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Juvenile Delinquency in Korea

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Introduction

As juveniles are often called a beam and a pillar upon whose shoulders the future national destiny depends, sound education of juveniles is vital to the attainment of the nation's prosperity and strength. It derives from the recognition of this fact that all nations spare a substantial portion of public funds and efforts for the sound education and proper raising of juveniles.

However, juvenile delinquency has recently increased in an alarming number and become more vicious in quality and thus become a grave social problem throughout the world. The followings have been often cited as the characteristics of juvenile delinquency of today: increase of crimes committed by groups, use of violence, increase of younger delinquents, increasing sexual crimes, delinquent behaviors without understandable motives, and increase of juvenile delinquents coming from middle and upper-class families. Some of these characteristics are also discernible in Korea.

In this paper, I would like to report major characteristics of juvenile delinquency in Korea, with statistical data wherever appropriate.

Concept of Juvenile Delinquency and Disposition of Juvenile Cases

The Korean Juvenile Act sets forth three categories of juvenile delinquents, namely, criminal juveniles, law violating minors, delinquency-prone juveniles.

A criminal juvenile is one not less than the age of 14 and under 20 who has committed crimes and is criminally responsible. A law violating minor is one not less than the age of 12 and under

14 who has committed acts in contravention of criminal laws and yet is not criminally responsible. A delinquency-prone juvenile is one not less than the age of 12 and under 20 who falls in one of the following and is believed to have propensity to commit acts in contravention of criminal laws, judging from his character and environments:

(a) a juvenile who has a habit of disobeying the just supervision of his guardian;

(b) a juvenile who stays away from home without proper reason; or

(c) a juvenile who associates with a person of criminal or immoral nature, or has a habit of impairing his own or other's morality.

A criminal juvenile may be handled either as a criminal case in accordance with the Code of Criminal Procedure, or as a protective case under the Juvenile Act. To wit, he may be referred by the public prosecutor to the juvenile department of a district court or a family court (hereinafter referred to as the juvenile court) when it is deemed that a protective measure is more suitable than a criminal sanction. Law violating minors and delinquency-prone juveniles shall be directly referred to the juvenile court by the police. The juvenile court judge may dismiss the case when he finds it unnecessary to conduct hearing after reviewing the nature of the case and the report by a juvenile court investigator. Upon hearing, when the judge finds it unnecessary to take a protective measure, he makes a decision of nondisposition. When he finds otherwise, he shall take one of the following measures:

(1) to place the juvenile under the care and custody of his guardian or other appropriate person;

(2) to place the juvenile under the care and custody of a temple, church or other organization concerned with protecting juveniles;

(3) to commit the juvenile to a

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Table 1: Disposition of Cases by Juvenile Courts

Year	1968	1969	1970	1971	1972	1973	1974	1975	1976
DISPOSED									
Protective Disposition									
Entrust to guardian	12,628	12,339	15,426	13,955	13,677	14,192	15,496	14,760	15,627
Entrust to temple, church	188	291	450	458	629	393	95	224	181
Entrust to hospital	2	-	2	1	2	2	-	4	-
Transfer to refor- matory	-	-	-	-	-	-	-	-	-
Transfer to juvenile training school	2,947	3,054	3,355	3,281	5,106	3,228	2,494	2,967	3,561
Observation and report	3,026	3,306	3,127	2,895	2,180	1,648	372	202	1,799
Subtotal	18,791	18,990	22,360	20,590	21,593	19,463	18,457	18,157	21,168
Nondisposition-Released									
Without Disposition	1,662	1,783	1,496	1,405	1,154	636	596	397	309
Dismissal Without									
Hearing	5,994	6,029	5,625	6,397	4,722	4,477	3,011	3,136	3,040
Transfer to Other Ju- venile Courts	33	23	2	-	2	-	-	-	7
Transfer to Prosecutors' Office	15	50	183	70	107	45	40	70	50
Others	-	1	25	4	-	-	-	82	1
Subtotal	26,495	26,876	29,691	28,466	27,578	24,621	22,104	21,842	24,575
PENDING	3,573	4,830	7,059	6,498	6,352	5,352	4,424	4,987	3,687
TOTAL	30,068	31,706	36,750	34,964	33,930	29,973	26,528	26,829	28,262
APPEAL	57	68	53	9	40	27	19	71	118

Table 2-1: Juvenile Criminals by Types of Crimes

Type of Crime	Year									
	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
Larceny	16,527	16,527	15,332	15,459	14,970	20,854	21,043	20,273	21,856	29,572
Fraud	431	242	428	521	367	529	514	518	568	701
Acquiring stolen property	819	830	766	788	761	1,102	965	1,000	1,065	1,316
Violation of forest law	682	769	502	650	507	567	502	342	397	562
Violation of law on punishment for violent acts, etc.	6,836	8,874	11,379	16,057	14,726	18,407	16,139	16,998	26,443	32,394
Violence	2,298	1,836	1,204	1,113	809	816	752	668	802	874
Violence inflicting bodily injury	1,254	1,193	904	978	799	789	823	806	972	1,190
Extortion	563	448	303	270	258	181	161	146	194	195
Murder	42	59	67	58	94	83	71	58	81	60
Arson	36	44	31	44	31	40	31	38	55	46
Rape	382	524	450	614	676	864	823	800	1,100	1,397
Robbery	438	537	428	518	529	603	459	704	1,037	982
Others	3,728	4,174	4,952	5,933	6,089	7,112	6,984	5,756	7,583	10,641
Total	33,958	35,954	36,648	42,901	40,491	51,824	49,165	48,011	62,007	79,824

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hospital or sanatorium;

(4) to commit the juvenile to a reformatory;

(5) to commit the juvenile to a juvenile training school; or

(6) to place the juvenile under probation.

As shown in Table 1, the disposition of measure (1) is most frequently used and next comes measure (5), while measure (4) has not been used in practice.

Besides the three categories of juvenile delinquents, misbehaving juveniles occupy a unique position in the treatment of juvenile deviants, especially in connection with police activities oriented to guidance services. A misbehaving juvenile is defined as one under the age of 20 who shows bad behaviors such as drinking alcohol, smoking cigarettes, having lethal weapons, fighting, flirting a female, entering undesirable show-places, having bad friends or joining a bad group, associating with impure opposite sex, singing in loud voice, pissing on street, having long hair, and violation of curfew. Some of those behaviors may constitute criminal offenses. For example, the possession of lethal weapons violates the Minor Offense Punishment Act. However, when the statutory sanction for the offense is limited to fine, detention or minor fine, the police have discretion to treat the violator as a misbehaving juvenile, and either send him to summary trial or do not file a criminal charge against him, depending upon the circumstances of cases. When a misbehaving juvenile is committed to summary trial, the circuit judge will be in charge of the case. If the judge, after hearing the case, deems it unsuitable to close the case by means of summary judgement, he shall order the chief of a police station to transfer the case to the prosecutors' office. Under the procedure of summary trial, the judge can sentence the defendant to fine not exceeding 20,000 won (equivalent to 40 U.S. dollars), detention or minor fine.

Current Situations of Criminal Juveniles

From the statistical analysis of those criminal juveniles who are disposed of by

public prosecutors, some characteristic aspects of juvenile delinquency in Korea are presented in the following.

1. Types of Crime

As shown in Table 2-1, larceny ranks the top of juvenile crimes and, if combined with violent acts, assumes the major portion of juvenile crimes in Korea, which amounts to 80 percent. Although this phenomenon seems incompatible with the fact that Korea has achieved a rapid economic growth in the past 15 years with the per capita GNP of 1,000 dollars target being at hand within a matter of two years and that the traditional poverty has already vanished from urban as well as rural areas, the increase of larceny committed by juveniles is marked. No matter how fast an economy may grow, it falls short of satisfying limitless human desires. It is evident that a great number of larceny are committed for the purpose of making money for personal pleasure in recent years. It is also not rare that juveniles commit larceny just to enjoy the thrill of stealing.

Violent crimes by juveniles, especially violations of the Law Concerning Punishment for Violent Acts, are also increasing at an extremely high rate. While murder and arson have decreased, robbery and rape have increased remarkably of late. The reason for the increase in robbery is identical with that for violent crimes and larceny.

2. Group Crime (Complicity)

Criminal juveniles, when compared to adult criminals, show a strong tendency to commit offenses in a group. The ratio of complicity in juvenile crimes is 33.4%, while 21% in adult crime. The reason may be that juveniles tend to join in a group and try to solve their dissatisfaction by means of using power of a group.

3. Distinction by Sex, Age, Degree of Education, Level of Living Standard, Home and Vocation

Crimes of girls are far less than those of boys, the ratio being only one to ten. As shown in Table 2-2, consider-

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Table 2-2: Criminal Juveniles by Age

Year	Under							Total
	14	14	15	16	17	18	19	
1972	2,061	2,297	4,627	7,141	10,572	11,903	13,223	51,824
1973	1,817	2,388	4,432	6,967	9,360	11,936	12,265	49,164
1974	1,579	2,205	4,180	6,644	9,106	11,088	13,209	48,011
1975	1,740	2,779	5,164	8,242	11,900	14,934	17,248	62,007
1976	2,555	3,174	7,053	11,084	15,207	18,782	21,969	79,824

ing the range of age in connection with juvenile crimes about half of criminal juveniles belong to the age group between 18 and 19 years. A marked increase of criminal juveniles in lower age groups as seen in Japan has not yet been observed in Korea.

More than 40% of criminals have finished or left only primary school. However, the ratio of those with higher educational backgrounds is increasing year by year, since more children enrol in middle and high schools.

The majority of criminal juveniles

come from lower-class families, as shown in Table 2-3. This graphically shows the extent to which economic conditions affect the incidence of crime.

The fact that the majority of criminal juveniles have no deficiency in their homes, as shown in Table 2-4, may suggest that home has become unable to perform the function of preventing and controlling juvenile crimes. It is noted that parents let children live in distant places for education or they are away from home for long to work. Under such circumstances, they cannot provide suitable home atmosphere for juveniles.

As shown in Table 2-5, the vocational status of criminal juveniles varies greatly, but the most prevalent are those unemployed, followed by students, and the majority of those employed engage in unskilled labor.

4. Distinction by Cause

Table 2-6 shows motives or causes of juvenile crimes, among which avarice for riches is observed most prevalent, followed by grudge and anger and incidental commission of crimes.

Table 2-3: Criminal Juveniles by Level of Living Standard

Year	Lower	Middle	Higher
	Class	Class	Class
1972	47,822	3,812	190
1973	45,849	3,124	192
1974	44,839	2,993	179
1975	57,342	4,390	275
1976	73,777	5,727	320

Table 2-4: Criminal Juveniles by Home

Year	Unmarried				Married
	Having Parents	Father Only	Mother Only	No Parents	
1972	39,708	1,620	6,361	3,059	1,070
1973	37,097	1,521	6,634	2,711	1,202
1974	36,106	1,572	6,725	2,545	1,063
1975	47,119	2,232	8,864	2,776	1,016
1976	62,584	3,615	9,103	2,849	1,673

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Table 2-5: Criminal Juveniles by Vocation

Vocation	Year				
	1972	1973	1974	1975	1976
Student	6,497	6,349	6,668	9,978	13,338
Agriculture	4,575	4,200	3,763	5,846	7,247
Laborer	2,200	2,114	2,318	2,998	3,676
Clerk (shop)	480	419	424	509	609
Employee (restaurant)	2,114	2,455	2,366	3,215	4,170
Employee (service trade)	915	994	965	1,296	1,481
Employee (home work)	248	260	243	220	254
Employee (state organ, bank)	156	181	248	334	492
Factory worker	3,149	3,571	3,672	4,723	7,145
Employee (trans- portation)	1,872	1,473	1,138	1,473	1,551
Travelling salesman	31	22	25	37	40
Bill collector	6	5	7	6	7
Peddler and stall-keeper	930	776	724	1,039	1,285
Rag man and shoeshine boy	978	1,003	974	913	1,033
No job	23,700	21,563	20,852	25,096	30,918
Others	3,973	3,780	3,624	4,324	6,578
Total	51,824	49,165	48,011	62,007	79,824

5. Distribution by Region

It is quite natural that juvenile crimes occur most frequently in big cities like Seoul, Pusan, and Taegu. In big cities, there are many temptations for crime, and it is easy to find a place to hide, escape and conceal as well as dispose of stolen property.

6. Distinction by Criminal Record

Table 2-7 shows that criminal juveniles with previous records are relatively few in comparison with some other countries. But the increasing number of those who have experienced imprisonment may indicate ineffectiveness in corrective

administration.

7. Disposition of Cases

The most prevalent types of disposition made by public prosecutors are criminal prosecution, transfer to the family courts and suspension of prosecution as shown in Table 2-8.

Current Situations of Misbehaving Juveniles

The number of misbehaving juveniles during the past nine years from 1968 to 1976 appears in Table 3. The figure in 1968 was 223,350 persons against 194,-

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Table 2-6: Criminal Juveniles by Cause

Cause	Year				
	1972	1973	1974	1975	1976
Greed	14,001	13,996	13,871	14,885	17,423
Speculative spirit	575	534	622	1,023	1,134
Grudge and anger	3,673	2,735	2,497	4,834	5,045
Problem of home	219	147	156	184	212
Incidental	4,291	5,370	5,093	7,549	8,980
Alcoholism	31	19	30	43	85
Others	29,034	26,364	25,742	33,489	46,945
Total	51,824	49,165	48,011	62,007	79,824

Table 2-7: Criminal Juveniles by Previous Records

	Year				
	1972	1973	1974	1975	1976
FIRST OFFENSE	48,820	45,825	44,472	57,533	73,607
SECOND OFFENSE (Contents of previous records)					
Summary conviction	-	-	15	-	-
Suspension of prosecution	1	-	14	3	2
Transfer to juvenile court	22	15	43	16	1,310
Suspension of imposition of sentence	46	37	25	24	34
Suspension of execution of sentence	195	198	231	240	300
Being out on bail (stay of execution)	18	9	6	12	15
Being on parole (temporary release)	13	14	13	27	29
Finished execution of sentence	2,456	2,957	3,153	4,139	4,484
Others	253	110	39	13	43
Subtotal	3,004	3,340	3,539	4,474	6,217
TOTAL	51,824	49,165	48,011	62,007	79,824

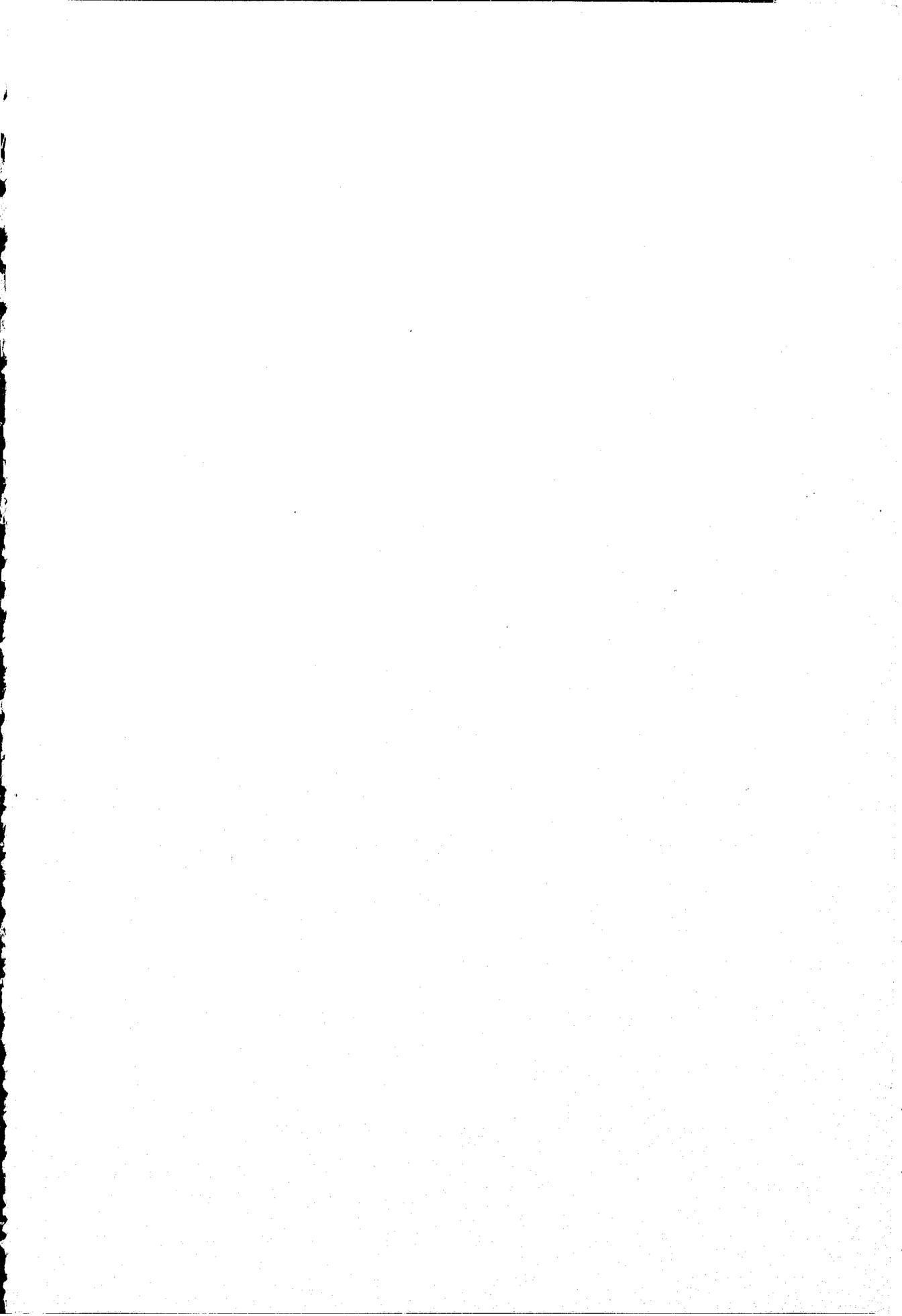


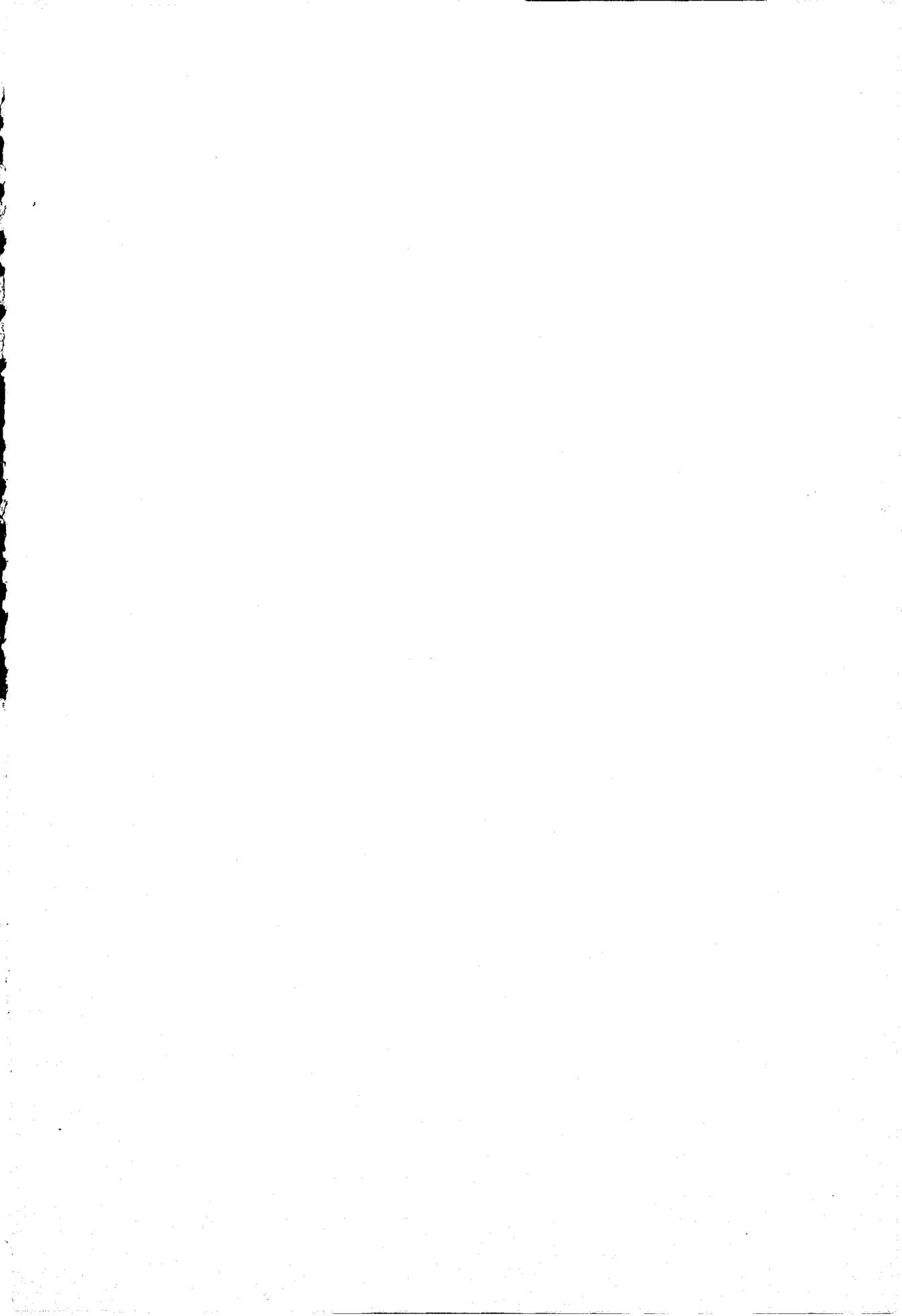
Table 2-8: Disposition of Criminal Juveniles

Division	Year									
	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
PROSECUTED										
Indictment										
Restraint	6,733	6,081	7,663	11,768	14,110	18,960	18,748	15,927	20,161	18,269
Unrestraint	1,398	1,617	2,538	4,199	3,678	2,434	2,308	2,123	1,641	1,784
Summary proceeding	1,408	2,083	2,577	3,933	5,007	5,884	6,194	5,853	8,639	8,919
Subtotal	9,539	9,781	12,778	19,900	22,795	27,278	27,250	23,903	30,441	28,972
TRANSFER TO JUVENILE COURTS										
	12,237	17,612	17,591	16,057	10,944	13,014	10,269	10,103	10,654	12,287
NOT PROSECUTED										
Suspension of prosecution	5,845	2,339	1,867	1,821	1,783	4,397	5,339	8,243	13,955	24,939
Found unsuspecting	1,706	1,605	1,441	2,014	2,220	3,092	2,767	2,552	3,125	3,625
Stop of procedure of public action	1,277	897	608	700	843	930	665	634	783	5,922
Not punishable crime	2,237	2,206	1,340	1,309	1,096	1,792	1,599	1,335	1,497	2,146
Nonexistence of public prosecuting right	1,005	886	981	1,018	692	1,192	1,237	1,169	1,485	1,887
Subtotal	12,070	7,933	6,237	6,862	6,634	11,403	11,607	13,933	20,845	38,519
Total	33,846	35,326	36,606	42,819	40,373	51,695	49,126	47,939	61,940	79,778

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Table 3: Misbehaving Juveniles by Types and Disposition

Year	1968	1969	1970	1971	1972	1973	1974	1975	1976
<u>TYPES OF MISBEHAVIOR</u>									
Drinking	31,785	38,176	32,588	35,167	37,032	39,130	39,184	40,259	42,468
Smoking	30,572	33,800	28,266	27,328	28,343	27,945	26,337	25,718	28,839
Entering theater	45,417	52,855	52,125	37,092	32,288	25,033	20,920	15,536	8,867
Associating with bad juveniles	13,139	16,148	13,874	11,589	12,006	14,253	11,704	12,674	12,312
Flirting a female	11,821	12,465	10,379	9,688	10,478	10,445	9,703	10,607	8,894
Associating with impure opposite sex	8,365	8,528	8,859	7,849	7,262	8,353	6,976	7,662	8,538
Joining in a bad group	2,044	2,066	2,336	1,672	1,343	1,831	1,244	1,257	1,070
Having lethal weapons	1,918	1,882	2,175	1,307	1,734	1,562	1,130	1,242	810
Others (including long hair)	78,289	41,111	46,600	44,677	52,024	65,973	61,354	62,801	82,269
<u>DISPOSITION</u>									
Transfer for summary conviction	14,666	18,122	22,302	24,336	33,998	46,278	34,638	43,960	49,659
Notice to school	10,852	10,290	14,585	11,211	14,032	12,036	6,777	7,081	9,651
Notice to home	27,590	28,641	30,682	26,118	27,472	27,865	21,821	24,818	35,837
Freed upon warning	163,546	143,882	113,676	109,023	100,432	100,504	103,687	95,250	94,161
Others	6,696	6,096	6,063	5,681	6,576	7,842	11,629	6,547	4,759
Total	223,350	207,031	187,308	176,369	182,510	194,525	178,552	177,656	194,067



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067 persons in 1976. A general trend of decrease with minor fluctuations may be noted. But the statistical data are closely interrelated with the control policy of the police. Therefore, it is premature to infer that the number of misbehaving juveniles is decreasing.

Among various types of misbehaviors by juveniles, drinking alcohol is the most prevalent and smoking cigarettes follows. While the incidence of smoking cigarettes remains unchanged, that of drinking alcohol has increased gradually. Drinking or smoking itself is not a criminal act nor may be characterized as a morally blamable behavior. The rationale for prohibiting juveniles to drink is based on the fact that young people often lose self-restraint through intoxication. It is hard to say that cigarette has similar effects as alcohol. However, if one starts smoking at his early age, his health may be hurt and he may suffer from lack of pocket money. These conditions could be crime-causing factors. It is needless to say that other types of mis-

behaviors are closely related to juvenile delinquency.

Most of misbehaving juveniles are freed upon warning or notice to school or home. However, it is to be noted that the rate of cases being transferred for summary trial is increasing.

Relationship Between Juvenile Delinquency and Corrupt Tendency

The corrupt tendency manifests itself in irresponsible behaviors which degrade or dilute the traditional good mores and customs unique in Korea. Traditionally, Korea has professed herself to be the politest country of the Orient and Confucianism has dominated over social life. There are three general principles and five moral rules in human relations under the practical teaching of Confucianism which form the basis of good mores and manners. The three general principles are propriety between parent and child, the King and subjects, and husband and wife.

Table 4: Types and Disposition of Corrupt Conducts Cases
(Adults and Juveniles)

Year	1974	1975	1976
TYPES OF CONDUCTS			
Lewd action	302	340	1,189
Distribution of obscene materials	72	45	1,284
Action of prostitute	17,865	2,501	16,051
Illegal admittance of minor	44	1,394	2,951
Drunken disturbance	894	17,763	174,885
Long hair	120,343	151,158	1,120,712
Others	32,642	31,808	584,667
DISPOSITION OF CASES			
Transfer to prosecutors' office	81	2,945	38,514
Transfer for summary conviction	13,427	28,309	621,802
Freed upon warning	158,654	173,755	1,241,423
Total	172,162	205,009	1,901,739

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The five moral rules are love between parent and child, justice between the King and subjects, distinction between husband and wife, order between the aged and the younger, and fidelity between friends. Particularly, order between the aged and the younger means that the aged are to be treated courteously and respectfully. Due to the influence of Confucianism, the Koreans regard justice highly over utility, noble personality over material well-being, and chastity over life itself.

The tendency of despising of utility or material well-being may have been a factor hindering industrial development, and the attitude of looking down the younger was a factor oppressing creative minds of the nation. It is true that the transfusion of the Western culture and civilization has certainly been beneficial to the up-grading of living standard. At the same time, however, it has broken the order of morals between the aged and the younger and male and female. It has created sexual disorderliness, promoted mammonism (almighty-dollar principle) and craving for luxurious living. Those unsavory trends strongly affect juveniles who are apt to imitate without deep consideration and lead them to corrupt and delinquent conducts. The corrupt tendency may break the sense of solidarity and unity among the people, and eventually may cause damage to the harmonious union and security of the nation. This is why spread of corrupt tendency has been considered as one of the serious social problems in need of special attention by the police and public prosecutors.

Corrupt conducts may include any misbehavior which is inimical to the maintenance of moral standards in Korean society. But only the conducts in violation of criminal laws are dealt with by public prosecutors or the police as corrupt behaviors. While the types of offenses considered as corrupt conducts differ slightly between the police and public prosecutors, they basically include offenses relating to indecent conducts in public, distribution of obscene materials, prostitution, maltreatment of minors, illegal admittance of juveniles to night clubs and other places of entertainment, gambling, violent behavior and other

minor offenses such as wearing long hair.

As shown in Table 4, the most prevalent pattern of corrupt conducts is wearing long hair, followed by action of prostitutes and drunken disturbance. The criterion for unacceptable long hair is whether one can distinguish male or female by appearance. The wisdom of controlling long hair is questioned by some, particularly, those who have travelled overseas. However, such regulation as a part of Korean efforts to strengthen or reinforce moral and ethical standards in community may be understood in light of the present extraordinary circumstances in the country. The main reason for the high rate of prostitutes lies in the increase of foreign tourists.

Most of the corrupt conduct cases are dropped upon warning and only a minor portion are criminally investigated. Especially, long-haired persons are mostly released upon warning.

Countermeasures Against Juvenile Delinquency

To quote from von Liszt, "The best social policy is the best criminal policy" in the long run. In implementing countermeasures against juvenile delinquency in Korea, the followings must be taken into consideration: banishing poverty in accordance with economic development, full employment, purification of areas with a high crime rate, expansion of facilities for juvenile welfare, expansion of compulsory education, increase of scholarship, prevention of broken homes, dispersion of urban population, and establishment of more recreational facilities for juveniles. Considering the recent trend of juvenile delinquency and spread of corrupt tendency as mentioned before, I regard the implementation of the following programs very useful and effective to prevent delinquent behaviors through correcting corrupt tendency:

- (1) to promote the Saemaul (New Village) Movement more vigorously and inspire juveniles with the spirit of the Movement and thereby keep them from being affected by corrupt tendency;

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(2) to activate the campaign of "sound home movement" and reduce the number of "broken home," "absent home," "problem home," and "trouble home";

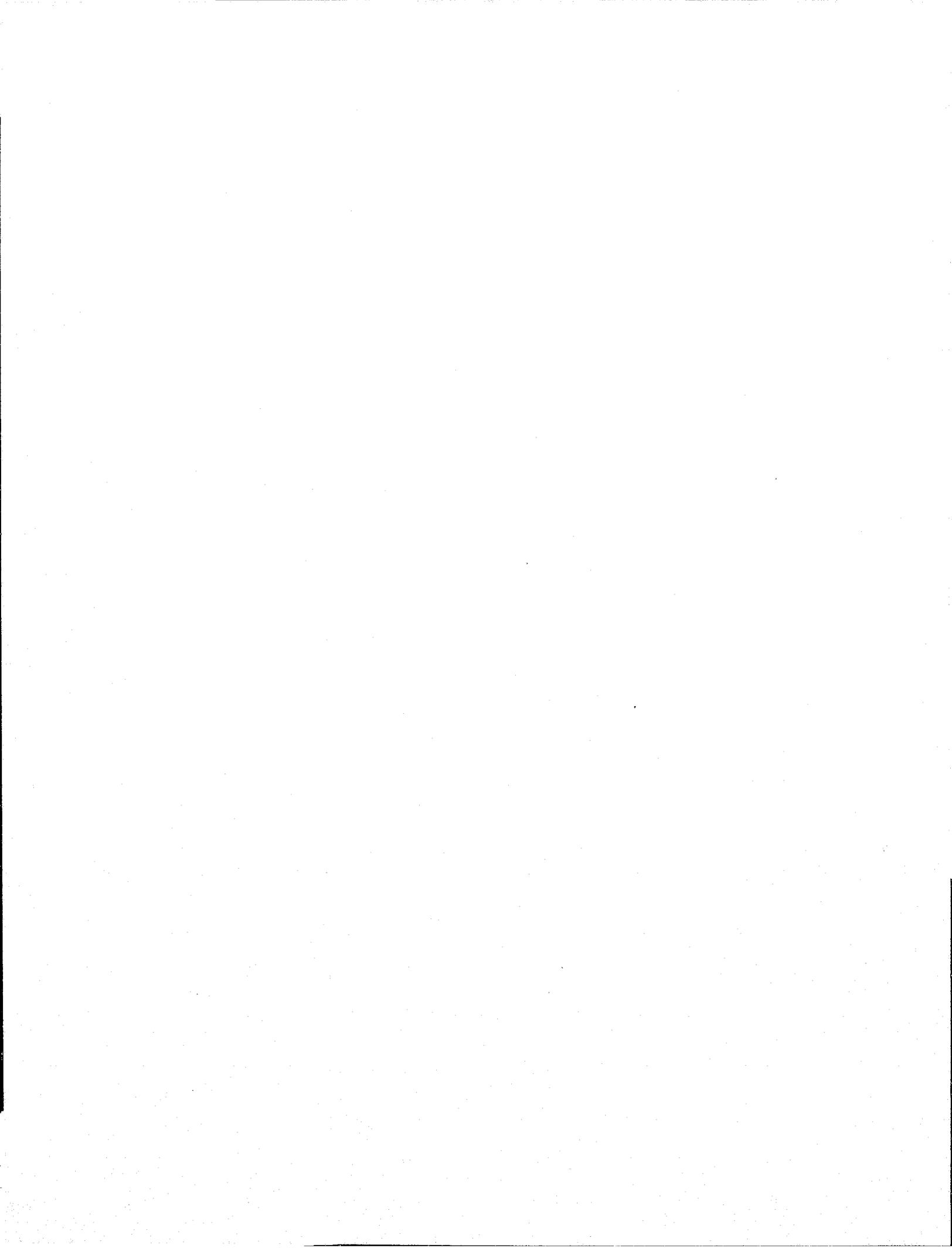
(3) to utilize the mass-media in highlighting some of the adorable juveniles and thus lead all juveniles to follow suit;

(4) to implement the purification movement voluntarily taken by service units, workshops, schools;

(5) to take administrative measures such as suspension of business and cancellation of permission in addition to strong criminal punishment on the entities identified as performing corrupt acts;

(6) to expand training institutes, youth hostels, juvenile and youth halls, and children's parks for sound exercise, recreation, and social activities; and

(7) to effectively promote the purification of the crime-prone area or slum area of cities.



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