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BASIC PRESS ACT

Promulgated by Law No. 3347, Dec. 31, 1900

CHAPTER I  GENERAL PROVISIONS

Article 1  (Purpose)  The purpose of this Act is to respect the dignity and value of man and serve to realize the public good by safeguarding the people’s freedom of expression and their right to know, and insuring the public function of the press to form public opinion.

Article 2  (Freedom of the Press etc.)  (1) All people have the right to express themselves freely by means of speech, letters and symbols and shall not be denied of their right to have access to sources of information which are available in common.
(2) The freedom of publishing such periodicals as newspapers and news services and the freedom of broadcasting are guaranteed.
(3) Licensing or censorship of the press shall not be recognized unless otherwise specified in the Constitution.
(4) The freedoms and rights mentioned in Paragraphs (1) and (2) shall not be restricted except by the Constitution or other statutory laws.

Article 3  (Public Responsibility of the Press)  (1) The press shall respect human dignity and values, and democratic fundamental order.
(2) Through its contribution to moulding democratic public opinion by means of covering, reporting and commenting on matters of public interest or by other means, the press shall perform its public mission.
(3) The press shall not infringe upon the honor or right of other people, nor shall it violate public morals and social ethics.
(4) The press shall not encourage or praise illegal acts that disturb public order, including acts of violence.

Article 4  (Support from the State)  The State or Local Governments may aid press enterprises with a preference in taxation or financial support.

Article 5  (Definition)  The terms used hereinafter are defined as follows:
1. The term “press” means periodicals such as newspapers, news services, and radio networks;
2. The term “periodical” means a continuous publication such as a newspaper or news service which is published twice a year or more under the same title;
3. The term “news service” means a wireless service or its publication which operates an authorized wireless station under a communication contract with a
BASIC PRESS ACT

foreign news agency under the Radio Wave Control Act and periodically disseminates news, commentaries and public opinions, etc. on politics, economy, society, culture and other current affairs;

4. The term "general daily newspaper" refers to a periodical publication published daily (including a publication published more than three times a week) for the purpose of disseminating news, commentaries and public opinions on politics, economy, society, culture and other current affairs;

5. The term "special daily newspaper" means a periodical published daily (including a publication published more than three times a week) to disseminate news, commentaries and public opinions, etc. on a limited scope of specialized fields such as science, industry, religion, education, sports or others (with the exclusion of politics);

6. The term "foreign-language daily newspaper" refers to a periodical published daily in a foreign language (including a publication published more than three times a week) for the purpose of disseminating news, commentaries and public opinions, etc. on politics, economy, society, culture and other current affairs;

7. The term "general weekly newspaper" means a periodical published every week (including one published twice a week or no less than twice a month) to disseminate news, commentaries and public opinions, etc. on politics, economy, society, culture and other current affairs;

8. The term "special weekly newspaper" means a periodical published every week (including one published twice a week or no less than twice a month) for the purpose of disseminating news, commentaries and public opinions, etc. on a limited scope of specialized fields such as industry, science, religion, education, sports or others (with the exclusion of politics);

9. The term "journalist" means an employee of a mass media enterprise who is professionally engaged in reporting, commenting or other press activities, thus contributing to moulding the thoughts and views of the public;

10. The term "publisher" means a representative of a mass media enterprise responsible for publishing a periodical;

11. The term "editor" means a man responsible for the editing of a periodical who is appointed by the publisher;

12. The term "printer" means a man responsible for the printing of a periodical who is either appointed by the publisher or working under a contract with the publisher;

13. The term "broadcasting" means transmission of wireless communications aimed at disseminating news, commentaries and public opinions on political, economic, social, cultural and other current affairs and also providing intellectual education, music, entertainment and performance to the general public;

14. The term "broadcasting station" means a station which puts information and entertainment programs on the air with authorization under the Radio
Wave Control Act;
15. The term "broadcasting programs" means the theme, contents, quantity and order of matters put on the air;
16. The term "program director" means a man appointed by the chief of a broadcasting station and responsible for arranging the broadcasting programs;
17. The term "advertising director" means a man appointed by the publisher or the chief of a broadcasting station to take charge of the printing or broadcasting of advertisements.

CHAPTER II THE RIGHTS AND DUTIES OF THE PRESS

Article 6 (Access of the Press to Information) The State, Local Governments and public organizations shall supply information on matters of public interest when so requested by the publisher of a newspaper or a news service, the chief of a broadcasting station or their agents. Information may be withheld in circumstances that fall under any of the following Subparagraphs; if and when the furnishing of such information:
1. Frustrates, makes difficult or endangers the rational performance of one's official duty in progress;
2. Violates provisions of the laws concerning the protection of secrets;
3. Clearly infringes upon a greater public interest or a private interest that deserves protection;
4. Causes serious impediment to the normal performance of official duties on account of the demand for an excessive amount and scope of information.

Article 7 (Seizure of Illegally Published Matters) (1) Where there is a reasonable cause for confiscation of a periodical or a publication for broadcasting, it may be seized on a warrant issued by a judge.
(2) The warrant of seizure mentioned in Paragraph (1) shall specify, in addition to the points listed in Article 114 of the Code of Criminal Procedure, that part of the published matter causing the seizure and the legal stipulation applicable to that part. The remaining part which does not violate the law shall be exempted from seizure in the event it can be separated.
(3) That part of the published matter which caused seizure must not be reproduced or distributed.
(4) Seizure shall be regarded to be released unless an indictment is instituted within six months after seizure.
(5) If seizure is found to be unlawful, the State should make adequate compensation for the person concerned upon application.
(6) The provisions of this Article shall not apply to the seizure of every published matters required to collect evidence.

Article 8 (Protection of News Sources) (1) Journalists may refuse to disclose the identity of the writer and informer of, or the possessor of the material for the
Basic Press Act

Published matter, and to state the basic facts to the contents of the published matter. However, this shall not apply to any of the following Subparagraphs:

1. When contents which constitute a crime are made public; except in a case where the journalist in question had been punished for reason of publishing the matter;

2. When the information or material published has been obtained through a criminal act that can be punished by penal servitude or imprisonment for more than one year at its maximum;

3. When it is clear from the contents of the published matter that the writer, informer or the possessor of the material has committed a crime listed in any of Subparagraphs of Article 2 of the Social Safety Act.

(2) Such materials as are in the keeping of one who has the right to refuse to testify against himself shall not be searched or seized for the purpose of aiding in the investigation of the writer, informer or material possessor of the published matter or of confirming, verifying and examining the facts basic to the published contents.

Article 9 (Obligation of the Press to Take Precaution) The press shall take due precaution with regard to the authenticity, contents and source of all matters to be published before they are made public.

Article 10 (Requirement to Specify Advertisement) The publisher or the chief of a broadcasting station, and the advertising director shall identify and signify advertisements when printing or broadcasting them.

Chapter III Press Enterprise and Journalists

Article 11 (Management of Mass Media Enterprises) Only a juristic person may publish a periodical or operate a broadcasting network. However, exceptions shall be made with regard to such special daily newspapers, special weekly newspapers and other periodicals which are not newspapers or news services as specified by the Presidential Decree.

Article 12 (Prohibition of Owning more than One Mass Media Enterprises) (1) No person may operate mass media enterprises of more than one description among newspapers, news services and broadcasting. Affiliated enterprises shall not jointly own more than one half of the stocks and shares of more than two mass media enterprises among newspapers, news services and broadcasting. An exception is made of a special juristic person established by law.

(2) The publisher of a periodical or the chief of a broadcasting station is required to make public the state of assets and accounts of the mass media enterprises concerned at the end of each year. A report on the state must be submitted to the Minister of Culture and Information.

Article 13 (Executive Organ of Mass Media Enterprises) Among the directors of the juristic person which is operated for the management of a newspaper,
news service or a broadcasting network, the number of directors who are relatives stipulated in Article 777 of the Civil Code or wife's relatives by blood within third degree of relationship, or who is a spouse of the lineal descendants, shall not exceed one third of the total directors (partners in executive positions in a partnership; partners with unlimited liability in a limited partnership).

Article 14 (Prohibition of the Introduction of Foreign Funds) Mass media enterprises shall not receive financial contributions from any foreign person, foreign government or organization under the pretext of either a donation, grant-in-aid etc. Exceptions shall be made to such contributions from foreign educational, sports, religious, charitable or similar organizations devoted to international friendship as are so recognized by the Minister of Culture and Information, and commercial advertisement.

Article 15 (Ethics for Journalists) (1) Journalists shall speak for the public good.

(2) Journalists shall not pursue their personal gains in the course of discharging their professional duties.

Article 16 (Disqualifications for Journalists) No person falling under any of the following Subparagraphs shall be eligible for the position of journalist:

1. A party who had been convicted of a crime listed in each Subparagraph of Article 2 of the Social Safety Act with a sentence of imprisonment, or penal servitude unless three years have passed after serving the term or after a suspension of execution was decided on, or unless two years have passed since the expiration of the term of suspension of execution of sentence;

2. A party who is being subject to preventive surveillance under the Social Safety Act or correctional surveillance under the Social Protection Act.

Article 17 (Disqualifications for Publisher) Anyone falling under any of the following Subparagraphs shall not be eligible for the position of publisher or chief of a broadcasting network:

1. A person of non-(Republic of )Korean nationality;

2. Foreign juristic person or organization;

3. Non-resident of the Republic of Korea;

4. A juristic person or organization which is represented by a person falling under any of Subparagraphs 1 to 3 or in which such a person exercises the voting right in making decisions.

Article 18 (Training of Journalists) (1) The publisher or the chief of a broadcasting network shall set up and operate a training system for promoting the capacity and qualification of journalists working for him.

(2) The publisher and the chief of a broadcasting network may join in establishing and operating an institute for the training of journalists.

Article 19 (Welfare of Journalists) The publisher and the chief of a broadcasting network shall strive to promote the livelihood and welfare of journalists and give adequate remuneration for them to maintain due social status and dignity.
CHAPTER IV PERIODICALS

Article 20 (Registration) (1) A party with intentions to publish a periodical is required to register the following matters to the Minister of Culture and Information as stipulated in the Presidential Decree. The same is required when change occurs in matters so registered. Exemptions are made of such periodicals as are published either by the State, Local Governments or organizations and agencies specified by the Presidential Decree for distribution among their staff members, and such periodicals devoted wholly to commercial advertisement:
1. Title;
2. Kind and frequency of publication;
3. Permanent domicile, present address, name and date of birth of the publisher, the editor and the printer (In case the publisher or the printer is a juristic person or an organization, its name, location of its head office and the permanent domicile, present address, name and date of birth of its representative shall be given.);
4. Address of the place of publication;
5. Format;
6. Language used;
7. Purpose of publication and contents of publication;
8. Mode of circulation, main audience and prospective area of circulation;
(2) The Minister of Culture and Information may delegate to chiefs of Local Government the power over registration of periodicals published by an enterprise or a purely fraternal society for limited circulation among its members.
(3) No periodical shall be registered under a title so similar to an already registered one as to cause confusion.

Article 21 (Standards of Facilities) (1) A party who desires to register in accordance with the provisions stated in Paragraph (1) of Article 20 shall have the following facilities specified for each description of the publication except for special cases mentioned otherwise in the Presidential Decree:
1. A general daily newspaper—a rotary press capable of printing over twenty thousand copies of a newspaper of the ordinary size (double-tabloid form) an hour and accompanying printing facilities specified in the Presidential Decree;
2. A special daily newspaper, foreign-language newspaper or general weekly newspaper—more than one rotary press with accompanying facilities specified in the Presidential Decree;
(2) A special weekly newspaper and other periodicals not falling under the preceding Subparagraphs 1 and 2 shall enter into contract for printing with a printshop having facilities required by the Presidential Decree.
Article 22 (Editor and Advertising Director)  (1) The publisher of a periodical shall select the editor and the advertising director; the publisher may, if need be, name several editors responsible for different sections of the publication.
(2) A party falling under any of the following Subparagraphs shall not become the editor or the advertising director:
1. A party who falls under Subparagraph 1 or 3 of Article 17;
2. A party who has forfeited one's franchise, eligibility for election and right to hold a public office in accordance with the provisions of law or court decisions;
3. A minor, an exception is made of the editor involved in the production of a publication intended for children and youth.
(3) In the event of the inability of the editor or the advertising director to perform his duties, a deputy shall be nominated forthwith.
(4) The editor, the advertising director or their deputy has the right and duly to exclude such contents as constitute a crime in the course of editing and running advertisements in their publication.

Article 23 (Branch Office)  (1) In case one who has registered in accordance with the provisions of Paragraph (1) of Article 20 is setting up a branch office or a local bureau, he shall report it to the Minister of Culture and Information without delay.
(2) Such a branch office or local bureau cannot edit or publish a periodical. Exemptions are made of branch offices in a foreign country recognized by the Minister of Culture and Information.
(3) A periodical published by a branch office as recognized in accordance with the proviso of Paragraph (2) is subject to regulations governing the periodical published by the main office.

Article 24 (Cancellation of Registration)  (1) In the event the party whose periodical has been registered in accordance with Paragraph (1) of Article 20 is found to fall under any of the following conditions, the Minister of Culture and Information may order its registration cancelled or its publishing suspended for a period of not more than one year:
1. Registration has been made in a fraudulent or any other unjust manner;
2. A periodical has been published without registration for changes in matters required to be registered in violation of Paragraph (1) of Article 20;
3. A publication fails to meet the requirements for minimum standards of facilities specified in Article 21;
4. The contents of a publication fails repeatedly and remarkably to serve the purpose declared in the registration or to perform its public responsibility;
5. Any of the disqualifying conditions listed in any of Subparagraphs of Article 17 becomes applicable;
6. Contributions, grants-in-aid or any other financial support have been received from a foreigner, a foreign government or organization in violation of the provisions of Article 14;
7. Minimum number of titles or copies specified in the Presidential Decree have
BASIC PRESS ACT

not been published for any justifiable reasons such as natural disasters and similar major accidents.

(2) Within two years of the cancellation of registration in accordance with the provisions of the Paragraph (1), no one may publish a periodical under the same title of the cancelled publication.

Article 25 (Required Statements for Periodicals) A periodical shall print the number and date of its registration, title, frequency of publication, publisher, editor, advertising director, printer and the locus of publication. If there are several editors appointed, their names shall also be printed with their respective areas of responsibility given.

Article 26 (Presentation of Sample Copies) (1) A party who publishes a periodical upon registration in accordance with the provision of Paragraph (1) of Article 20 shall send two sample copies to the Minister of Culture and Information without delay.

(2) The State shall make due compensation if so requested by the party who makes the presentation in accordance with Paragraph (1).

Article 27 (Report on Suspension) In the event the party who has registered one's publication in accordance with the provision of Paragraph (1) of Article 20 has suspended or ceased its publication, the party shall report it immediately to the Minister of Culture and Information as stipulated in the Presidential Decree.

Article 28 (Branch Office of Foreign Periodicals) (1) The party who is to set up a branch office or local bureau of a foreign periodical inside Korea shall apply to the Minister of Culture and Information for authorization as stipulated in the Presidential Decree.

(2) If the party who has been authorized in accordance with the provision of Paragraph (1) is found to come under any of the following Subparagraphs, the Minister of Culture and Information may cancel the authorization:

1. Authorization has been obtained in a fraudulent or any other unlawful manner;
2. Conditions for authorization have been violated;
3. Articles subversive of the Constitutional order of the State or damaging the national honor (of Korea) have been printed in an authorized foreign periodical;
4. The foreign periodical has caused disturbance in the domestic press.

CHAPTER V BROADCASTING

Article 29 (Freedom of Programming Broadcasting) Unless otherwise specified in this Act or any other laws, no one may regulate or interfere with the work of drawing up broadcasting programs.

Article 30 (Autonomy of Broadcasting Management) Autonomous management of a broadcasting network shall be guaranteed and the supervision of a
broadcasting network by the State shall be limited to such matters as are stipulated by law.

Article 31 (Public Mission of Broadcasting) (1) Broadcasting shall respect the ethical and emotional sentiments of the people and serve to spread social justice, promote the fundamental civil rights and increase good will among nations.

(2) Reporting by broadcasting must be fair and objective.

(3) Broadcasting shall not endorse or support a certain special interest, group, belief or ideology. Exemptions shall be made of such cases as are so authorized for special purposes.

(4) An individual person or a profit making organization shall not hold more than 49 percent of the shares or assets of a broadcasting enterprise.

Article 32 (Preservation of Broadcast Matters) The chief of a broadcasting network shall keep a transcript of broadcast matters and the original or a copy of films for one month after they are put on the air.

Article 33 (Programming Director and Advertising Director) (1) The chief of a broadcasting network shall nominate program directors and advertising directors for each area of broadcasting programming. Their names shall be made public more than once a day during the broadcasting hours.

(2) Provisions of Paragraphs (2) through Paragraph (4) of Article 22 shall be applicable mutatis mutandis to the programming directors and advertising directors mentioned in this Article.

Article 34 (Broadcasting Commission) (1) There shall be established the Broadcasting Commission (hereinafter referred to as "the Commission") to deliberate on matters fundamental to the operation of broadcasting.

(2) The Commission shall comprise nine members who are credited with relevant scholarship, experience and moral influence. The President shall appoint members of the Commission three of whom shall be recommended by the Chairmen of the National Assembly and another three recommended by the Chief Justice.

(3) Government officials (officials in the teaching profession and officials who are qualified members of the justice are not included) and those involved in broadcasting and its related lines of business shall not be eligible for the Commission.

(4) The Commission shall have one chairman and one vice chairman. The chairman and the vice chairman shall be chosen from among the members of the Commission.

(5) The term of office for the members of the Commission shall be three years. They shall be subject to no external instruction in the performance of their duty.

(6) The Commission shall report on matters deliberated to the Minister of Culture and Information, who in turn shall comply with the recommendation of the Commission except for special reasons.

(7) The Secretariat shall be established to assist in the administration of the Commission, matters related to the procedures of the Commission, remunera-
BASIC PRESS ACT

ation of the members of the Commission and the organization of the Secretariat shall be prescribed by the Presidential Decrees.

Article 35 (Functions of the Commission) (1) The Commission shall deliberate on the following matters:
1. Basic matters regarding the management and programming of broadcasting;
2. Permission of advertising broadcast for different types of broadcasting;
3. Matters related to major public service projects to be financed by incomes from broadcasting advertisement;
4. Relations between different broadcasting networks and different kinds of broadcasting or matters related to joint projects and cooperation;
5. Matters related to investigation, research and development of broadcasting;
6. Matters related to the operation of the Broadcasting Deliberation Committee;
7. Such matters concerning basic policies for broadcasting on which the Minister of Culture and Information requested deliberation;
8. Other matters provided for in this Law.

(2) The Minister of Culture and Information and the chief of a broadcasting network may attend and speak before the Commission.

(3) The Commission may nominate a subcommission or delegate to a member of the Commission or secretariat member the conduct of business stipulated in Subparagraphs 4 and 5 of Paragraph (1).

(4) When necessary for the performance of its functions, the Commission may request institutions and agencies concerned for submission of materials or for explanation.

(5) The Commission may request a broadcasting network to present necessary materials to determine whether the network has complied with the legally specified requirements; the former may also demand correctional action for any violation of the provisions of this Law.

(6) The Commission shall make an annual report to the National Assembly on the performance of the Commission.

Article 36 (Subsidy) The State may give subsidy to the Commission within the scope of the Budget.

Article 37 (Broadcasting Deliberation Committee) (1) For the purpose of autonomous promotion of the public service function, order and integrity of broadcasting, the Broadcasting Deliberation Committee (hereinafter referred to as "the Deliberation Committee") shall be established.

(2) The Deliberation Committee shall be composed of nine to fifteen members, including the chairman and the vice chairman.

(3) The chairman and the vice chairman shall be chosen from among the Deliberation Committee members who do not represent a broadcasting network.

(4) Members of the Deliberation Committee shall be elected by the general meeting of the Broadcasting Deliberation Committee Members (hereinafter referred to as "the general meeting of the members") which consists of chiefs of all broadcasting networks in the nation. The Deliberation Committee membership
shall be divided among the following Subparagraphs:
1. A person representative of the Korean Broadcasting Corporation;
2. A person representative of other broadcasting networks;
3. Seven to thirteen persons representing the educational, religious and cultural circles.

(5) Matters necessary for the organization and management of the general meeting of members and the Deliberation Committee shall be laid down in the Regulations of the Broadcasting Commission.

Article 38 (Rules of Deliberation) (1) The Deliberation Committee shall adopt and publish rules for deliberation on broadcasting (hereinafter referred to as "the Rules of Deliberation") subject to the approval of the general meeting of members.
(2) The Rules of Deliberation stipulated in Paragraph (1) shall cover the following subjects:
1. Matters on the respect for human rights;
2. Matters for insuring fair reporting and commentary;
3. Matters relating to the cultivation of national identity;
4. Matters on the creative promotion of national culture;
5. Matters relating to the guidance and education of children and youths;
6. Matters on the purity of family life;
7. Matters for the promotion of public morality and social ethics;
8. Other matters provided for in this Act.

Article 39 (Decisions Following Deliberation) (1) The Deliberation Committee may have a broadcasting network found guilty of violating the Rules of Deliberation apologize, correct, clarify or retract; the Committee may request the latter to discipline or bar an undesirable performer from appearing in the medium for a period of not more than one year.
(2) The broadcasting network that has been so requested under the provision of Paragraph (1) shall broadcast the contents of the decision of the Deliberation Committee in full, and having complied with the request within seven days following its receipt, shall report the results to the Deliberation Committee.
(3) When it is making the request under the provision of Paragraph (1) or it has received the report in accordance with the provision of Paragraph (2), the Deliberation Committee shall report it to the Minister of Culture and Information without delay.
(4) In case a broadcasting network fails to comply with the request made under the provision of Paragraph (1), the Minister of Culture and Information may order it to comply with the request.

Article 40 (Approval of the Rules of Deliberation) Drawing up or revision of the regulations by the general meeting of the members, election of the Deliberation Committee members or preparation of or amendment to the Rules of Deliberation shall be approved by the Minister of Culture and Information after discussion in the Broadcasting Commission.

2551
BASIC PRESS ACT

Article 41 (Programming for Broadcasting, etc) (1) Broadcasting shall be programmed so as to divide attention and weight in a proper and balanced manner among the various fields of politics, economy, society and culture.

(2) In programming broadcasting, a broadcasting network shall, except in cases where it has a special aim and project plan of broadcasting, include items for education, dissemination of news, general culture and entertainment. A proper balance and harmony shall be maintained among the programs of different kinds.

Article 42 (Educational Broadcasting) In programming and airing educational broadcasting its audience shall be clearly defined, its contents shall be effectively and beneficially organized on a continuing basis and its plans and contents shall be made public in advance. In the event programming is designed for school education, its broadcasting must conform to the standards of educational curricula prescribed by the laws on school education.

Article 43 (Overseas Broadcasting) (1) Programming and airing of broadcasting directed overseas and preparation of programs for use by foreign broadcasting networks shall be made in a way that would have the Republic of Korea correctly known and understood by foreigners and contribute to the promotion of international friendship and understanding and to the expansion of cultural and economic exchange among nations.

(2) A broadcasting network engaged in overseas broadcasting under the provision of Paragraph (1) is required to prepare a monthly schedule of overseas programs and submit it under the Presidential Decree regularly to the Minister of Culture and Information for approval.

Article 44 (Advertisement Broadcasting) (1) The hours and frequency of advertisement broadcasting shall be determined by the Presidential Decree.

(2) Incomes from broadcasting advertisement may be spent for the purpose of undertaking public service projects of the press, promoting the welfare of journalists and training of journalists.

(3) Expenditures required for the operation of the Broadcasting Commission, the Broadcasting Deliberation Committee, the Press Arbitration Committee, etc shall be defrayed from the revenues from advertisement broadcasting.

Article 45 (Broadcasting Advisory Committee) (1) A broadcasting network shall set up a Broadcasting Advisory Committee (hereinafter referred to as “the Advisory Committee”) for consultation and advice on broadcasting programming.

(2) Members of the Advisory Committee shall be appointed by the chief of the broadcasting network concerned from among those who have specialized knowledge and experience in political, economic, social and cultural fields upon recommendation by the institutions and organizations specified in the Presidential Decrees.

(3) The Advisory Committee may deliberate on matters on programming of broadcasting, present opinions to the chief of a broadcasting network on the basis
of its deliberation or recommend him to make corrections when necessary.

Article 46 (Notice of Commencement, Temporary Suspension or Termination of Business) In the event a broadcasting network opens its broadcasting business, suspends it temporarily for longer than 24 hours or closes it down, it must give a notice to that effect to the Minister of Culture and Information as provided for in the Presidential Decree.

Article 47 (Monthly Report) (1) A broadcasting network shall keep a daily journal of broadcasting to keep a record of the contents of matters broadcast each day. A regular monthly report on the conduct of broadcasting shall be submitted to the Minister of Culture and Information as provided for in the Presidential Decree.

(2) The Minister of Culture and Information may order, when he deems it necessary, that a broadcasting network present supplementary materials on the report mentioned in Paragraph (1); he may have his subordinate official to investigate the matters related to the materials presented.

(3) Officials authorized for investigation under Paragraph (2) shall carry an identification card on their person and show it upon request.

CHAPTER VI REDRESS FOR INFRINGEMENT BY THE PRESS

Article 48 (Preferential Action on Suit) (1) The court of justice shall deal with a lawsuit instituted for damages caused by the press prior to any other cases.

(2) Verdict on a suit involving the claim of the press to information shall be given within three months after receipt of the suit.

Article 49 (Request for a Correction of Report) (1) One who has suffered damage from a factual assertion published by a periodical or a broadcasting network (hereinafter referred to as "the injured party") may request in writing to the publisher, editor, chief of the broadcasting network or its program director for printing or broadcasting a correction of the report within 14 days of the publishing by a daily newspaper, news service or a broadcasting network and within one month of its publishing by other periodicals.

(2) The request for a correction shall be signed and sealed by the injured party or its proxy, with its address given. It shall be accompanied by a copy of the disputed original text and of the proposed correction.

(3) Upon receipt of a request for correction the publisher or editor shall consult with the injured party or its proxy over the contents of the proposed correction and space to be given for its printing. A newspaper or news service shall print the correction without charge within seven days after the receipt of the request; other periodicals shall print it in the next immediate issue whose layout has not been completed at the time of the receipt. A request for correction may be turned down in cases where the injured party does not have a legitimate interest in the exercise of the right to address a correction, the contents of the proposed correct-
BASIC PRESS ACT

Corrections are clearly against "the facts", or such a correction is aimed solely at commercial advertising.

(4) A correction shall confine itself to a factual statement and the clear explanation of the factual point at issue; it shall not contain contents of a illegal nature.

(5) A correction shall not be made in the form of letters to the editor. The space given to a correction shall not be larger than the space given to the published contents at issue.

(6) Upon receipt of a request for a correction the chief of a broadcasting network or its programming director shall air the correction within seven days thereafter on the same broadcasting frequency as the disputed misrepresentation was made in a manner that may produce the same effect (upon the audience). Provisions of Paragraphs (3) to (5) shall be applicable mutatis mutandis hereto.

(7) The provisions of this Article shall not apply to a faithful factual report of an open meeting of the State, Local Government and public organizations or of the open trial proceedings of a court of justice.

Article 50 (Press Arbitration Committee) (1) The Press Arbitration Committee (hereinafter referred to as "the Arbitration Committee") shall be established for the purpose of arbitrating disputes over a request for correction of a report and of examining matters on infringement by the press.

(2) The Arbitration Committee shall be made up of 30 to 60 members including one chairman and two vice chairmen. The members shall be appointed by the Minister of Culture and Information from among those who are accredited with knowledge, experience and moral influence. One-thirds of the members shall be named from among those recommended by the Minister of Court Administration.

(3) The chairman and vice chairmen shall be chosen from among the members of the Arbitration Committee. The chairman shall be a man qualified for the bench.

(4) The party who has a right to claim a correction or its counterpart may apply in writing to the Arbitration Committee for arbitration within one month after the matter in dispute was made public (14 days after the request for a correction in cases coming under the category of Paragraph (1) of Article 49), Paragraph (2) of Article 49 is applicable mutatis mutandis with regard to the application for arbitration.

(5) An arbitration panel consisting of three Arbitration Committee members shall sit for arbitration. The chief of the panel shall be a man qualified for the bench.

(6) If agreement is reached between the two parties to the dispute as a result of the arbitration, it shall have an effect equal to that of a reconciliation in a legal action.

(7) Arbitration shall take place within 14 days after the receipt of application. If the deadline is not met, the bid for arbitration is considered a failure.

(8) The Arbitration Committee shall deliberate on the contents of infringement by the press. When necessary, a recommendation for a redress may be made to
the publisher or the chief of the broadcasting network in question.

(9) Procedures of arbitration, composition of the arbitration panel, its jurisdiction, organization of the secretariat, remuneration for committee members and other necessary matters shall be determined by the Presidential Decree.

**Article 51 (Trial of Cases Involving a Correction of Report)** (1) No application for a correction of a report shall be filed with a court of justice without going through the arbitration by the Press Arbitration Committee. The aforesaid application shall be filed not later than 14 days after the failure of the requested arbitration.

(2) The first-instance trial of an application filed in accordance with the provision of Paragraph (1) shall come under the jurisdiction of the collegiate panel of the district court having jurisdiction over the area where jurisdiction for ordinary trials of the defendant belongs.

(3) An application filed in accordance with Paragraph (1) shall be tried by the provisions concerning the procedures of provisional disposition under the Code of Civil Procedure. If the application is found to be reasonable, the court may order the printing or broadcasting of a correction of a report in the manner specified in Paragraphs (3) to (6) of Article 49. However, Article 697 and Article 705 of the Code of Civil Procedure shall not apply here.

(4) Matters necessary for the trial of the case of a correction shall be stipulated by rules of the Supreme Court.

**CHAPTER VII PENAL PROVISIONS**

**Article 52 (Penal Provision)** A party who is found to be guilty of any of the following offenses shall be punished by penal servitude for not more than 2 years or by a fine not exceeding three million Won:

1. A party who publishes a periodical without due registration under the provisions of the Paragraph (1) of Article 20;
2. A party who publishes a periodical in violation of Paragraph (2) of Article 23 and Paragraph (1) of Article 24;
3. A party who sets up a branch office or local bureau of a foreign periodical inside Korea without authorization under Paragraph (1) of Article 28.

**Article 53 (Criminal Liability of the Editor, etc.)** The editor, programming director, advertising director or his proxy under the provisions of Article 22 or 33 shall be punished by penal servitude for not more than one year or by a fine not exceeding two million Won, in the event he fails to rule out the publishing, without good reason, of contents which constitute a crime. A fine of not more than one million Won shall be imposed on him for dereliction of duty on account of gross negligence.

**Article 54 (Penal Provision)** A party who is guilty of any of the following offenses shall be punished by penal servitude for not more than one year or by a fine not exceeding two million Won:
BASIC PRESS ACT

1. A person who has violated the provision of Paragraph (3) of Article 7;
2. A publisher or a chief of broadcasting network who has received financial contributions in violation of the provision of Article 14.

Article 55 (Penal Provision) A party who is guilty of the following offenses shall be punished by a fine of not more than one million Won;
1. A publisher or chief of a broadcasting network who employs a journalist with disqualifications listed in Article 16 or who nominates such a person who has disqualifications listed in Paragraph (2) of Article 22 or Paragraph (2) of Article 33 to a editor, programming director or advertising director;
2. A party with disqualifications listed in Article 16 who has become a journalist; a party who, having disqualifications listed in Paragraph (2) of Article 22 or Paragraph (2) of Article 33, engages oneself in the position of an editor, programming director or advertising director;
3. A party who regulates or interferes with the business of programming broadcasting in violation of the provision of Article 29;
4. A party who engages himself in overseas broadcasting without authorization from the Minister of Culture and Information under the provision of Paragraph (2) of Article 43;
5. A party who, not being a journalist as defined in this Act, represents oneself as a journalist and engages in journalistic work;
6. A party who violates the provisions of Paragraph (2) of Article 24.

Article 56 (Fine for Negligence) A party who is guilty of any of the following offenses shall be punished by a fine of not more than one million Won:
1. Violator of the provisions of Article 10;
2. Violator of the provisions of Paragraph (2) of Article 12;
3. Violator of the limitations listed in Article 13;
4. Violation of the provisions of Article 25 or the latter section of Paragraph (1) of Article 25 by a publisher or chief of a broadcasting network;
5. Violator of Paragraph (1) of Article 23, Paragraph (1) of Article 26 and Article 27;
6. A person who fails to comply with the instructions given in accordance with Paragraph (4) of Article 39;
7. Violator of the provisions of Article 46;
8. A person who fails to keep a broadcasting journal in accordance with the provision of Paragraph (1) of Article 47, who neglects in submitting the monthly report or who makes false statements in the broadcasting journal or monthly report;
9. A person who refuses to comply with an order to present relevant materials and who rejects or evades any official inquiry under the provision of Paragraph (2) of Article 47.

Article 57 (Dual Punishment) If the representative of a juristic person, or the proxy, officer or any other employee of a juristic person or an individual commits an act in contravention of provisions of this chapter, not only the viol-
ator, but also the juristic person or the individual represented by the violator shall be punished with a fine provided for in this Article. The fine is not imposed if it is proved that considerable precaution has been taken to prevent the offense.

ADDENDA

Article 1 (Enforcement Date) This Act shall enter into force as of the date of its promulgation.

Article 2 (Repeals) The Newspapers and News Services Registration Act, the Press Ethics Commission Act and the Broadcasting Act shall be repealed.

Article 3 (Interim Measures) Those periodicals and broadcasting networks which are already registered at the time of implementation of this Act shall be considered to have been reported and registered under this Act.

Article 4 (Interim Measures) The Broadcasting Commission, the Broadcasting Deliberation Committee and the Press Arbitration Committee stipulated in this Act shall be organized within 3 months after the day this Act takes effect.

2557