparison between management and leadership.

	Management	Leadership
Methods	Top-down control over employees	Energizing employees
Goals	Forced implementation	Voluntary contribution
Values	Doing things right (efficiency)	Doing the right things (commitment)
Nature of workplaces	Homogeneity	Diversity
Perspectives	Modernism	Postmodernism

In this respect, diversity research needs to highlight multiple identities and ambiguous attitudes rather than a single-group identity based on ethnic and cultural differences. Of course, it is noteworthy that Rubaii-Barrett and Beck examine the attitudes and perceptions of Hispanic public employees, which have been ignored for the most part as research subject. However, more future research, from the fragmentation perspective, need to highlight how Hispanic public employees match their ethnic-group memberships to organization memberships.

In sum, the modernist view underlying the integration perspective can no longer meet needs for exploring workplace diversity. The differentiation perspective also does not shed light on a full picture of real workplaces, downplaying complexity and multiple identities. On the other hand, the postmodernist view underlying the fragmentation perspective is more likely to afford the better understanding of cultural and ethnic diversity in real workplaces than other perspectives. However, it is important to know that the postmodernist view has limited prescriptive implications for how managers should deal with workplace diversity, although it has the strength to describe workplace diversity. The next section examines more prescriptive implications for diversity research.

There may be a considerable dispute as to how the diverse workforce affects organizational success in public sectors. Some people

may stress organizational benefits of the diverse workforce, such as improved problem-solving and decision-making, or enhanced representativeness and responsiveness to constituency groups. Some others may highlight the disadvantages of the diverse workforce: ethnocentrism and stereotyping, caused by cultural differences and interaction in an imbalanced power structure, will adversely affect the members of out-groups and organizational outcomes.

In any event, the focuses of management and leadership theories need to keep step with demographic changes in workplaces since demography is an essential variable in both theories. This essay discusses how those theories need to be changed along with increasing cultural and ethnic diversity in workplaces. The essay suggests implications for two kinds of research: descriptive and prescriptive research. The below first section discusses what perspectives researchers need to have in order to describe cultural and ethnic diversity, and the second section examines what theories researchers need to employ in order to prescribe the solution of diversity problems.

3. Management or Leadership to Describe Diverse Workplace

As shown in <Table 1>, there is a fundamental difference between management and

leadership in terms of their primary definition and function. I define management as a top-down activity, or control, that is based on a clear authority structure and includes planning, organizing, and other organizational efforts to accomplish goals (with efficiency). Hence, management can create orderly results that keep something working efficiently. On the other hand, leadership can be defined as the capability of someone to derive and motivate the willingness of members in social units to act toward achieving common goals. Leadership motivates employees to voluntarily contribute to goal achievement rather than directly control them. As Bennis and Nanus put it, while managing is “doing things right,” leading is “doing the right things” [5].

There is an argument shared by writings on cultural and ethnic diversity in workplaces: in dealing with this diversity, leadership is a more appropriate means than management. Strong management, as noted above, may control employees by an orderly planning system and the management hierarchy, but it by itself cannot empower managers to successfully deal with the needs of employees with very divergent backgrounds and life experiences. For this reason, as Naisbitt and Aburdence put it, “the dominant principle of organization has shifted, from management in order to control an enterprise to leadership in order to bring out the best in people and to respond quickly to change” [6].

Management theorists have increasingly called into question that employees can be directly managed and controlled to fit into a predesigned pattern and structure.

Ditomaso and Hoojiberg are among those who argue for a transition from management to leadership [7]. They argue that “good management” fits the homogeneous workforce, not heterogeneous ones, and that leadership skills enable managers to better handle “psychological processes of identity formation.”

While good management must of necessity include good interpersonal skills, diversity adds the important dimensions of culture and groups membership, and taking these into account is substantively different from the kind of “good management” that one may

practice when those being managed and/or doing the managing are homogeneous. To gain control of, intervene in, or help shape the direction of the psychological processes of identity formation, categorization of people into ingroups and outgroups, stereotyping, and the attribution processes that accompany such identification requires a level of mindfulness that would ordinarily not have been thought of as part of management, but should be an important leadership skill in a diverse world.

As Ditomaso and Hoojiberg’s statement indicates, good management includes interpersonal skills such as negotiation, facilitation, and communication, but this is not enough to deal with cultural and ethnic diversity. To better understand this kind of diversity, we need to understand how employees apply their social identity to organizational life and what impacts this application has on a whole organization.

Diversity research has drawn some implications from social psychology on social identity, social categorization, and attribution theory. Within organizations, individuals develop a social identity with reference to group membership and categorize groups. Individuals then give favor to their own group (an ingroup), while negatively evaluating those who belong to groups identified as different (outgroups). Outgroups are the targets of stereotypes and negative attributions, which are strengthened if favored groups are also those with greater power and resources [8].

These negative stereotypes and attributions may impede cooperation and communication within an organization, as the organization becomes increasingly diverse. However, can management control this negative effect? Due to the complexity and subjectivity of the psychological process, managers probably have a limited capability of managing and controlling the process. Hence, management theories with an emphasis on control hardly can offer implications for how to handle the complex psychological process.

4. Toward Transformational Leadership in Diverse Workplace

Scholars' skepticism toward traditional management theory brought forth the emergence of the transformational leadership model in 1970s. This leadership refers to the capacity of leaders who avoid directly managing and controlling their subordinates and organizations but "exert their influence through 'social architecture,' by working with the basic symbols and core values, or culture, of their organizations"[9]. Transformational leaders motivate subordinates to transcend their own narrow self-interest and contribute to the goal of their organization overall, by helping them set up "higher-level goals akin to the self-actualization needs defined by Maslow".

As shown in <Table 2>, transformational leaders are sharply contrary to transactional leaders who motivate followers by recognizing their needs and offering rewards to meet those needs in exchange for their performance and support. While the transactional leadership is different from management in that transactional leaders attempt to meet followers' needs, it is not different from management in that those leaders try to directly

control followers by their rewards. Like control-oriented management, the transactional leadership has a limited capacity to fundamentally solve problems arisen from cultural and ethnic diversity.

Diversity scholars have theorized about the growing role of transformational leadership in dealing with diverse workplaces. They expect to drive a dual effect: transformational leadership will foster the positive effects and reduce the negative effects of diversity on organizational outcomes[10][11].

In a while, a major problem of existing leadership research lies in the evaluation criteria of leadership. Most works, grounded in management mentality, evaluate leadership in terms of outcome and performance. Chen and Velsor, in their article "New Directions for Research and Practice in Diversity Leadership," argue that change in the requirement of leading and managing diversity change leads to changes in definitions and criteria of leadership effectiveness[12].

In the context of growing diversity, it is expected that good leadership improves the extent to which heterogeneous members are properly in harmony and to which the harmony is properly sustainable and invulnerable to rapid environmental changes.

Table 2. Comparison between management, transactional leadership and transformational leadership.

	Management	Transactional leadership	Transformational leadership
Methods	Top-down control over employees	Offering economics rewards	Sharing visions and values
Goals	Forced implementation	Motivated by rationality	Motivated by social architecture
Idea on certainty	Removing ambiguity and uncertainty	Hostile to ambiguity and uncertainty	Tolerance for ambiguity and uncertainty
Nature of workplaces	Homogeneity	Homogeneity or diversity	Diversity
Perspectives	Modernism	Modernism	Postmodernism

Personality characteristics such as tolerance for ambiguity and uncertainty, flexibility and adaptability, and ethnocentrism may be more positively related to diversity leadership than personal motives such as needs for achievement, power, or dominance. For the evaluation of leaders, the outcome variables of performance and productivity may be supplemented by structural and process variables such as power, availability of information, fair treatment, teamwork and employee development.

5. Conclusion

In sum, control-oriented management and outcome-oriented leadership theories by themselves have limited prescriptive implications for cultural and ethnic diversity in workplaces. This is because those theories were conceived on the assumption that the workforce are homogeneous in terms of culture and ethnicity. Cultural and ethnic diversity runs counter to conventional wisdom that managers can directly control employees through predesigned patterns and structure. The negative effects of such diversity are produced through the psychological process of identity formation.

However, due to the complexity and subjectivity of the process, managers have a limited capability of controlling the process directly. Hence, control-oriented management theories need to be supplemented by leadership theories focusing on motivation and indirect influences. Also, leadership theorists need to put more emphases on relations and processes as evaluation criteria of leadership.

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A Study on the Non-Criminalization of Voluntary Prostitution for the PROTECTION of Sex Moral

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Abstract

The fundamental question to reflect on sex trade is whether it is the sex trade itself or the various laws, systems and concepts that regulate sex trade that are serious and dangerous to women's human rights. It has not been historically proven that the policy of criminalizing sex trade is effective in reducing or eradicating it. Rather, it would be said that the criminalization policy against prostitution is causing the formation of another system of suppressing women in prostitution. After a brief review of each country's legislative history on the regulation of prostitution and the legislation policies on prostitution, the problems of the Sex Trade Punishment Act were reviewed focusing on the above decision.

First of all, the current law on the punishment of prostitution in Korea is not completely prohibited nor legal regulatory, but a half-hearted form. The purpose of the law on the punishment of prostitution seems to be "banal," but it defines sex sellers as "a kind of victim of prostitution." The reality is that there is no legal or institutional measure to follow up on the sex trade.

It is also a ambiguity of its purpose. Sound sexuality and morality are determined on the basis of the general not only of members of society, but also of very abstract, ideological, and obscure concepts that change according to times, places, circumstances and values, and even how one can define them is questionable.

The Sex Trade Punishment Law uses the National Penalty Act to secure the sex trend, and solving immoral and antisocial behavior by punishment changes according to changes in social values, and even if the standard is vague, the state cannot exercise its penal rights based on moral values, and even if it recognizes the protection law of sexuality, it is difficult to see the grave danger of sexuality, which is the protection law.

[Keywords] Protection of Sex Moral, Anti Prostitution Act, An Act of Prostitution, Decriminalization, Sexual Self-Determination

1. Intro

In 2016, the Constitutional Court ruled that Article 21 paragraph 1 of the Act on the Punishment of Sex Trade and Other Activities (Amendment to Article 10697 of the Act on the Punishment of Sex Trade, etc.) was not violated as expected by all. In the decision, the Constitutional Court stated that the above provisions did not violate the principle of excessive monetary support in the legitimacy of legislative purposes, appropriateness of

means, minimisation of infringement, and balance of legal and legal interests, nor did they violate the right to equality. Of course, for many of these opinions, the inclusion of sex sellers in the category of criminal punishment violates the principle of equality in the Constitution, as some unconstitutional opinions of the two judges, "exercise excessive penalties against the law of supporting excessive fines," and the object of the judgment is against the principle of sexual self-determination and privacy of sex dealers(sellers and

buyers)." The opinions of the nine Constitutional Court justices in the decision do not seem appropriate, even if it is constitutional or unconstitutional, to suggest that it is not a matter of right or wrong, but rather a matter of personal or social belief, values and philosophy. Therefore, it will proceed with discussions based on the premise that the punishment of voluntary prostitution is a matter of legislative policy.

From a liberal point of view, however, it can never be justified because punishing an adult woman for her sexuality for the sake of healthy sexuality is an excessive "Parnalism" idea that seeks to protect her political stereotypes.

In addition, the Constitutional Court has already ruled that intermarriage charges are unconstitutional. In this sense, it is even possible to criticize the decision as a regressive one in some sense. In the following sections, we will briefly review each country's legislative history concerning the regulation of prostitution and the legislation policy on prostitution, and then review the problems of the Prostitution Law, focusing on the above decision.

2. Legislative History of the Regulation of Prostitution

Prostitution began to be defined as a crime subject to criminal punishment after the Act on Prevention of Roles and Other Practices was enacted in 1961. Article 2 of the Act on the Prevention of Roles, etc. defines 'an act of prostitution as taking money or other property profits from an unspecified person or promising them or engaging in sexual activity for other purposes of profit.' Article 4 prohibits the person who violates it from engaging in prostitution or becoming an opponent of it, and Article 14 stipulates that the person who violates it shall be punished with a fine of not more than 30,000 won or less. However, when the anti-prostitution regulations under the Act on the Prevention of Prohibition of Sex Trade, such as the Act on the

Prohibition of the Prohibition of the Prohibition of Sex Trade, etc. were not able to exercise much normality, and when social issues such as the development of the decadence and pleasure industry and human trafficking emerged seriously after the Seoul Olympics, the Act was revised as amended by Article 4911 in 1995(Article 2 and its counterpart). The revised punishment regulations were maintained until the Act on the Punishment of Prostitution was repealed.

The Sex Trade Punishment Act, enacted under Article 7196 of the Act, stipulated that sex trade should be prohibited and criminalized by including not only sex but also similar sex acts in the sex trade, using the term prostitution instead of the term prostitution(article 4, article 21 paragraph 1). The Sex Trade Punishment Act, as amended by Article 10697 of the Act, changed the definition of prostitution to a promise to accept or accept the part of the agreement(article 2, paragraph 1), and amended some of the wordings to those who sold sex to those who sold sex(article 21 paragraph 1). However, the legal punishment for sex trafficking is the same as that of the anti-prostitution law(Article 21, Clause 1), from the time the Act on the Punishment of Prostitution to the present, including imprisonment of up to one year, imprisonment of a fine of up to 3 million won or fines.

3. Comparative Legal Review

As foregoing, legislation on prostitution is a mixed area of morality, economics and philosophy in the society, and it is quite difficult for a country to define its policies accurately in one position to the extent that they vary from time to time. Policies related to prostitution in countries around the world have various and unique systems of laws depending on real situations, including historical and social and cultural backgrounds, the characteristics of prostitution sites and the government's stance on prostitution. Below, the legislation on prostitution will be classified into categories of abolitionism, legal regulation and prohibitionism, which will give a brief look at the laws of the countries that fall under each system.

3.1. Abolitionism

Abolitionism is a stance to make sex trade illegal or legal by identifying it as providing personal services rather than selling the body[1]. Abolitionism sees sex trade as purely a personal matter, not a subject of prohibition and regulation of public power, and the state recognizes sex trade in certain areas as a profession to ensure free operation and collect taxes. It argues that individuals are free to choose whether to use their bodies as a means of money and sexual satisfaction, and that the choice should not be assessed and despised or imposed criminal sanctions on the basis of a moral majority[2]. As such, it is characteristic of abolitionism not to make moral judgments about prostitution itself.

Today's France, Ireland, Finland, Spain, the Czech Republic and Denmark take a non-criminalized stance on personal sex trade, as well as the Convention for the Prohibition of the Trafficking of the Trafficking in Persons and the Proprietary of the Proprietary, adopted by the United Nations in 1949.

3.1.1. France

In France, the legal principle for prostitution lies in the guarantee of rights to one's own body. This right extends to the extent that one can use one's body for economic purposes, and the right to have sexual relations respects one's privacy, so naturally the rights of prostitution themselves are protected. Only when active solicitation is accompanied can the punishment be punished, which constitutes a misdemeanor. The sex buyer shall not be punished except in the case that the sex seller is underage, and only if it can be found that the sex seller is underage in this case. As such, France specifically makes it a rule not to engage in personal prostitution unless there are human rights abuses or exploitation issues.

Specifically, the Criminal Law revised in 1991 prohibited sex sellers and sex buyers from engaging customers in public places by including those engaging in obscene gestures, attitudes, actions or words, although it was not illegal. In particular, the Public Protection Act, which was amended in 2003, provided

that the act of soliciting by any means, such as clothing, posture, or behavior, could be punished with up to two months in prison, making passive solicitation a crime. And by strictly banning pimps, they even punish their families who depend on the income of sex workers. In addition to directly benefiting from sex trafficking, any assistance in prostitution is also considered illegal, with the protection of sex workers, economic benefits from sex workers, income from sex workers, hiring others for sex trafficking or forcing others to engage in prostitution, all subject to up to seven years in prison.

3.1.2. Germany

In 2001, the German House of Representatives passed a bill that, with the approval of a majority, recognizes sex trade as a legitimate occupation and grants social security benefits and labor rights to sex workers, including health insurance, unemployment benefits and pension benefits(Neufassung vom 20. Dezember Regelung der Rechtsverhältnisse der Prostitution). Under the law, sex trade is not regarded as an activity of vulgarity, but is recognized as a legitimate profession, and all sexual workers' employment and supply have been legalized. Individuals can also hire sex-selling women, but they must go as far as not to harm the individual and economic independence of the workers. However, German criminal law punishes the commission for managing or interfering in the lives of sex-selling women. Germany, meanwhile, has public brothels authorized to reside for sex trade in each city, and federal states have the right to ban sex trade in certain areas or at certain times.

3.2. Legal regulatoryism

Legal regulatoryism acknowledges that prostitution can be morally reprehensible but at the same time socially rooted, and understands that prostitution is an unavoidable phenomenon and a "necessary evil." Since prostitution is an entity that harms social order or public health, it makes maintaining a safe society from prostitution a legislative goal[3]. Legal regulatoryism has the following view on prostitution. First, it is reasonable to criminalize the voluntary simple sex trade as

there is a risk that state intervention in the privacy of individuals will be abused. Second, the expansion of sexually transmitted diseases, including AIDS, can be reduced through medical examination and medical monitoring of women who sell sex. Third, it can reduce sex crimes. Fourth, it can prevent prostitution crimes forced by the management and supervision of prostitution businesses. Fifth, we can isolate sex trade in certain areas to protect living areas in a sound manner[4]. Legal regulatoryism, however, differs from abolitionism in that it does not have the right as a worker and the state does not take responsibility for ensuring its working conditions, as it is pointed out that the state takes over control of sex trafficking, not as a pimp, only protects society from prostitution, and does not recognize sex trade as a profession or a right.

3.2.1. The United Kingdom

The basic legal regulations on prostitution are under the Sex Offence Act 1956 and the Street Offices Act 1959. The former stipulates various crimes related to prostitution, such as the operation of prostitution businesses, exploitation and prostitution, while the latter is a law aimed at countering public unlawful interference caused by prostitution. The Street Crimes Act, which regulates prostitution directly, punishes those who sell sex on their own in recognition of their personal activities and those who sell sex in the home for soliciting, advertising, and contact between sex sellers and sex buyers in public factories. In other words, if a person wandered around a street or a public place for the purpose of selling sex or soliciting sex at that place, he shall be punished with a fine. Instead of lowering the social visibility of prostitution, the laws are said to have covered up illegal sex trade and contributed to making prostitution itself more commercial.

3.2.2. Canada

While it is not illegal in Canada, most prostitution-related activities, such as prostitution in the sex trade industry, solicitation in public places, and exchange of doctors for sex trade-related purposes-were prohibited, making it impossible to actually have sex

trade. However, the sex trade law was declared unconstitutional on September 28, 2010. Prostitution was not illegal, but it was responsible for making sex workers face risks in that it makes most aspects related to prostitution illegal. Ontario's High Court does not comply with the essential principles of justice as the three provisions of the Act that prohibit the possession of prostitution, the living of prostitution by others, and the prohibition of communication of intention to prostitution are inconsistent with the principles of essential justice. They also pointed out that they are forcing sex workers to choose between one's own preferences and the right to security, which is guaranteed under the Canadian Charter of Rights and Freedoms.

3.3. Prohibitionism

In banalism, it identifies sex trade as a "social evil" that should be eradicated, and thus bans the practice of profiting from prostitution, recruitment and prostitution. In other words, promote voluntary prostitution, including prostitution, including good offices actions to punish sex workers in related activities. In the banalism aimed at eradicating prostitution, sex trade is recognized as an infringement of women's rights and acts of violence stemming from male patriarchal power, and it is recognized as a social issue that accelerates the sexualization of human beings, the main body of dignity and value, and distorts the normal flow of funds and labor force.

Today, countries that ban and punish prostitution itself include South Korea, China, Vietnam, some states in the Philippines and the United States, Japan and Taiwan among the parties that are not two-sided, and Sweden, Norway and Iceland that only punish sex buyers[5].

3.3.1. Japan

Japan has the most similar legislative system to our country. However, although Japan legally stipulates that all sales and purchase activities are prohibited, there is no punishment for certain types of sex acts, and no actual crackdown or punishment is taken[6].

Japan's anti-prostitution law is similar to that of Korea in terms of the view that prostitution damages one's dignity as a human being and disrupts society's good customs against sexual morality, but it is distinct in that it focuses on the act of encouraging sex trade when it comes to punishment.

3.3.2. Sweden

In Sweden, the Proposition on the Purchase of Sex Service was enacted in 1999. Prostitution is not socially desirable, but sex sellers are victims of gender inequality, so they cannot be punished, only to reduce violence against women caused by prostitution by punishing men who try to satisfy their sexual desires by exploiting women's unequal status. The law defines sex trade as a violation of human rights against women, and thus is a model for introducing the concept of victims of prostitution in Korea's Sex Trade Punishment Act by enacting a law that punishes only sex buyers, rather than punishing women as victims of prostitution.

4. The Problem of the Sex Trade Punishment Law

4.1. Limitations of symbolic legislation

The current law on the punishment of prostitution in Korea is not completely prohibited nor legal regulatory, but it can be said to be a half way. The purpose of the law on the punishment of prostitution seems to be "banal," but it defines sex sellers as "a kind of victim of prostitution." The reality is that there is no legal or institutional measure to follow up on the sex trade. The current law on the punishment of prostitution is symbolic legislation, and the reason it gives symbolism to penal codes even though it is not effective is because the majority of lawmakers' emotional thinking that a long-term change of consciousness will take place among the public has been involved[7]. And although the Sex Trade Punishment Act was enacted by women's organizations and the Ministry of Gender Equality, rather than by law enforcement scholars and working-level officials, and for this reason, the law, which does not take into

account the ability to protect the sex trade, does not have the intended effect, and in the long run, it seems highly likely that it will become a symbolic legislation such as the Act on the Prevention of the Act on the Prevention of Illegal Act[8].

As such, the Sex Trade Punishment Act was enacted based on a momentary grandiose rather than a deep criminal policy review of the root cause and background of the crime, which is the characteristic of the special criminal law. This solution reveals its limitations as a symbolic criminal act in relation to the effectiveness of the norm, given that it has found no effective means of sanction to enforce the norm other than by defining sex trade as a crime. This particular law has a symbolic function to simply suppress and reduce prohibited acts without any effect, and from a criminal policy point of view, it is an irrational law, but has certain social and political functions[9]. In other words, it can be dismissed as a policy of criminal response for political purposes, not an effective response to a specific crime, and it can bring about a crisis of criminal justice by encouraging the intervention of punishment for abstract risks rather than actual infringement of legal interests by first protecting the universal legal interests of social integration and public interest rather than individual interests[10].

In fact, in the case of simple prostitution under the Sex Trade Punishment Act, it is said to be punishable, but in practice, the law only stipulates to the outside world the nation's ban on prostitution because it is a crime and a wrong act, which is quite lenient compared to other crimes such as suspension of indictment, disposition of protection and fines.

4.2. Justification of purpose

The legislative purpose of the Sex Trade Punishment Act to ban voluntary prostitution altogether is beyond the limit for the purposes of basic rights restrictions, given the circumstances of the act to root out such acts as trafficking or forcing or exploiting prostitution for purposes of prostitution and to protect. The Act shows the indeterminacy of the law, which cannot distinguish between the law and other laws by stipulating that the

purpose of legislation is to eradicate prostitution, prostitution, and human trafficking for the purpose of prostitution, and to protect the human rights of victims of prostitution. The purposes set forth in this Act are only general ideologies that all laws have in common. Furthermore, it is common knowledge that the purpose of criminal punishment for any act is to eradicate such acts. Moreover, the legislative purpose of punishing sex sellers to protect their human dignity and personal autonomy is hardly acceptable in itself. After all, the current purpose of punishing prostitution in Korea is a problem that cannot be drawn up by the law alone[11]. The most important foundation of criminal justice lies in the democratic request that the state shall punish on the basis of the will of the representative of the people, and therefore the punishment based on the criminal law shall be based on the will of the people. In other words, certain religions, ethics, and morality should not be protected[12].

Society's maintenance is not observed by its members sharing one dominant view of values, but by acknowledging that each individual has different values and tolerating the actions of those with different values. Just as the values and content of happiness pursued by different people differ, so does the outward expression of sexual desire. A person who has a very strict conception of sex may think that the act of selling sex is a commercialization of himself and is by no means acceptable as a recognition of moral slavery. However, not everyone has such a strict sense of morality, and voluntary prostitution by the union of free doctors among adults is possible. Voluntary prostitution is the sex seller's decision to have sex with the other party on his own free will for his own benefit, not to surrender human character and body to the power of capital. Prostitution is also less antisocial because it is done under an agreement between sex sellers and sex buyers. Also, sex trade is selling sexual services, not human bodies or personalities, within such limits, sex trade is not fundamentally different from labor provided by other services. The claim that prostitution infringes on sex sellers' rights by commercializing sex,

damages the sex market, and deforms the industrial structure is not an attribute of prostitution itself, but a result of social stigma against prostitution[13]. Sound sexuality and morality are determined on the basis of the general not only of members of society, but also of very abstract, ideological, and obscure concepts that change according to times, places, circumstances and values, and even how one can define them is questionable. With the rapid spread of individualism and open-door thinking, it is hard to conclude that the general perception among members of our society is that certain sex acts are harmful to sound sexuality and morality just because they are made by money or other means. The state's intervention in the cause of establishing a sound sex habit and sexual morality in the inner circle of sex life, which should establish order on its own, ultimately identifies and enforces certain moral principles of the legislator, which are clearly opposed to our constitutional values neutral in gender, religion, social status, and thus is not based on gender-based gender equality and gender-biological thinking.

4.3. The minimality of encroachment

The Sex Trade Punishment Law uses the National Penalty Act to secure the sex trend, and solving immoral and antisocial behavior by punishment changes according to changes in social values, and even if the standard is vague, the state cannot exercise its penal rights based on moral values, and even if it recognizes the protection law of sexuality, it is difficult to see the grave danger of sexuality, which is the protection law. The law also divides sex sellers into prostitutes and victims of prostitution and does not punish the latter, which is limited in that it opens the possibility of selective and arbitrary law enforcement, which can lead to distrust among the public, and that it maintains the attitude of the anti-prostitution law, which ultimately makes prostitutes subject to moral censure by punishing them on the premise of voluntary execution. Such discriminatory criminalization results in the criminalization of the right to refuse to testify under the Constitution by forcing a prostitute to avoid being punished,

while such an environment could become entrenched by the failure to sue the sexual predators for fear of punishment.

The trend of modern criminal law is a trend toward non-criminalization of privacy. It was in this context that the Constitutional Court ruled unconstitutional the intermarriage or adultery law, which was stipulated in the criminal code in the past. In particular, there is no social hazard in the case of a judgment clause, as opposed to a two-year jail term for adultery, the latter is a sentence of up to one year in prison or a fine of up to 3 million won or less, and in the case of adultery, it is a violation of the marriage system and family system or a risk of such an act in violation of its sexual integrity and there is no social harm in the case of the judgment clause. As such, both in the real law and in the law-enforcement process of society, the court considers the clause to be lighter than a crime of adultery. Therefore, considering why the Constitutional Court has already ruled the adultery law unconstitutional, conditions now appear mature enough to make sex trafficking non-criminalized. However, the argument that the non-criminalization of prostitution does not mean the legalization of prostitution, and that non-criminalization will undermine the soundness of society by encouraging and spreading sex trade is only a logical leap forward.

The best solution to the sex trade issue is to help women escape prostitution through the expansion of social security and social welfare policies. Although the possibility of a protective disposal for sex sellers is said to be minimizing the exercise of the right to punish sex sellers, the protection of sex sellers under the Prostitution Act is not a fundamental solution because such qualitative infrastructure is not established even though it should be effective in combination with guidance, treatment and counseling. Some of the legislation's laws allow certain countries to sell sex or make sex uncriminalized, demonstrating that there is a more relaxed means of limiting basic rights than punishing sex traffickers. Since it is possible to allow sex sellers to sell sex within certain areas for only a certain amount of time without criminalizing them,

the Sex Trade Punishment Law would also violate the principle of least infringement[14].

4.4. Abolitionism

The Sex Trade Punishment Law violates the right to equality under the Constitution, given that it only punishes sex offenders against unspecified people and does not punish prostitution, so-called congratulatory acts or contracts with local offices. In this case, an unspecified person means that the other party is not limited to a special relationship, and the person combined into a special relationship is not an unspecified person. In this regard, it does not mean that an unspecified person in the sex trade is an unspecified person in principle, but that he or she randomly selects the other person from among the unspecified men, focuses on the price and does not value the specificity of the other person.

In a related move, the Supreme Court recently said that it is difficult to conclude that anyone with the financial resources to help themselves had met with a doctor who was willing to engage in sex acts and receive bribes, adding that taking bribes and committing sexual acts against certain people is not subject to punishment. However, there is no reasonable reason to treat certain sex acts with a promise to accept or accept bribes or other property benefits differently only when the Sex Trade Punishment Act is against an unspecified person, even though it is essentially the same sex trade, whether it is against a specific person or an unspecified person. In the decision, the Constitutional Court's majority opinion said that prostitution against unspecified people is far more harmful than prostitution against certain people, which is nothing but groundless social prejudice. Rather, it would be extremely unfair for the law to result in a social embarrassment by punishing only those who have sex trafficking against an unspecified person, for example, expensive prostitution against a certain person, such as a congratulatory act or a foreign partner's contract or a celebrity's sponsorship contract, but only relatively cheap and less harmful traditional prostitution against an unspecified small number of citizens.

5. Outro

The fundamental question that should be reflected in relation to prostitution is whether the factors and backgrounds that seriously and imperil the human rights of women in prostitution are the sex trade itself or its various laws, systems and concepts that regulate sex trade. It has not been historically proven that the policy of criminalizing sex trade is effective in reducing or eradicating it. Rather, it would be said that the criminalization policy against prostitution is causing the formation of another system of suppressing women in prostitution.

In response to the proposal made by the National Assembly Legislation and Judiciary Committee to the Ministry of Justice, the ministry said in its review of the proposal made by the Ministry of Justice, 'We believe that strengthening punishment without sufficient discussion and eradication of sex-related laws can undermine the normality and effectiveness of the law, and we oppose the legislation as it is necessary to reflect it in the process of revising the Act on the Prevention of Illegal Act.' But in the end, the Sex Trade Punishment Law was enacted, and now we are facing the side effects we had predicted in the past. Side effects of the Prostitution Punishment Law have raised the issue of the effects of the variety of prostitution and ballooning, especially as the number of sex trade has soared, it is now out of the limited space of business. As prostitution via the Internet is being openly conducted, including minors, and the number of men going abroad to buy sex has increased, it has become impossible to identify and crack down on negative and intelligent sex trade throughout society. Even if you look at this, you can see how unrealistic the current legal system is.

In 2009, the Constitutional Court said in relation to setting limits on state intervention in private areas, "In principle, lawmakers' broad right to form legislation is recognized as a crime and what punishment to impose, but, unlike laws that regulate areas of privacy, such as occupational and property areas that do not. This is because, due to the nature of

the right and freedom, the state should refrain from interference and regulation as much as possible and leave the exercise of the right of state punishment to the individual's self-determination, and the exercise of the right of state punishment should be limited to the minimum extent necessary as an ultimate means only in cases where the grave danger to legal and interests is evident. Therefore, unlike other living areas, stricter standards should be applied in determining the need for criminal protection and punishment, especially in the area of sexual privacy," he said, emphasizing the supplemental or ultimate means of national intervention in the private sphere. In addition, when it comes to judging the unconstitutionality of the intermarriage charge regulation, "There are areas in our living area where the law will govern itself, but there are areas that should be left to moral law. Laws should not intrude recklessly into areas that should be left to moral codes that fall under higher standards. Therefore, no matter what kind of sexual activity and love an adult may have, it is in principle within the domain of the individual's freedom, but only if the law regulates it when it is expressed outwardly and clearly harms society. Those who commit adultery under the guise of marriage will be subject to ethical and moral social criticism and sanctions in various ways, including at home, society, and work, so there is no need for the criminal law to interfere by tracing each of these activities that are essentially part of the privacy of individuals. Therefore, it would be sufficient to allow an offender to be punished only when he or she causes social harm such as violence, intimidation, or coercion of power in sexual decisions of adult women, and in other cases, he or she should leave the offender to their own responsibility and not in the field of intervention by the criminal law," the court said in a statement on the same issue of restricting state intervention in the field of sexual rights.

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A Study on the SPECIALIZATION Enhancement of Local Councilors

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Abstract

This study was intended to explore feasible development measures based on the expertise of local councilors as a way to enhance the professionalism of local parliament. As an alternative, it proposed the establishment of a local council institute. The local council institute is thought to be a realistic measure to secure the expertise of local councilors as it can compensate for the limitations that the current legal and institutional aspects have, reduce the financial burden of local governments, and facilitate the development of agreements between local residents and politicians.

This common support system for local council activities may be more effective than securing individual expertise in that it allows us to look at both the macroscopic(wide) and microscopic(basic) perspectives and the similarities and differences that the region has. It will also be able to better understand regional issues by actively utilizing local talent and effectively respond to problems in the community by consolidating networks of local universities, civic groups and local experts.

If the final voting body, the local council, receives more diverse and specialized policy support and information to resolve complex and diverse regional problems, the local council will make more reasonable decisions. If these decisions can eventually improve the quality of life for local residents, they should seek feasible practical ways to secure the expertise of local council.

[Keywords] Main Control: Local Councilors, Local Council, Local Autonomy, Local Parliament, Local Experts

1. Introduction

The current local council, which marks 70 years since its inception and 28 years since its revival, is not the case. This has a systemic problem that it is difficult for local council to monitor and check local government chiefs as the institutional structure of Korean local governments has strong mayor, weak parliament structure. If these local council is insufficient the legal and institutional support to carry out the duties of monitoring and checking the enforcement agencies of residents' wills interests, they could be reduced to a mere show of hands without proper control of powerful organizations, manpower

and the enforcement agencies with information.

In addition, as the current method of electing local council has limitations, Local councilors elected by the majority election of local residents are not necessarily elected as administrative experts. Therefore, it is difficult to secure administrative expertise. Difficulties in securing professionalism have come under strong criticism, with the parliament failing to properly carry out its key functions such as enacting ordinances, budget reviews and administrative audits, leading to the emergence of a white elephant on the role of local council. For this reason, the executive branch-centered power structure

continued to lack the ability to monitor and criticize the policy functions, which are important functions of the local council, and thus could not faithfully play the role of the local council. Therefore, it is necessary to strengthen expertise in order to faithfully play the role of the local council.

Against this backdrop, the key to revitalizing the policy functions of local council is to secure expertise in parliamentary activities of local council. Under the current local autonomy system, new alternatives should be considered, given that it is difficult for local council to check strong executive positions. Among ways to enhance the expertise of local parliament is to ensure that highly specialized people enter local parliament and that local councilors are actively engaged in parliamentary activities[1]. However, The local council is not elected only by those who have expertise. In addition, it is more effective to strengthen the professionalism of organization and operation than to enhance the professionalism of individuals. In this study, we will consider ways to strengthen the professionalism of local council, which are presented in the preceding research, and propose the establishment of a "local council research institute" as an alternative to this.

2. Theoretical Discussion

2.1. The concept of expertise and the relationship between local council and specialties

2.1.1. Concept of professionalism

Generally speaking, professionalism means a reliable position and the ability to perform a job based on the high level of knowledge and experience involved in a particular area or area[12]. Keum Chang-ho and Kang Shin-il(2014) refer to a state that has specific capabilities in terms of the intellectual and behavioral aspects necessary to carry out a specific field of work. And it was defined that an expert is a person with this condition[2].

Expertise can be divided into individual level expertise and organizational level expertise, and individual level expertise is the degree of knowledge and experience of individual members of Congress who are capable of performing parliamentary functions. The local council member shall cultivate his ability through legal system knowledge and education on local issues in conducting local government activities, and shall have the insight to logically engage in the purpose of regional policy and the means relationship, especially in order to exercise his policy competence in the local and political scene.

Organizational expertise is the organizational capacity of the local government to operate standing committees of the council in response to the function of the executive structure of the local government and to perform the role of policy formation or control with the expertise of sub-legislative within the parliamentary organization while utilizing the professionalism of organizational capacity is a certain degree of organizational capacity to derive the performance of checking and controlling the organizational unit against local governments[12].

2.1.2. The relationship between the local council and the professional degree

If you look at the impact of parliamentary expertise on lawmakers and Congress, first of all, the higher the annual salary level of a lawmaker, the better his professionalism. Second, the longer the parliamentary session date, the more opportunities lawmakers have to acquire knowledge and experience about parliamentary activities, which could lead to specialization of the parliament. Third, the greater the number of employees per lawmaker, the greater the parliamentary expertise. A brief summary of the impact of parliamentary specialization on Parliament and its members is as follows[3].

Table 1. The influence of parliamentary expertise on lawmakers and congress.

Congressional specialization requirements	The influence of a member of parliament	The influence of parliament
High level compensation	<ul style="list-style-type: none"> - Maintain a longer term parliamentary seat. - To be able to concentrate on parliamentary activities. 	<ul style="list-style-type: none"> - By the accumulation of experienced members of congress a more professional composition of parliament. - It's easier to secure a more professional and capable congressman.
Parliamentary session date	<ul style="list-style-type: none"> - High rewards for investing more time in parliamentary activities. - Scale experience on parliamentary activities. 	<ul style="list-style-type: none"> - Contribute to high-quality policies and deliberation activities.
The number of members of parliament	<ul style="list-style-type: none"> - To exert greater influence on the policy-making process. - High job satisfaction. - A high chance of reelection. 	<ul style="list-style-type: none"> - Securing the influence of policy establishment on equal terms with the government.

Note: Squire peverill, "measuring state legislative professionalism: the squire index revisited", state politics & policy quarterly (2007).

In particular, looking at the study, which found that the more employees supporting Rep, the greater the parliamentary expertise, Tom and An(2017) believes that the relationship between the number of congressional staff members and parliamentary culture has a very direct bearing on the number of parliamentary staff. First, the parliament, which has a large number of employees, provides smooth information to lawmakers, which allows lawmakers to engage in more active parliamentary activities[13]. Yoo Jae-gyun and Park Seok-hee(2017) found in their "Analysis of the Influence Factors on the Function of Local Autonomy Law" that the overall revision rate of the ordinance's revision is a systemic factor, and the higher the ratio of office workers, the higher the rate of approval of the ordinance's According to the analysis on the impact factors of the checking and monitoring functions of the enforcement agencies, the higher the ratio of office workers and those dedicated to legislative support, the higher the ratio of administrative audits per lawmaker[14]. In the study by Ha Hye-young(2018), more and more metropolitan parliament have set up separate legislative policy bodies since 2005 to systematically support lawmakers' parliamentary activities. The number of ordinances and amendments made to the Act

per local council member for 11 years increased significantly from 0.54 in 2007 to 2.47 in 2017. They argued that the organization was contributing to the improvement of parliamentary activities[4].

2.2. Preceding study

If you look at the preceding research on strengthening the professionalism of local parliament, studies are being conducted in terms of activating local parliament on a macro level and, in the microcosm, securing the expertise of local council expertise.

First, in the study on the revitalization of local council, Kang Sang-won(2010) presents the results of an analysis on the independence of personnel rights, introduction and management of parliamentary advisers, and training methods for lawmakers through the survey(administrative officials, congressional officials, and local councilors) as ways to promote parliamentary activities[5]. Munjaetae(2019) studied through checking functions 'Promoting professionalism of the local council around checking functions : the council's recovery' of the study the council's leadership improvement measures[11]. A paid adviser to System and Improvement Plan to reform the system by offering local elections.

Second, there is a study that says local councilors should be enhanced[6] Park Jong-deuk and Im Hun-man(2001) analyzed the relationship between parliamentary expertise and parliamentary activities among the total number of basic members of the National Assembly, arguing that parliamentary expertise generally indicates a relationship between parliamentary activities and meaningful political activities, and that parliamentary activities are more active when parliamentary expertise is higher[7]. Choi Bong-ki(2005) examined the factors limiting expertise and suggested ways to strengthen expertise in institutional, behavioral and environmental aspects[1]. In 'Study on the Function of Policy Advisor to Foreign Local council,' Jin Se-hyuk and Lim Byeong-hyun(2005) argued that Korea should also adopt a policy advisor system to enhance the policy competence and expertise of local councilors[8]. Chang Young-doo(2006), argues for an increase in the number of professional members and the introduction of a policy advisor system in the study of "Specialization of the Local Council Secretariat: Focusing on legislative policy support." [9]. Yu Dong-sang and Kang In-ho(2016) present the establishment of a "wide-area policy support group" as a way to improve the specialization of local parliament on the theoretical basis of wide-area cooperative governance, focusing on the establishment of a regional policy support group(tentative) based on the establishment of a wide-area cooperative governance group[10].

Preceding study argues the reinforcement of

the expertise of local parliament in order to revitalize local parliament and argues for the need to expand the number of aides along with strengthening the functions of supporting local councilors. Such arguments, however, have not been institutionalized, citing insufficient grounds for the higher law, the weakening of the soundness of local finance and the personalization of aides. Therefore, in this study, we will consider realistic measures to enhance our expertise in revitalizing local parliament.

3. Current Status of Local Council Activities

3.1. Support personnel for the regional-council

According to the data from the Ministry of Public Administration and Security, the total number of clerical staff working at local parliament is 5,758 on a quota basis as of December 2017, 1,760 of which are council members, 3,998 are on a quota basis, 1,760 are office staff at 17 metropolitan parliament and provincial parliament, and a total of 2,126 are staff members outside the quota(time elective, working-level, civil servants, etc.). The total number of non-members is 4,603, including all non-members(time-selection, working-level officials, civil servants, etc.). The number of employees per lawmaker is about 2.2, and there were six local governments with less than two members: South Chungcheong(1.98), Gangwon(1.80), North Gyeongsang(1.75), Gyeonggi(1.74), South Gyeongsang(1.65) and South Jeolla(1.45) [14].

Table 2. Current status of city, provincial, county and local government members and experts on water purification standards(2019. 4. 30).

Cities and province	Member of council fixed number				Number of staff members(B)	Per member of council number of employees(C)
	Total(A)	Local Constituencies	Proportional Representation	Member of council education		
Seoul	106	96	10	0	300	2.83
Busan	47	42	5	0	114	2.43
Daegu	30	27	3	0	85	2.83
Incheon	35	31	4	0	100	2.86

Gwangju	22	19	3	0	65	2.95
Daejeon	22	19	3	0	72	3.27
Ulsan	22	19	3	0	36	2.55
Sejong	15	13	2	0	35	2.33
Gyeonggi	128	116	12	0	223	1.74
Gangwon	44	40	4	0	79	1.80
Chungbuk	31	28	3	0	70	2.26
Chungnam	40	36	4	0	79	1.98
Jeonbuk	38	34	4	0	88	2.32
Jeonnam	58	52	6	0	84	1.45
Gyeongbuk	60	54	6	0	105	1.75
Gyeongnam	55	50	5	0	91	1.65
Jeju	41	29	7	5	114	2.78
Total	794	705	84	5	1,760	2.22

Note: 1) Per member of council number of employees(C)=B(number of staff members)/A(total)

2) member of council fixed number was elected as the 6th simultaneous local election of the a member of the metropolitan council(2014.7~2018.6), as of the end of the 12th month of 2017 for office staff fixed number: Based on data from the ministry of public administration and security(Ha Hye-young, 2018: 5 re-quotation).

3.2. Policy support organization

In the case of the establishment of a specialized policy support organization as a policy support system for local parliament, this is done around metropolitan parliament, and in the case of basic parliament, it is installed around large cities with large populations.¹ According to a survey on whether to establish a policy support organization for metropolitan parliament, 13 out of 17 metropolitan council(Seoul, Busan, Daegu, Incheon, Gwangju, Daejeon, Ulsan, Gyeonggi Province, Chungnam, Jeonnam, Geongbuk, and

Jeju) have installed legislative policy officers. In addition, three metropolitan and provincial governments -- Gwangwon, Chungbuk, and Junbuk - have separate policy support bodies in the committee's offices, while the Sejong Special Self-Governing City Parliament has a legislative policy consultation party under its parliamentary director.

The names of the legislative policymakers(officials) vary somewhat from one metropolitan organization to another, and in some areas the budget policy officers(officials) are set aside.

Table 3. Current status of city, provincial, county and local government members and experts on water purification standards (2019. 4. 30).

The essence of the city and the dojibang	Specialist		
	Total integer	Grade 4	Grade 5 or lower
Not more than 20 people	Within 6	1	1
Not more than 30 people	Within 7	6	1
Not more than 40 people	Within 9	7	2
Not more than 50 people	Within 11	7	4

¹ Examples of metropolitan areas where legislative(support) teams are set up and operated at the level of the basic assembly are as follows. In the case of the Seongnam City Council, we have four teams with a professional member under the secretary general, and we operate a legislative support team among them as a policy advisor. The Medical Affairs Bureau of the Suwon City Council has a professional committee and a parliamentary affairs officer, among the four teams under the director, the legislative team belongs to the

legislative advisory body, the council has a professional committee under the secretary general of the Yongin City Council and a parliamentary committee, and the legislative support team among the four teams under the chief of the National Assembly assists in legislation.

Not more than 60 people	Within 13	8	5
Not more than 80 people	Within 16	8	8
Not more than 100 people	Within 18	9	9
Not more than 110 people	Within 21	11	10
Not more than 120 people	Within 22	12	10
Not more than 130 people	Within 23	12	11
More than 131 people	Within 24	13	11
A city, county, and autonomous region the essence of a local assembly	Specialist		
	Total integer	Grade 5	Grade 6 or lower
7 people	Within 2	5	1
No more than 9 people	Within 2	2	
No more than 15 people	Within 3	2	1
No more than 20 people	Within 4	2	2
No more than 25 people	Within 5	3	2
No more than 30 people	Within 6	3	3
No more than 35 people	Within 7	4	3
No more than 40 people	Within 8	4	4
No more than 45 people	Within 9	5	4
No more than 50 people	Within 10	5	5
More than 51 people	Within 11	6	5

Note: Regulations on local government administration organizations and garden standards, etc. [appendix 5] <2019.4.30>.

The names of the parliamentary activities aides each region which are installing and operating a legislative policy officer(office) are as follows: Seoul(a legislative officer), Busan(a legislative policy officer), Daegu(a legislative officer), Incheon(a legislative policy officer), Gwangju(a legislative policy officer), Daejeon(a legislative officer), Ulsan(a legislative policy officer), Gyeonggi(a legislative policy officer), Chungnam(a legislative policy office), Jeonnam(policy officer), Gyeongbuk(a legislative policy officer), Gyeongnam(officer of legislative budget analysis), Jeju(a legislative policy officer). Responsible for budget-related affairs(officer), the region and support organizations with Seoul(budget Policy officer), Incheon(officer of legislative budget analysis), Gyeonggi(budget policy officer), Gyeongnam(officer of legislative budget analysis) etc. In addition, Jeonnam-do Parliaments set up and operates a budget analysis team under its policy coordinator, and in the case of Geongbu-do Parament, the Legislative Policy Officer in-

cludes Yes, Settlement and Financial Policy Investigation and Analysis[14].

4. Method for Strengthening the Expertise of Member of Local Council

4.1. Establishment of local council research institute

The purpose of the establishment of a local council institute to strengthen the professionalism of member of local council can be reviewed in two respects. First, the support system is expanded. The parliamentary training and professional committee system alone is not enough. Therefore, the establishment of a local council research institute to seek various realistic support measures is thought to contribute to the enhancement of expertise. Second, the confirmation of the effectiveness of parliamentary activities exist. The National Assembly Legislation Research Service, which supports lawmakers' parliamentary activities, has played a certain role in

supporting lawmakers' expertise. Therefore, the establishment of a local council institute to consider these points is thought to contribute a certain amount to securing the expertise of local council

4.1.1. Establishment method

Realistically, it is to establish a "local council institute" as a way to strengthen the expertise of local member of parliamentary that is feasible given the constraints of various laws, difficulties in securing finances, and difficulties in regional social consensus. This means that such as local research institutes(such as Daegu and Chungnam and Ulsan Power Research Institute)of local governments will come up with certain funds and support policies and information required by local council. The purpose of establishment is to provide policy survey, providing research and related information, education, etc. necessary to enhance the expertise of local council, the final voting body, in solving problems faced by local governments.

The advantages of this form of support for parliamentary activities are, first, to some extent, overcome existing legal constraints. Second, it can reduce the burden on financial support held by local governments. Third, effective policy response to regional problems facing each local government is possible. Fourth, in the long term, if expertise in local council is improved, confidence in local parliament will be improved, allowing competent local councilors to enter local council. Fifth, efficiency can be secured in strengthening the professionalism of local council.

First, the downside is that the preference of local council may be lower than that of private support. Second, there is a possibility of working a particular local councilor's favoritism, and that there is a possibility of more work being done at a certain time, and Third, it may be difficult to expect individual professional support due to the nature of the joint support.

4.1.2. Operating method

The functions of the local council institute include policy advice and policy development, budget, education(local councilors, office staff, etc.) and research(relevant research on local parliament), analysis and application of laws and ordinances, and analysis and response of local community issues. In particular, the government will strengthen policy support for administrative affairs audit and budget review, a control function that monitors and supervises the legislative and executive functions of enacting and abolishing ordinances during parliamentary activities in parliament.

The organizational configuration consists of research, research and the Office of Planning & Coordination, the Advisory Committee on the local council. Detail department includes policy development labs, the legal labs, local finance research labs, local society survey labs, the training center that they are responsible for the overall information provision, education training, investigation of regional issues.

As a method of operation, income will be contributions, interest income, entrusted services, and carry-over funds, but at the beginning, funds will emerge and operate on interest income. Based on financial strength, it operates with subsidies from local governments.

Staff selection is selected as a professional contract job with certain professional qualification criteria. The right of appointment should be decided by the local parliament institute board of directors. The number of professionals is determined based on the number of local governments, the number of people, the financial strength, and the number of local council members. The principle of selection of human resources should be to first select human resources within the region so that the development of the region can be promoted. In addition, the internship program should be used to ensure that talent from local universities can participate actively in the research institute.

5. Conclusion

This study was intended to examine preceding study and explore feasible development measures to enhance the expertise of local parliament. Under the current structure of Korea's institutional form, it is difficult to monitor and identify strong local government heads(the executive branch), and there is a limit to strengthening the expertise of local parliament with the limitations(qualification system, election method, etc.) that local council members have. Pre-requisite studies show that the pay of lawmakers, the number of local council members, and the number of local council support staff members are influencing the decision, but the most effective measure is to increase the number of local council members(policy support) to enhance their expertise.

The preceding study suggests establishing and assisting independent organizations under the chairmanship at an organizational level, expanding the specialized offices of each standing committee to provide joint support, utilizing intern assistants at a personal level, and utilizing personal supply and demand advisors for each member. But these discussions are difficult to realize without improving the current laws and systems. Therefore, considering the fact that it is difficult to strengthen the expertise of local parliament as an existing alternative, I would suggest a plan to establish a local council institute that can be a viable alternative. The local council institute is also believed to be in line with the discussion of cooperative governance as part of its wide-area administration. Considering the cases of the local institute and the Korea Institute of Local Administration in the establishment of the institute, it would not be a problem to jointly set up a research institute under the current law and system. In addition, the establishment of such a joint research institute is deemed to be a realistic way to enhance the expertise of local parliament by supplementing the limitations of current legal and institutional aspects, reducing the financial burden of local governments, and facilitating the

development of agreements between local residents and politicians.

This common support for local parliament may be more effective than securing individual expertise, given that regional issues can be considered from a macro perspective(wide) and a microcosm(basic) perspective, and both the similarities and differences the region has. It can also better understand regional issues by utilizing local talent and effectively respond to problems in the community by consolidating networks of local universities, civic groups and local experts. In addition, if the final voting body, the local council, receives more diverse and specialized policy support and information to resolve the complex and diverse problems in the region, the local council will make more reasonable decisions. Realizable realistic measures should be sought to strengthen the expertise of local parliament, considering that such a decision could eventually have a positive impact on the quality of life for local residents. From a longer-term perspective, the authority and functions of local parliament should be strengthened to faithfully perform the functions of local parliament by easing regulations on the selection of employees of local office offices, delegating appointment rights, and introducing personal and intern assistants.

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A Study on the Requirements for Establishing Tort of Defamation for the PROTECTION of Personal Rights - Compared Mainly to Japanese Law

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Abstract

In order for defamation to be established, the abuser must be intentional or negligent, and in Article 709 of the Japanese Civil Code, the infringement of rights is required to establish tort. In principle, there is no problem in this respect from the standpoint of personality rights. Because illegality is required in the establishment of illegal acts, and acts that infringe on the right to personality are illegal in principle, so defamation is established unless there is a reason for illegality.

It is explained that nominal damages are not recognized in Japan under the English-American Law, but recent cases have been recognized in the field of privacy rights to recognize nominal damages.

The problem is that in Japan, the infringement of the honorary personality of the deceased in relation to the legal interests of the defamation charges in Japan is a direct protection theory. It is classified and explained. Direct protection theory thinks that indirect protection is insufficient, and actively discusses the possibility of recognizing the personality of the person as its own legal interest. That is to say, even a messenger must possess personal value and claim that the infringement of that value must be protected by law.

The Korean Civil Law is generally regarded as extinguished due to the loss of the subject due to the provisions of Article 3 and the nature of the right of personality, which is a perpetual right. However, if the copyright law and the criminal law provide for the protection of the personal right of the person, and if it is impossible to prohibit the acts such as defaming the honor of the person, the human rights and dignity of the constitutional law cannot be guaranteed. In addition, today's rapid development of mass media often damages the copyright or honor of the victim, and the practical necessity to recognize the personality is also recognized.

[Keywords] Protection of the Personal Rights, The Defamation, Tort, Social Evaluation, Public Interest

1. Intro

Honors have long been important to the protection of the law so that it is no exaggeration to say that infringement of the right of personality is defamation. The judicial system of the Republic of Korea says that honor is "social evaluation, that is, the objective evaluation that society gives to people"[1]. In order to be defamatory, one must objectively be disgusted or disdainful, or otherwise defamatory may not be considered defamatory[2]. Therefore, it is judged individually

considering the status and occupation of the victim. Defamation is the act of lowering this reputation, that is, the social evaluation of a person[3].

In our legal system, defamation provisions play a very important role in protecting the rights of individuals. On the one hand, it is necessary to have a clearer understanding of the important parts of our law in order to protect the honor of the individual and not impair the freedom of speech on the other. Therefore, in the following, we will consider

and examine the types of defamatory parties, the aspects of defamation, and the requirements for establishing torts based on defamation, focusing on Japanese legal system similar to our legal system.

2. A Party to Defamation

2.1. The natural person

There are no current civil code provisions for subjects of general personality rights, but in principle only natural persons. Anyone who is a natural person can be a victim of defamation because he has dignity as a human being and has a certain social evaluation through social activities. A suit regarding defamation is a matter of victim's individuality and cannot be filed on the basis of another person's defamation, but if defamation of a person affects another person's social evaluation, it may be brought on its own right[4].

2.2. The corporation and unincorporated association

A division or foundation capable of forming a corporate and a unified mind also has a reputation and social status in the area of transactions in which he operates, so slandering his sincerity, credit, ability and other corporate character can be libelous. This is the case with unions or non-rights-capable divisions, where defamation is established and an appeal for an apology is recognized for acts that undermine the social evaluation.

2.3. A deceased person

The deceased may not be the subject of damages resulting from defamation due to loss of character[5], but it may be necessary to protect the interests of the stakeholders by respecting the existing order of identity or economy formed around the deceased. It also recognizes the personal rights of those killed by the Supreme Court and academic theories[6].

There is a precedent that a playwright's right to become famous throughout the country through verbal expressions such as his words and voice continues after his death, and that such a right also includes the right to

oppose the use of this artistic trait for advertising purposes with the help of a meteor imitator[7].

However, Article 308 of the Criminal Law punishes the defaming of the deceased[8], and the nation's conventional wisdom regards the protection of the libel law of the deceased as the honor of the deceased in itself, and it is questionable whether it will recognize the defaming of the deceased as an illegal act, even for civil purposes. As stated in Article 308 of the Criminal Law concerning the defamation of the dead, Article 3 of the Civil Act stipulated that "one becomes the subject of rights and duties while alive." With the special provision in section 762 of the Civil Act that the fetus, which is rarely seen as a person "while alive, is "the position of the fetus in the right to claim damages," the ministry considered that the fetus was already born regarding the right to claim damages. However, there is a view that it is impossible under civil law to recognize the right to claim damages due to defamation, contrary to Article 3 of the Civil Law[9]. In response, the Supreme Court ruled that "by reporting articles that contain facts that do not conform to the truth, we defamed the deceased by violating the social evaluation of the deceased and the social evaluation of the deceased's bereaved family, the honor of the deceased, and the remembrance of the deceased, with the purpose of damaging the honor of the deceased and defamation[10].

In Japan, references to the deceased in historical research and history literature are impossible without speculation, and in view of the importance of freedom of thought and expression, we can find cases such as imposing falsehood requirements or prioritizing consideration of freedom of expression as a requirement for defamation of the bereaved family[11].

3. Requirements for Establishment of Tort Due to Defamation

In order for victims of defamation to claim damages, it is necessary for the perpetrators

to meet the general requirements for the establishment of illegal acts(Article 750 of the Civil Act).

3.1. Intentional or negligent

As a principle for defamation to be established, the perpetrator must be intentional or culpable. Intentional is a state of mind that dares to act knowing that certain outcomes occur, and the concept of negligence refers to cases in which a person violates a duty of caution, even though they must prevent the occurrence of certain outcomes. Some say that media companies should be held accountable for their negligence[12], but only a small minority. This would be resolved by increasing the obligation of the entity to pay. On the other hand, according to the New York Times case, in order to secure freedom, there is a theory that defamation does not take place without a 'pure of reality'. Although generally denied, it is worth considering in advance or post-regulation of public figures.

In our case, there was a case in which the broadcaster believed the contents of the broadcast were sincere and for a considerable reason that it was not responsible for the illegal activities because there were no intentional or culpable reasons in the nonfiction drama of Baekbeom Kim Koo's assassination[13]. As such, the case is viewed as intentional or false if there is any "reasonable reason" for the reason of the violation, which indicates that the case is based on a single view of illegality and culpability as a requirement for illegal activities[14].

3.2. Infringement and illegality

According to Article 709 of the Japanese Civil Act, there is a need for something 'infringement of rights' to establish illegal activities. There is no problem in principle in this regard in terms of recognition of personal rights. In principle, infringement of personal rights is illegal even if illegality is necessary for the establishment of illegal acts, and defamation is established unless there is a reason for the breach.

What matters in reality in the relationship between libel and illegality is when the illegality is carved out. Illegality is a negative value judgment reflected in the entire legal order, and in judging illegality, the principle of the so-called 'consequential anti-value' theory should be based on the principle of profit taking into account the theory of counter-value.

Therefore, any libel action is judged by the logic that it is carved. Therefore, the burden of proof of illegality lies with the one who breaks the presumption. In other words, if the profits sought by expression are not superior to the profits infringed upon by it, illegality will be recognized as it is, and vice versa[15].

3.2.1. Victim's approval

In principle, illegality is carved if there is a victim's consent regarding the general nature of infringement, not limited to defamation. In some cases, even though the victim's consent is the victim's consent, it does not constitute a breach of law.

3.2.2. Legal defense

According to the Law on Self-Defense under the Criminal Law, illegality will be carved if even illegal acts under the Civil Act meet the requirements of self-defense(Article 761 of the Civil Act). An example is the case in which a person's libelous remarks and actions are defamed as a result of a counterattack to protect his or her body. Although the German criminal code retains the slogan of self-righteousness as the reason for the crime of libel, it can be said that the idea of self-defense was embodied in the field of libel. The reading case, which recognized the fragmentation of illegality by self-defense or advocacy of self-interest in libel law, is a precedent of Japan's highest court in 1964[16]. Although there was a dispute over the establishment of libel in exchanging opinions between academic societies, the highest court stated that "even if we are forced to speak and speak of undermining others' reputation and credibility in order to defend their legitimate inter-

ests, such conduct is not illegal unless we exceed the accepted limits of how and what the other person has said.”

3.3. The occurrence of damage

It takes someone's loss to establish an illegal act. Article 751 of the Civil Code of Korea recognizes alimony for psychological damage in addition to property infringement in case of infringement of personal rights. Therefore, it is necessary to prove that there is a property infringement on the property damage, and that the claim for the mental damages is necessary. On the other hand, there is a question of whether damages are necessary as a requirement for the restoration of honor, and since the restoration of honor is subject to the establishment of illegal activities, it is necessary for the occurrence of damages to be recognized as responsibility for illegal activities. However, the damage in this case will not be a big problem in practice because it is sufficient for the mental damage[17].

Meanwhile, although the Anglo-American law explains that damages for nominal purposes are not recognized in Japan, recent cases have emerged that recognize damages for nominal purposes in the area of privacy rights. Although Germany and others have been passive in acknowledging alimony for the infringement of personal rights and for the compensation of property damage, there is no problem in Japan in that regard. However, the mental distress should be a loss to be saved by law with alimony.

3.4. Causality

For the establishment of illegal activities, there must be a causal relationship between libelous rhetoric and damages. Japan's court also ruled that "in the event of defaming the mother by pointing out the falsehood of the plaintiffs' mother, the defamation of the plaintiffs, their children, must exist in order for the defamation to take place, such as revealing that they are related to their parents and children other than will or negligence, and thus cannot be held liable for defamation of the plaintiffs unless they are named directly." It is especially problematic as to how far the police should shift their responsibility

in the event that a false announcement by the police authorities is reported in the newspapers and damages have been incurred or expanded by it. In addition, in the latest case, the company's executive officer imposed a large amount of damages for providing information and publishing materials in cases where articles defaming the company were posted as a result of providing confidential information to weekly reporters.

4. Outro

I considered defamation while comparing it with Japanese law. In Japan's view of recognizing human rights, the violation of human rights, saying that illegality is necessary for the establishment of illegal activities, is illegal in principle, and defamation is established unless there is a reason for a breach of illegality.

Furthermore, the statement classifies the identity of the deceased's personality as indirect protection if the deceased's honor violates the law of defamation or the law, and the bereaved's sense of reverence for the deceased. The theory of direct protection is deemed insufficient by indirect protection, and actively discusses the possibility of recognizing the personal rights of the deceased as the inherent interests of the deceased. In other words, they argue that even if they are dead, they have personality values and that infringement of their values must be protected by law.

It is common to assume that our civil law is extinguished by the loss of the subject due to the provisions of Article 3 and the nature of the right of one's personal rights. However, the Copyright Act or criminal law has provisions to protect the personal rights of the deceased and cannot guarantee the basic constitutional right of human dignity and value if it cannot prohibit acts such as defaming the deceased. Moreover, the copyright and reputation of the deceased are often damaged by the rapid development of mass media today, and the realistic need to recognize the person's personal rights is also recognized, so I think the conventional view of recognizing

the person's rights to the person who died is reasonable.

An act that infringes on another's reputation, even if it takes up criminal matters, will cause too much pain and property damage to the individuals and families of the person being acted upon. It is also creating evils such as the hot-tempered case of a well-known actress, who is so deadly that she can't get out of the misery of her entire life, and, by extension, even to her own death. Especially in the case of celebrities and public figures, the damage will be even more severe because an unspecified number of people may see and hear.

Therefore, in the event of defamation, it is necessary to ensure a complete restoration of honor with judicial action in parallel with the legal remedy.

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