

Law of Marriage and Divorce in North Korea†

I. Introduction

When the Soviet Russian troops occupied the area north of the 38th parallel on the Korean peninsula in August 1945, a series of revolutionary decrees were issued. The family was among the first institutions to be affected by these decrees. The most significant decree, which is still basic to the foundation of today's North Korean socialist body politic, is the "Decree Concerning the Equal Rights of Men and Women in North Korea" which was proclaimed on 30 July 1946.¹

The objective of this decree was to "revolutionize the old feudalistic man and woman relationship by liquidating the remnants of the Japanese colonial policy, and to make for full participation of women in cultural and political life." The preamble of the decree states the reason behind its issuance with the following words:²

For 36 years, Korean women were the objects of ceaseless contempt and cruel exploitation at the hands of Japanese Imperialism. They were unable to enjoy any political and economic right, and were unable to participate in cultural, social and political life. Medieval and feudalistic family relations broadened and intensified women's political and economic oppression. Disdain, contempt and illiteracy were the fate of the mass of Korean working women. Women's social status has changed since the Red Army liberated Korea from the Japanese colony. Various Democratic innovations progressing throughout the country have created conditions for the liberation of women from their past inequality in political, economic, cultural and family life.

The implementation of the decree on the rights of sexual equality was precipitated by the issuance of two prescribing measures in 1946. They are "Detailed Enforcement Rules of Decree Concerning the Equal Rights of

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†See Professor Kim's related article on the law of North Vietnam, 7 INT'L LAW. 440 (April, 1973).

¹See Appendix A hereto.

²*Id.*

Men and Women”³ and “Decree Concerning the Total Eradication of Feudalistic Lineal Customs and Remnants.”⁴

The goal of realizing the substantive equal rights of male and female based on egalitarian principles is also declared in the 1948 Constitution of the Democratic People’s Republic of Korea.⁵ Thus, women are accorded equal rights with men in all spheres of economic, governmental, cultural, political and other public activities in North Korea. Therefore, marriage is also no longer conceived as an institution in which the wife is directed by the husband.⁶

In the annals of the North Korean family law, the Constitution is meaningful since it charts the future direction of legislation related to the family by dictating: “The state protects marriage and family. . . . Juridical relations of marriage and the family are specially prescribed by law.”⁷ The Constitution also eliminates all legal differences between children born in and out of wedlock. This, illegitimacy is to be banished as a legal concept, and the social stigma against bastardy is to be rooted out.⁸

One of the salient features of North Korean family law is its close coordination with the penal code of 1950⁹ which purports to enforce,

³See Appendix B hereto.

⁴Reproduced in Japanese in Saburo Kuroki, *Id.* at 374. The full text of the decree put into enforcement on 24 January 1947 reads:

Article 1. Less than one year’s compulsory labor shall be imposed on a man proposing to marry, or on his parents, or on his relatives, or on any related person, who offers money, domestic animal, property or labor to a party who is to be married, or to her parents, or to her relatives, or to any related person.

Anyone who receives money, domestic animal, property or labor prescribed in the preceding paragraph shall have a fine upon him in the amount of equivalent value of the kind of service received.

Article 2. Not Less than two years, imprisonment shall be imposed on a person who compels a woman to marry, or on a person who perpetuates a continued compulsory marriage relationship, or on a person who uses deception and seduction for the purpose of marriage.

Article 3. A person who marries a person of below marriageable age shall be punished by not less than one year’s compulsory labor.

Article 4. A person who consummates a dual marriage, or fails to observe the monogamy system shall be punished by not less than one year’s compulsory labor or a fine of not less than 2,000 won;

Provided that the preceding paragraph shall not apply to the facts established prior to the enforcement of this decree, but the law and decree at that time shall apply.

⁵Articles 11, 12, 17 and 31, the Constitution of the Democratic People’s Republic of Korea, September 9, 1948, as amended October 22, 1962.

⁶Article 22, *id.*

⁷Article 23, *id.*

⁸*Id.*

⁹Enacted on May 3, 1950 and enforced on April 1, 1950. The penal code is divided into general and specific provisions. The former indicates the class purpose of legislating criminal code, the effectiveness of the code, the policy and fundamental principle concerning criminal activities, the means of punishing criminals, and criminal proceedings in general. The specific provisions enumerate various crimes and penalties.

among other items, the all-out elimination of feudalistic lineal customs. Another noteworthy feature of the North Korean law is an abolition of the institution of the family register, which was replaced by the system of the citizen identification card in 1955.¹⁰

The purpose of this article is to highlight briefly law of marriage and divorce in light of relevant legal measures that have been enforced since 1945 in North Korea.¹¹ Due to the paucity of source materials, such questions as family and kin, relationship between parents and children, parental rights and obligations, adoption and guardianship and curatorship are not treated in this writing.

II. Marriage

In North Korea, engagement to marry, as a legal institution, does not exist.¹²

1. Formal Validity

Only a registered marriage has the legal effect of a marriage, and has created for it the rights and duties of husband and wife.¹³ Procedures of registration are as follows. Both parties are to appear before the registry office with an application for a marriage setting out requisite information.

¹⁰Regulation Concerning the Status Registration of Citizens, Cabinet Decision No. 28, dated March 5, 1955.

¹¹Some noteworthy legal literature written in Western languages on North Korea is: Ilpyong J. Kim, *The Judicial and Administrative Structure in North Korea* in R. A. Scalapino, ed., *NORTH KOREA TODAY* 94-104 (1963); Pyong-Choon Hahm, *Ideology and Criminal Law in North Korea*, 17 *AM. J. COMP. L.* 77-97 (1969); Sung-Yoon Cho, *The Structure and Functions of the North Korean Court System*, 26 *THE Q. J. OF THE LIBRARY OF CONGRESS* 216-225 (1969); Chin Kim, *Das Staatsangehörigkeitsgesetz der Koreanischen Demokratischen Volksrepublik* 17 *Osteuropa Recht* 7-12 (1971); Youn-Soo Kim, *Die Verfassung der Koreanischen Demokratischen Volksrepublik*, 17 *Osteuropa Recht* 13-23 (1971); Chin Kim, *North Korean Nationality Law*, 6 *INTERNATIONAL LAWYER* 324-29 (1972). In the preparation of this writing, the author consulted the following: Koo-Bae Kim, *Chosen Minishushugi Jinmin Kyowakokuno Kazokuho*, 33 *Horitzujiho* 72-79 (1961); Saburo Kuroki, *Koninhono Kindaika*, *supra* note 3; Byong Soo Lee, *Sengo Choseni okeru Hokihanno Hensen*, 1968 *Chosenkenkyu* 34-43 (1968); Rongyung Ou, *Written Statement of an Expert Witness, on Applicable Law to be made Reference to in Determination of Divorce Cases Between a Japanese and an Alien who has Registered domicile in the Jurisdiction of the Democratic People's Republic of Korea, or the People's Republic of China*, 22 *Katei Saiban Geppo* (Monthly Bulletin on Family Courts) 205-218 (1970). In verifying citations, the author received valuable assistance from Professor Byung Soo Lee, of Tokyo, Japan and Mr. Young Hyun Yoo, Library of Congress.

¹²Non-recognition of the engagement to marry seems a trend in the Socialist countries; see D. LASOK, *POLISH FAMILY LAW* 39-40 (1968). The recent Soviet Russian law of marriage and the family does not recognize this institution; see *Law of the Russian Soviet Federated Socialist Republic on the Adoption of the RSFSR Code on Marriage and the Family*, 9 *SOVIET LAW AND GOVERNMENT* 103-158 (1970).

¹³Article 8, Detailed Enforcement Rules, *supra* note 3; Article 10, Regulation Concerning the Status Registration of Citizens, *supra* note 10.

The registry office conducts a thorough investigation of the application in light of legal requirements needed for a valid marriage. Upon receipt of a marriage certificate, the fact of marriage is duly recorded in both parties' citizen identification cards.¹⁴

North Korean law is silent as to the marriage ceremony performed pursuant to custom, as to the requirement of witnesses, and as to *de facto* marriage established prior to the enforcement of the marriage registration requirement. In view of the peculiar North Korean situation, the compulsory registration requirement for a marriage may have difficulty in bringing about a uniform solution, due to such thorny questions as a marriage consummated in South Korea after August, 1945, death of one spouse during the Korean War prior to completion of a marriage registration, and a Korean couple in *de facto* marriage status repatriating from Japan and settling in North Korea.

2. Material Validity

Material validity of a marriage, *i.e.*, consent of both parties, the marriageable age, and monogamy, are legal requirements. The contravention of any requirement for material validity, means the refusal of marriage registration with the possibility of criminal sanction.

a. Consent: For a marriage, the consent of the parties is a requisite. Marriage comes into being through a formal expression of consent by a man and a woman. Decree Concerning the Equal Rights of Men and Women in North Korea prescribes that "women have the right to freedom of marriage with men. Anti-liberal and compulsory marriage which lacks consent of the parties to the marriage is prohibited."¹⁵

A marriage in consideration of materialistic gain and rendition of service is banned as it violates the free will of the parties.¹⁶ A person who has a mental disease or defect can not marry as he is incapable of performing legal transactions. The penal code imposes a criminal sanction upon anyone who compels a woman to marry, or to maintain her marital relationship.¹⁷

b. Age: The marriageable age is fixed at 18 for boys and 17 for girls.¹⁸ Anyone who marries with one below the marriageable age is subject to not less than one year's compulsory labor.¹⁹ Since the age requirement for

¹⁴Koo-Bae Kim, *supra* note 11 at 75.

¹⁵Article 4.

¹⁶Article 1, Decree Concerning the Total Eradication of Feudalistic Lineal Customs and Remnants, *supra* note 4; Article 253, The Penal Code, *supra* note 9.

¹⁷Article 254, The Penal Code, *id.*

¹⁸Article 6, Equal Rights of Men and Women Decree, *supra* note 1.

¹⁹Article 255, The Penal Code, *supra* note 9.

other law is higher than that of marriageable age,²⁰ the legal status of a 17 year old wife could be a precarious one.

c. Monogamy: Marriage is to monogamous in North Korea. A person already married is prohibited from contracting another valid marriage as long as the previous union remains in effect.²¹ Sanction for monogamy, and a ban on polygamy, would discourage the use of concubinage which was once used to secure a male heir in order to maintain the male lineage.²²

d. Consanguinity, Affinity and Adoption: There is no provision regulating marriage between persons within certain degrees of consanguinity in North Korea. This is a revolutionary departure from the traditional ban on a marriage between paternal relatives bearing the same surname, and deriving from the same origin of clan.²³ There is no ban on a marriage between persons related by marriage, nor prohibition of marriage between the adopter and the adopted.

e. Waiting Period: There is no legal requirement of a waiting period as a material validity of a marriage on account of divorce, death of spouse²⁴ or a death of a parent.²⁵

3. *Legal Effects of Marriage*

a. Personal Relations: The husband is no longer the head of the family nor has independent authority to chose the matrimonial home. Each spouse is able to keep his or her own surname.²⁶ The duty of mutual support in daily life is reciprocal. As both enjoy equal rights, each may act on behalf of the household and bind the other.

b. Matrimonial Property: Two statutory provisions cover the matrimonial property regime. "Women have the same rights as men in management and ownership of property."²⁷ "Properties acquired by the husband and wife during the course of their marriage shall belong to the joint ownership of the husband and wife."²⁸ There is no provision treating the individual property of each spouse, nor the liability incurred during the course of

²⁰For instance, see article 12. The Constitution, *supra* note 5.

²¹Article 7, Equal Rights of Men and Women Decree, *supra* note 1; Article 26, Detailed Enforcement Rules, *supra* note 3.

²²Article 256, The Penal Code, *supra* note 9.

²³This unscientific traditional institution is preserved by article 809, Civil Code, Republic of Korea, Law No. 471, promulgated on February 22, 1958, as amended on December 31, 1964.

²⁴The so-called concept of prevention of paternal conflict is not conceived in North Korea yet.

²⁵A traditional ban based on moral ground.

²⁶Articles 15 and 18, Regulation Concerning the Status Registration of Citizens, *supra* note 10.

²⁷Article 4, Detailed Enforcement Rules, *supra* note 3.

²⁸Article 7, *id.*

marriage, nor the division of matrimonial property in the event of a divorce.

III. Divorce

The termination of a marriage derives from one of two causes in North Korea (as under any legal system), either the death of a spouse or a divorce. The divorce, as a legal institution of terminating a marriage, is an important issue closely attached to North Korean public policy.

In North Korea, since 1945, the dissolution of a marriage by divorce has gone through a change from "free" administrative divorce to strict judicial divorce.

Prior to 1956, a divorce was a relatively simple matter of submitting a petition for a divorce before an administrative agency.²⁹ The divorce was freely granted on the ground that the marriage was unable to continue, although a reconciliation proceeding was adopted to complement the shortcomings of the divorce by mutual consent.³⁰

In 1956, the North Korean decision makers considered the granting of free divorce by an administrative agency to be widely misused, and decided that the practice of divorce by mutual consent before the administrative agency had become an obstructing factor for the cause of the Socialist construction. Since 1956 officially, the practice of so-called administrative free divorce was banned,³¹ and the courts are to exercise their discretion to decide whether a divorce is justifiable.

1. The Ground for Divorce

The rule concerning the ground for divorce is general in nature. Decree Concerning the Equal Rights of Men and Women in North Korea has already set out the rule that:³²

Women have equal rights with men to a free divorce when the husband and wife relationship in the family life becomes difficult, and conditions which hinder the further continuation of the husband and wife relationship occur.

This rule was restated in a guiding directive by the North Korean Supreme Court with the following words: "in a case when the husband and wife relationship is unable to be continued further."³³ The directive is to

²⁹Article 10, *id.*

³⁰Article 13, *id.*

³¹Cabinet Decision Number 24. Published on March 8, 1956 and put into effect on April 1, 1956.

³²Article 5, *supra* note 1.

³³The Guiding Directive Concerning the Solution of Divorce Action, Decision Number 2, the plenary session of the Supreme Court dated March 7, 1950.

provide a guideline for the lower courts in actual disposal of divorce cases.³⁴ The directive spells out further that a divorce is not to be granted in the case of a temporary ill-feeling within a family or a quarrel between the husband and wife, but only "if the husband and wife relationship is to be continued further, sound development of the family life would be deteriorated or a bad influence would be given for the rearing of children."³⁵

2. *Divorce Procedure*

Any county or city people's court as a court of first instance hears a divorce petition presented by either both or one of the spouses.³⁶ If the divorce petition is related to the second divorce, the provincial people's court (second instance) is to exercise the original jurisdiction.³⁷ A pregnant wife, a mother who nourishes a child less than one year old, or a member of the People's Army cannot be the subject of a divorce petition.³⁸ In a divorce proceeding, appearance of both spouses is required in principle.³⁹

The divorce proceeding goes through two stages: the reconciliation stage and the trial stage, resulting either in a decree of dissolution or in the dismissal of the petition. A reconciliation is a prerequisite to the divorce trial.⁴⁰ In the event of the failure of the reconciliation proceeding, the petition must be allowed to go for a trial. At the trial stage, the breakdown of the marriage must be proved to the satisfaction of the court.

Upon the rendition of a divorce decree, the divorce becomes effective only after completion of the registration with the status registration agency and recording of the fact of divorce on the citizen identification cards of the parties concerned.

To deal with cases involving spouses who have been missing for a prolonged period due to the existing hostility in Korea, the North Korean Supreme Court issued a guiding directive in 1953.⁴¹ By virtue of this directive, the courts could entertain a divorce petition in absentia if a

³⁴Article 59 II, the Court Organization Law of the Democratic People's Republic of Korea, promulgated on March 1, 1950, authorizes the plenary session of the Supreme Court "to issue guiding directives concerning the various problems of trial practices based on the decisions rendered for the tried cases." This practice derives from the Soviet pattern, see LASOK, *supra* note 12, at 23.

³⁵*Id.*, *supra* note 33.

³⁶Article 26 II, The Court Organization Law, *supra* note 34.

³⁷Article 31, *id.*

³⁸Article 2, Regulation Concerning the Procedure of Examining the Divorce Cases, Number 9, the Regulation of the Ministry of Justice dated March 16, 1956. This regulation contains the enforcement rules of the cabinet decision, *supra* note 31. The Ministry of Justice was abolished as of August 31, 1959.

³⁹Article 14, *id.*

⁴⁰Articles 17 and 29, *id.*

⁴¹Decision Number 40, The Supreme Court of the Democratic People's Republic of Korea, dated May 31, 1953.

spouse had escaped to the enemy camp after committing an anti-state crime, or in the case of a spouse whose whereabouts are unknown by an official declaration and who has committed a socially reproachable act. These cases are tried like the cases involving one spouse who is serving a long term of imprisonment or one spouse who is a psychiatric patient.

3. *Divorce and Children*

According to the Regulation Concerning Procedure of Examining Divorce Cases, the court has to decide the issue of rearing the children at the time of rendering the divorce decree.⁴² The court may order either the father or the mother to bear part of the total cost of rearing the children, taking into consideration various factors involved.⁴³ A party who rears the children can claim the following ratio of rearing cost from the other party's income: 20 percent for one child; 30 percent for two children; and 50 percent for three children.⁴⁴ Anyone who fails to carry out the court order of sharing the cost involved for the rearing of children is subject to a fine.⁴⁵

IV. Conclusion

By the issuance of revolutionary decrees and the adoption of the 1948 Constitution, the North Korean law of marriage and divorce has been developing with the overriding policy of achieving sexual equality, thus liberating women from the shackles of old lineal customs and permitting them true fulfillment as individuals and citizens. In the process of implementing this policy, the penal code has been playing an important role, especially in enforcing material validity requirements of a marriage with strict adherence to the prescribed registration requirement.

In order to meet the material validity of a marriage under North Korean law, there must be mutual agreement by the persons who are getting married, both of them must have reached the marriageable age, and neither of them can be in a state of marriage. However, the material validity of a marriage related to consanguinity, affinity and adoption is silent.⁴⁶ It seems

⁴²Article 20, *supra* note 38. This article is the restatement of article 5, the Equal Rights of Men and Women Decree, *supra* note 1 and article 18, Detailed Enforcement Rules, *supra* note 3.

⁴³Article 19, Detailed Enforcement Rules, *id.*

⁴⁴Article 20, *id.*

⁴⁵Article 27, *id.*

⁴⁶On this question, Law of the Russian Soviet Federated Socialist Republic on the Adoption of the RSFSR Code on Marriage and the Family, *supra* note 12, at 108-9, contains a relevant article. It reads:

Article 16: "Obstacles to the conclusion of marriage. The conclusion of marriage shall not be permitted: . . . ; between relatives in a direct line of ascent or descent, and between brothers and sisters of full blood or half blood, and between adoptive parents and adopted children; . . ."

that some rules will eventually be adopted as the influence of the old custom, prohibiting marriage between paternal relatives bearing a common surname and deriving from the common origin of clan fades away.

In the area of matrimonial property regime, new rules are needed to settle such questions as the division of matrimonial property in the event of divorce, the administration of the individual property of each spouse⁴⁷ and the liabilities incurred during the course of marriage. In the area of divorce, state intervention has been intensified by way of court supervised divorce to determine if a marriage in question has lost its meaning for the partners and children in particular, and for society in general.

From the foregoing discussion, two general observations could be made. First, the time is ripe for North Korean decision makers to draft a new code for the marriage and family. For this purpose, recent developments and new experience in this field in the Socialist countries could be enlightening.⁴⁸ Second, the evolution of the law of marriage and divorce in North Korea has been a process of molding it into the Socialist ideological framework. This evolution is quite different from the legal order now evolving in the South, thus creating a difficult task in reconciling the legal relations created under the two different legal systems when and if there is a reunification of the South and North on the Korean peninsula.⁴⁹

⁴⁷See article 8, the Constitution of the Democratic People's Republic of Korea, *supra* note 5, which reads:

"The private ownership prescribed by law of land, draft cattle, farm implements and other means of production, medium and small industrial enterprises, medium and small trade, raw materials and manufactured goods, residences and attached facilities, articles of domestic use, income and savings is protected by law.

The right to inherit private property is ensured by law. Creative initiative in private economy is encouraged."

⁴⁸LASOK, *POLISH FAMILY LAW*, *supra* note 12; Cohn and others, 2 *Manual of German Law* 281-297 (1971); M. J. Meijer, *Marriage Law and Policy in the Chinese People's Republic* (1971); Chin Kim, *The Marriage and Family Law of North Vietnam*, *INT'L LAWYER* (April, 1973, p. 440).

⁴⁹For the purpose of comparison of two systems, see Chin Kim, *La Famille dans le Code de la République de Corée*, 43 *Annuario di Diritto Comparato e di Studi Legislativi*, 141-147 (1969). See also Chancellery of the Council of State of the German Democratic Republic, *Law and International Law in the Two German States; Documents on the Development of Law in the Two German States and on the juridical annexationist efforts of the West German Federal Republic* (1966).

APPENDIX A

The text of this decree (hereafter cited Equal Rights of Men and Women Decree) is reproduced in Japanese *in* Chosen Minshushugi Jinmin Kyowakoku Kagagu In Keizai Hōgaku Kenkyusho Hen (Institute of Economy and Law, Academy of Science, Democratic People's Republic of Korea, ed.), Chosen Minshushugi Jinmin Kyowakokuno Koka Shakaitaisei (The State and Social System of the Democratic People's Republic of Korea) The text of the decree resolved by the North Korean Provisional People's Committee read

- Article 1. Women are accorded equal rights with men in all spheres of national economy, culture, society and political life.
- Article 2. Women have equal rights with men to vote and stand for election in the local and national supreme organs.
- Article 3. Women have equal rights with men to work, to earn equal wages, and to receive social insurance and education.
- Article 4. Women have the right to freedom of marriage with men. Anti-liberal and compulsory marriage which lacks consent of the parties to the marriage is prohibited.
- Article 5. Women have equal rights with men to a free divorce, when the husband and wife relationship in the family life becomes difficult, and conditions which hinder the further continuation of the husband and wife relationship occur. By recognizing the mother's right of litigation to claim the cost of rearing the children from her former husband, it is provided that the people's court disposes litigations related to divorce and the cost of rearing the children.
- Article 6. The marriageable age begins at 17 years old for women and 18 years old for men.
- Article 7. The institution of polygamy, which is the old custom of medieval and feudalistic relationships, or jeopardizing the human rights of women by selling a woman for a wife or a concubine are hereafter all prohibited.
Public brothels, private brothels and Kisang* system (Kisang Kwanban and Kisang Hakyō) are all prohibited.
Any one who violates the two proceeding paragraphs shall be punished by law.
- Article 8. Women have equal rights with men to inherit properties and land, and, in case of divorce, to the division of properties and land.
- Article 9. Simultaneous with the promulgation of this ordinance, laws and regulations of Japanese imperialism related to the rights of Korean women shall all become void.

This decree will be effective from the date of its promulgation.

*The name of the professional dancing and singing girls of pleasing accomplishments.

APPENDIX B

Reproduced in Japanese *in* Saburo Kuroki, Koninhono Kindaika (Modernization of Marriage Law) 372-374 (1966). The full text of the decree (hereafter cited Detailed Enforcement Rules) decided on September 14, 1946 reads:

- Article 1. Women have the same rights as men to elect members of local and central people's committees, and to stand for election for the same.
- Article 2. Women, like men, can stand for election for membership in national organs, political parties, social organizations and public organizations.
Women have the same rights as men to receive education, and engage in cultural life.
- Article 3. The custom of the feudalistic usage, "respect for men and disdain for women," is to be eliminated and all discriminatory treatments which abuse women are prohibited.

- Article 4. Women have the same rights as men in management and ownership of property.
- Article 5. Women have the same rights as men to inherit property and land.
- Article 6. In case of divorce, a woman can demand the distribution of her own property and land.
- Article 7. Properties acquired by the husband and wife during the course of a marriage shall belong to the joint ownership of the husband and wife.
- Article 8. A marriage is consummated by a couple submitting an announcement of marriage before the chairman of provincial, city, county, or myon* people's committee (Deleted hereafter).
*Smallest administrative unit.
- Article 9. A person who has not reached marriageable age can not marry (Deleted hereafter).
- Article 10. In a married life, if the husband and wife can not continue their life, a divorce by mutual consent of the parties is possible by submitting an application for a divorce before the people's committee of an appropriate jurisdiction.
- Article 11. In case of failure of a divorce by mutual consent, parties can submit a petition for a divorce before the people's court of an appropriate jurisdiction.
- Article 12. Upon receipt of a petition for a divorce, the people's court grants an immediate divorce if it concludes after an examination that the further continuation of the husband and wife relationship is impossible.
- Article 13. In case the people's court of an appropriate jurisdiction determines that causes for a divorce by parties are temporary and emotional in nature and appropriate for the parties to consider discreetly, reconciliation shall be promoted for a proper period covering three to six months.
- Article 14. The people's court of an appropriate jurisdiction summons the parties within two weeks after the expiration of a judicially determined period.
- Article 15. Deleted.
- Article 16. If both parties fail to appear on the date prescribed by Article 14, a petition for a divorce shall be denied.
- Article 17. In a case of more than two requests for a divorce, the payment of 50 won should be made to the people's court. If there is an inevitable circumstance, the payment may be exempted by the decision of the people's court of an appropriate jurisdiction.
- Article 18. In case of divorce, if consent concerning the cost for the rearing of children is not reached, the matter can be litigated before the people's court of an appropriate jurisdiction.
- Article 19. The people's court with which the litigation is pending makes an arrangement for the man or the woman to bear total or part of the cost of rearing, taking into consideration the necessary conditions for the rearing of children.
- Article 20. In case of divorce, the party who rears children can claim the cost of rearing from the other party; 20 percent of the other party's income for one child; 30 percent for two children; 50 percent for three children.
In case the husband and the wife rear a child simultaneously, the cost of rearing is paid until the child reaches the age of eighteen and the payment can be made as an annual lump sum at a proper time depending on the circumstance. The cost of rearing is determined on the basis of the income of obligated payers.
- Article 21. In case of divorce, the woman can claim from the man the division of common matrimonial properties and the land given to her in accordance with the Decree Concerning the Land Reform.
- Article 22. Deleted.
- Article 23. Decrees and regulations that restrict woman's legal status, capacity and other woman's rights shall all be void.
- Article 24. Any person who falls into one of the following categories shall be punished with imprisonment of two years and a half:
1. when anyone makes a party, who intends to marry, unable to consummate a marriage;

2. when anyone creates a marriage without the consent of the parties to the marriage;
 3. when anyone compels one of parties to marry without the consent of both parties;
 4. when anyone compels husband and wife to divorce;
 5. when anyone compels husband and wife who desire to be divorced, not to divorce; and
 6. when anyone makes one of parties, who intends to divorce, unable to get a divorce.
- Article 25. In case parents or responsible relatives, etc. perform a sending away marriage of a female and receive property or labor from the male partner, or from his parents, or from his guardians, etc. imprisonment of not less than two years shall be imposed.
- Article 26. Anyone who fails to observe monogamy shall have imposed an imprisonment of not less than two years.
Provided that the above fact established prior to the enforcement of this decree is excepted.
- Article 27. If a person who receives a court decision which directs him to pay the cost of rearing the child, fails to carry it out, he shall be subject to a fine of not less than 10,000 won.
- Article 28. Deleted.
- Article 29. These detailed enforcement rules shall be enforced from the date of their promulgation.