

# Psychological Assessment of South Koreans' Perception on Unification Laws: How Legal Psychology Impacts Perspectives on Korean Unification Policies

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## Abstract

**Introduction.** In order to implement the «Special Presidential Declaration for National Pride and Unification Prosperity», South Korea enacted and promulgated the «Inter-Korean Exchange and Cooperation Act» on August 1, 1990, expressing its commitment to a North Korea policy and unification policy based on constitutional rule of law. As a result, the Ministry of Unification currently is in charge of a total of 31 related statutes: 11 laws, 12 presidential decrees, and 8 ministerial decrees. However, despite South Korean's high public interest in North Korea and inter-Korean relations, there is a lack of public awareness regarding laws relevant to unification. This is partly because North Korea policy has primarily been led by the President and the executive branch, whereas the legislative body, the National Assembly, played a relatively minor role in inter-Korean and foreign relations. Effective rule of law reduces corruption, protects individuals from minor injustices, supports responsible governance, respects fundamental rights, and forms the foundation for a just, peaceful, and opportunistic community. In the context of unification, achieving an ideal unified state necessitates securing a legal system that ensures a fair society governed by rational and public rules, rather than arbitrary rule by leaders. **Methods.** This research conducted a survey on 225 South Korean citizens aged 19 and older using an online questionnaire to investigate their legal consciousness regarding unification-related laws. **Results.** Descriptive statistics revealed a low public awareness of unification-related laws, and low legal consciousness on the Unification law. Further correlational analysis revealed a positive correlation between cognitive and emotional dimensions of

legal consciousness and supportive attitudes towards unification and reconciliatory North Korea policies. **Discussion.** Based on these findings, it is suggested that the government could consider expanding the functions of the Unification Law Database operated by the Ministry of Unification and strengthening legal education in the curriculum conducted during the Unification Education Week by the National Institute for Unification Education.

## Keywords

Korean unification, unification law, unification psychology, legal psychology, legal consciousness, legal culture, inter-group relations, legal attitude, legal awareness

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## Introduction

Article 4 of the Constitution of the Republic of Korea stipulates, “the Republic of Korea shall seek unification and shall formulate and carry out a policy of peaceful unification based on free and democratic order.” Similarly, Article 9 of the Socialist Constitution of the Democratic People’s Republic of Korea states, “The Democratic People’s Republic of Korea shall strive to ... reunify the country on the principle of independence, peaceful reunification, and great national unity.” Thus, both South and North Korea express a constitutional commitment to peaceful reunification (Cho, 2018).

However, inter-Korean relations face numerous challenges, including North Korea's missile launches, the nuclear issue, the closure of the Kaesong Industrial Complex, and intensifying United States (U.S.)-China competition. Despite the hopeful Panmunjom Declaration for Peace, Prosperity, and Unification on the Korean Peninsula on April 27, 2018, North Korea has conducted numerous missile tests following the collapse of the Stockholm working-level talks. Many inter-Korean agreements have not been implemented and have become ineffective (Kim, 2021). One key issue is that inter-Korean relations have traditionally been viewed as a “political question” rather than a legal matter.

Article 4 of the Republic of Korea’s Constitution asserts that unification is a constitutional mandate to be achieved through a democratic system (Choi, 2022). To enhance the transparency and consistency of South Korea’s policies towards North Korea, it is necessary to emphasize the rule of law. Overcoming the stalemate in inter-Korean relations requires opportunities for change and development through legal research on unification. Social change is needed to lead to a more substantial transformation in

inter-Korean relations, which can be achieved by shifting perceptions towards the rule of law (Ji, 2005). Specifically, the legal consciousness regarding inter-Korean relations is essential to establish a new national psychological consciousness (Ji, 2005).

However, public awareness of the law should be assessed based on empirical investigation and analysis rather than abstract reasoning. Practical rule of law can be established when there is an accurate understanding of public legal awareness through empirical research, which then informs the drafting and amendment of laws and policy implementation (Kang & Cha, 2019).

This study examines the theoretical background of current legislations related to Korean unification (hereinafter "Unification Law") and legal consciousness. We assess public perception regarding awareness of laws related to Unification Law and the impact of legal consciousness on attitudes toward unification and preferences for North Korea policies. Further implications for the South Korean government's unification policy are subsequently derived.

## **Theoretical Background**

### ***Legal Culture and Legal Consciousness***

Effective rule of law reduces corruption, protects people from injustice, ensures responsible governance, upholds fundamental rights, and lays the foundation for a community of justice, opportunity, and peace (Kang & Cha, 2019). Therefore, measuring and improving citizens' legal awareness is of great national importance (Kwak, 2011). However, according to the 2021 National Law Consciousness Survey conducted by the Korea Institute of Legislation, 43.3% of respondents stated that South Koreans "do not know" about the law, and about six out of ten respondents found legal terms and sentences "difficult to understand" (Kang & Cha, 2019). Although these figures have improved compared to 2019, when more than half of the respondents said they "do not know" about the law and seven out of ten found legal terms and sentences "difficult to understand," there remains a significant reluctance towards law and legal terminologies (Kang & Cha, 2019).

Generally, the three elements of the legal system are composed of substantive legal norms, legal systems, and legal culture (Im, 2015). Legal culture refers to the attitudes, values, and opinions commonly found within a society towards the law or legal system (Im, 2015). Specifically, it encompasses the perceptions and understanding of individuals and groups towards the law, as well as attitudes towards the judicial system, from the perspectives of legal sociology and legal anthropology (Jung, 2014).

A crucial component of legal culture is legal consciousness (Yoo, 2024). Legal consciousness refers to the psychological aspect of legal phenomena, generally understood as intertwined with the broader legal culture of a country and the legal consciousness of

its citizens. For instance, a country's political system can be seen as a product of different historical and cultural contexts according to time and region (Park, 2009).

Legal culture based on legal consciousness has two primary effects: the social function of law and the creation and change of law (Yoo, 2024). The social function involves law controlling and integrating society, legitimizing community power, and handling conflicts. This function is essential for community members, and its legitimacy must be maintained by legal cultural conditions (Yoo, 2024). On the other hand, conflicts in legal consciousness can lead to changes in legal culture. Therefore, considering both the practical and formal aspects of legal consciousness regarding legal systems, procedures, and their necessity can drive new legal changes (Yoo, 2024).

### ***Empirical Research on the Legal Consciousness of the Unification Law***

Following democratization, the authoritative decisions of the government, including those of the president, have decreased, while the influence of public opinion in the decision-making process of foreign policy has increased. This is evident in the formation of policy towards North Korea. For example, when North Korea abuses South Korea's policies of tolerance, the resulting deterioration in domestic and international public opinion can weaken the foundation for advancing these policies, highlighting the importance of public sentiment (Hwang, 2011). Furthermore, preferences for policies towards North Korea can be restructured according to the socio-cultural context. For instance, during the Kim Dae-jung and Roh Moo-hyun administrations, sustained economic cooperation and private exchanges with North Korea led to a reduction in South Koreans' hostile perceptions of North Korea. Additionally, understanding the market order in the Kaesong Industrial Complex and the spread of South Korean pop culture also changed North Koreans' perceptions of South Korea (Hwang, 2017). Conversely, after the Panmunjom Declaration, the Inter-Korean Presidential Summit, and the U.S.-North Korea Presidential Summit alleviated South Korean citizens' security concerns regarding North Korean nuclear weapons and provocations. However, subsequent North Korean nuclear crises and deteriorating inter-Korean and U.S.-North Korea relations have hardened public perception of North Korea. Therefore, the formation of North Korean policy should consider not only the formal aspects of laws and procedures but also the changing public opinion based on social and cultural contexts (Lee & Jeong, 2019).

The development of the Unification Law also reflects social phenomena (Supreme Court of Korea, 1995). Traditionally, North Korea was viewed as a non-state entity. However, the Constitutional Court of South Korea recognized the "dual status" of North Korea as a "special party of inter-Korean relations," pursuing a common goal of peace and reunification, thereby acknowledging North Korea's legal status in the context of inter-Korean cooperation (Constitutional Court of Korea, 1992). The Constitutional Court has upheld the constitutionality of the "Inter-Korean Exchange and Cooperation Act" by recognizing North Korea's dual status as a non-state entity under Article 3 of the Constitution and as a party to dialogue and cooperation under Article 4 of the Constitution

(Constitutional Court of Korea, 1992). As such, laws and judicial precedents that regulate inter-Korean relations must evolve to adapt to social changes, considering how they are positioned in society and what changes they induce in the legal system.

In alignment with this direction, the South Korean government enacted and promulgated the Inter-Korean Exchange and Cooperation Act on August 1, 1990, to specifically execute the Special Presidential Declaration for National Pride and Unification Prosperity, expressing its commitment to promoting North Korea and unification policies based on the rule of law (Ji, 2005). As a result, the Ministry of Unification currently oversees 11 laws, 12 Presidential Decrees, and 8 Ministry of Unification decrees, totaling 31 related laws (Korean Law Information Center). Furthermore, the "Development of Inter-Korean Relations Act," established to promote the development of inter-Korean relations based on national consensus, according to the principles of transparency and trust, has contributed to enhancing policy transparency and promoting national consensus by being incorporated into the legal system and under the legislative control of the National Assembly.

However, the public's understanding of the Unification Law is insufficient, even though interest in North Korea and inter-Korean relations is high. This is because North Korea policy has predominantly been led by the president and the administration, with the National Assembly, the legislative body, having a very limited role in inter-Korean relations (Jhe, 2004).

To achieve an ideal unified state, a legal system must be secured to create a fair society according to reasonable and public rules through the "rule of law," not arbitrary rule by the ruler (Choi, 2022). Therefore, in terms of reunification policy, it is crucial to legalize agreements and domestic inter-Korean issues. This will promote unification and North Korea policy, and further inter-Korean unification, as processes grounded in laws based on national consensus.

## Methods

### *Participants*

Two hundred and forty participants of South Korean nationality participated in an online questionnaire in October 2021. The demographic composition of participants is presented in Table 1. All analysis was performed through IBM SPSS 22.

**Table 1**  
*Demographic Composition of Participants*

Age	Male	Female	Other	Sum
20-29	68	32	8	108
30-39	28	24	0	52
40-49	44	36	0	80
Sum	140	93	8	240

## ***Measures***

### ***Awareness on Unification Law***

Legal consciousness is composed of cognitive, emotional, and behavioral dimensions. The cognitive dimension includes legal knowledge, understanding of the law, and awareness of the need for the law. The emotional dimension encompasses elements such as legal empathy, familiarity, and trust. Finally, the behavioral dimension involves perceptions of legal effectiveness and legal normativity (Choi et al., 2017).

To assess legal consciousness regarding Inter-Korean relations, this research first evaluated awareness of individual laws related to Inter-Korean exchange and cooperation, unification policy, unification education, and policy towards North Korea. Participants were asked of their awareness of the 11 laws relevant to Korean Unification policies.

Subsequently, standards from the scale developed by Choi et al. (2017) were used to measure legal consciousness across its three dimensions in relation to the Unification Law. The cognitive dimension was assessed with two questions: "The Unification Law has authority" and "The Unification Law is fair." The emotional dimension was also measured with two questions: "I feel familiar with the Unification Law" and "I trust the Unification Law." The behavioral dimension included: "The government is enforcing the Unification Law well" and "The government's unification and North Korea policy is implemented in accordance with the law."

Participants responded to each question on a 5-point scale (1 = strongly disagree, 5 = strongly agree).

### ***Attitudes Toward Unification***

According to the annual Understanding of the Unification Problem published by the National Institute for Unification Education under the Ministry of Unification, discourse on the necessity of Korean unification can be categorized into three main types: ethnic nationalism discourse, universal value discourse, and benefit of unification discourse (Kim & Lim, 2021).

The ethnic nationalism discourse argues that unification is essential because South and North Koreans are part of the same nation and share a unified national identity. The universal value discourse posits that unification is desirable for all Koreans to enjoy universal values such as international peace, human rights, freedom, welfare, human dignity, and respect for human rights. The benefit of unification discourse emphasizes the various advantages that unification can bring, potentially transforming the Korean Peninsula into a "Korean Premium" (National Institute for Unification Education, 2022).

Attitudes towards unification were assessed using the Attitude Toward Unification of Korea (ATU-K) scale (Choi et al., 2021). This scale, developed from a social psychological perspective, measures individuals' attitudes towards Inter-Korean unification in terms of cognitive and emotional dimensions.

The cognitive dimension of the ATU-K scale categorizes expected outcomes of Inter-Korean unification into three sub-dimensions: "national strength," "identity preservation," and "peace promotion." These align respectively with the three types of unification discourse mentioned earlier. This framework helps to identify the primary motivations behind an individual's support for unification and discern which unification discourse prevails among the South Korean public.

Participants responded to categories assessing the strengthening of national power with statements like "Unification will develop the Korean economy," "Unification will enhance Korea's international stature," and "Unification will bolster Korea's military capabilities." Items addressing identity preservation included statements such as "Unification will safeguard the historical legacy of the Korean nation," "Unification will preserve the cultural identity of the Korean nation," and "Unification will promote the cultural heritage of the Korean nation." Statements focused on promoting peace included "Unification will mitigate the threat of war on the Korean peninsula," "Unification will contribute to peace in Northeast Asia," and "Unification will foster peace in the broader international community." Participants rated their level of concurrence with each statement on a 5-point scale (1 = strongly disagree to 5 = strongly agree).

### *Preferences toward Policies toward North Korea*

Security and cooperation represent the dual pillars of South Korean policies towards North Korea that have been consistently pursued. This study draws on questions from a prior research by Park et al. (2019) and categorizes North Korea policies into reconciliatory and hardline approaches. To gauge preferences towards reconciliatory policies, participants were presented with statements such as "South Korea should provide humanitarian aid to vulnerable groups in North Korea (children, pregnant women, and the elderly) regardless of sanctions" and "The South Korean government should actively implement cooperation projects with North Korea that have the potential to lead to sanctions relief and seek support from the UN."

Conversely, to assess preferences towards hardline policies, statements included "Providing humanitarian aid to North Korea violates sanctions," "Support for North Korea could strengthen its military capabilities," and "Sanctions on North Korea should only be lifted upon complete denuclearization." Participants indicated their consent with each statement using a scale ranging from 1 (strongly disagree) to 5 (strongly agree).

## **Results**

### *Awareness of Unification Laws*

Descriptive statistics on the awareness of individual laws constituting the Unification Law are presented in Table 2, and descriptive statistics on the cognitive, emotional, and behavioral dimensions of the Unification Laws are presented in Table 3.

**Table 2***Descriptive Statistics on Awareness of Unification Laws*

Name of Act/Law	Awareness (%)
Act on Finding the Truth of North Korea's Abduction During the Korean War and Restoring Honor of the Victims	2.7
Act on Support of Gaeseong Industrial Complex	5.3
Act On The Joint Board Of South And North Korea For The Compilation Of Gyeongmal-keunsajeon	5.3
Act On Compensation And Assistance To Victims Of Abduction By North Korea After Conclusion Of The Military Armistice Agreement	4.0
Development of Inter-Korean Relations Act	6.7
The Inter-Korean Exchange and Cooperation Act	10.7
Act On Confirmation of The Life or Death Of Inter-Korean Separated Families And Promotion Of Exchange	16.0
Inter-Korean Cooperation Fund Act	8.0
North Korean Defectors Protection And Settlement Support Act	14.7
North Korean Human Rights Act	8.0
Average	8.0

**Table 3***Descriptive Statistics on Legal Consciousness on the Unification Law*

Classification	Questionnaire	M	SD
Cognitive	I am well-aware of Unification Law	1.91	.98
	Terms used in Unification law can be easily understood.	2.28	.97
	Average	2.09	.85
Emotional	The Unification Law has authority.	2.37	.99
	The Unification Law is fair.	2.92	.94
	Average	2.65	.83
Behavioral	The government is enforcing the Unification Law well.	2.75	.92
	The government's unification and North Korea policy is implemented in accordance with the law.	2.81	1.03
	Average	2.83	.86



### ***Attitudes Toward Unification***

Descriptive statistics on attitudes towards unification based on discourses on the necessity of unification are presented in Table 4. The results show that participants support the necessity of unification based on the “peace promotion” discourse the most ( $M=4.12$ ,  $SD=1.02$ ), as the mainstream public opinion in South Korea.

**Table 4**  
*Descriptive Statistics on Attitudes Toward Unification*

Classification	Questionnaire	M	SD
National Strength	Unification will help the development of Korea's economy	3.67	1.20.
	Unification will raise Korea's international status	3.98	1.17
	Unification will strengthen Korea's military power	3.98	1.14
	Average	3.87	1.04
Identity Preservation	Unification will preserve of the history of the Korean nation.	4,15	1.07
	Unification will maintain the identity of the Korean nation.	3.96	1.21
	Unification will develop the culture of the Korea nation.	4.00	1.17
	Average	4.04	1.07
Peace Promotion	Unification will resolve the threat of war on the Korean Peninsula	4.11	1.16
	Unification will contribute to peace in Northeast Asia	4.09	1.10
	Unification will help promote peace in the international community	4.15	1.05
	Average	4.12	1.02

### ***Preferences Toward North Korea Policies***

Descriptive statistics on preferences toward reconciliatory and hardline North Korea policies are presented in Table 5. The results show that while participants did not show a significant preference towards a single direction of North Korean policies, they show a generally positive attitude towards reconciliatory North Korean policy pursued by the Unification Law.

**Table 5**  
*Descriptive Statistics on Preferences Toward North Korea Policies*

Classification	Questionnaire	M	SD
Reconciliatory Policies	Humanitarian support for vulnerable groups in North Korea such as children, pregnant women, and the elderly should be carried out regardless of sanctions.	3.77	1.09
	Our government should actively explore cooperation projects with North Korea that have the possibility of sanctions exemptions and request the support from the UN.	3.48	1.20
	Average	3.62	1.04
Hardline Policies	Humanitarian aid to North Korea is a violation of sanctions.	2.52	1.04
	Support to North Korea will be used to enhance its military power.	3.67	.93
	Sanctions on North Korea must not be eased until complete denuclearization of North Korea.	3.57	1.19
	Average	3.25	.86

### ***Correlation Between Legal Consciousness and Attitudes***

To explore the relationship between the legal consciousness of the Unification Law and attitudes towards unification measured through the ATU-K scale, and preferences toward reconciliatory/hardline North Korean policies, a correlation analysis was conducted. The results show a significant correlation between legal consciousness in the cognitive and

emotional dimensions and attitudes towards unification, but there was no significant correlation in the behavioral dimension. More specifically, higher degrees of legal consciousness in the cognitive and emotional dimensions were positively correlated with positive attitudes towards unification in support of strengthening national power ( $r = .25$ ,  $r = .35$ ) and preserving identity ( $r = .23$ ,  $r = .38$ ) and a higher degree of support towards reconciliatory North Korea policies ( $r = .33$ ,  $r = .40$ ). On the other hand, the degree of legal consciousness in the behavioral dimension did not show any significant correlation with any other measured variables. The overall results are presented in Table 6.

**Table 6**  
*Correlation of Legal Consciousness of the Unification Law and Attitudes Towards Unification and Preferences Toward North Korea Policies*

		1	2	3	4	5	6	7	8
1	Cognitive Dimension	-	.58**	.30*	.25*	.23*	.16	.33**	-.15
2	Emotional Dimension		-	.49**	.35**	.38*	.19	.40**	-.14
3	Behavioral Dimension			-	.21	.20	.15	.14	.01
4	National Strength				-	.70**	.66**	.41**	-.27*
5	Identity Preservation					-	.64**	.45**	-.17
6	Peace Promotion						-	.37**	-.25*
7	Reconciliatory policies							-	-.59*
8	Hardline policies								-

*Note.* \* $p < .05$ , \*\* $p < .01$

## **Discussion**

### ***Legal Consciousness of the Unification Relations Act***

The issue of Korean Unification is complex and ongoing, with the government's approach often termed the "sunshine policy," focused on engagement and reconciliation towards achieving reunification. Public support and a robust legal framework are seen as crucial for maintaining a consistent unification policy.

Public awareness and understanding of Unification laws are relatively low, averaging around 8%. Specific laws such as the "Act on Confirmation of the Life or Death of Inter-Korean Separated Families and Promotion of Exchange", the "North Korean Defectors Protection and Settlement Support Act", and the Inter-Korean Exchange and Cooperation Act have higher awareness rates at 16%, 14.7%, and 10.7%, respectively. In contrast, laws like the "Act on Compensation and Assistance to Victims of Abduction by North Korea after Conclusion of the Military Armistice Agreement," "Act on Finding the Truth of the Damage from North Korea's Abduction during the Korean War and Restoring Honor of the Victims," and the "Act on Support for Gaeseong Industrial Complex" have lower awareness rates ranging from 2.7% to 5.3%. The disparity in awareness is likely influenced by the frequency of encounters with North Korean defectors and separated families in society, and the duration of public discussion around these laws.

Participants also showed low levels of legal consciousness in the emotional dimension regarding the authority and fairness of the Unification law, and in the behavioral dimension regarding its enforcement. This highlights the need for improved dissemination of information about the Unification Act through accessible platforms like the Korean government's Database on a Unified Korea's Legal System. This database, managed jointly by the Ministry of Unification, Ministry of Justice, and Ministry of Government Legislation, categorizes legal data related to Inter-Korean affairs and unification, facilitating public understanding and interest in these areas.

Moreover, enhancing legal awareness through unification education is essential. The current curriculum, outlined by the National Institute for Unification Education's 2021 plan, includes subjects on peace, unification/peace economy, North Korea understanding/inter-Korean integration, and international relations. However, it lacks comprehensive education specifically on unification law. Efforts should include expanding education on topics such as Inter-Korean agreements, North Korea's legal status, and relevant international agreements and treaties through both in-person and online educational initiatives. These steps are critical for fostering greater public engagement and understanding of the legal frameworks underpinning Korean reunification efforts.

### ***Legal Consciousness and Attitudes Toward Unification***

The findings reveal that individuals with higher levels of legal consciousness in the emotional dimension exhibit more favorable attitudes towards Korean unification,

particularly in terms of supporting national strength and preserving national identity ( $r = 0.23$ ,  $r = 0.38$  respectively). This suggests that those who emotionally recognize the importance of Korean Unification laws are more inclined to endorse the economic and international benefits of unification, as well as to emphasize the maintenance and development of Korean national identity and culture.

Further implications suggest that enhancing emotional recognition of unification laws requires establishing a stable and consistent reunification policy grounded in a solid legal framework. Between 1971 and 2018, South and North Korea adopted 258 agreements and held 667 meetings (Inter-Korean Dialogue Statistics). However, many of these agreements and meetings have not been consistently implemented due to political and military factors. For instance, agreements such as the Basic Agreement between South and North, intended to establish various organizations and structures, were undermined by North Korea's nuclear threats and missile crises, diminishing their effectiveness (Kim, 2021).

In contrast, Germany's experience demonstrates that concrete legal and institutional frameworks for exchange and cooperation, independent of political fluctuations, significantly contributed to peace-building and tension reduction (Kwon, 2018). Therefore, mere rhetorical slogans must be translated into binding laws and institutions to uphold social values and ideals effectively.

To achieve this, ensuring the effective implementation of South-North agreements necessitates binding mechanisms, including ratification by the National Assembly, defining the scope of effectiveness under Article 23 of the Act on the Development of Inter-Korean Relations (pertaining to the validity of agreements between South and North), registration with the UN, and establishing dispute resolution procedures. Additionally, enhancing transparency, legitimacy, and consistency of policies towards North Korea through legal institutionalization is crucial (Kim, 2021).

### ***Legal Consciousness on Preferences Toward North Korea Policies***

Based on the categorization of North Korea policies into reconciliatory and hardline approaches, the findings indicate a positive correlation between higher levels of legal consciousness in the emotional dimension and greater support for reconciliatory policies ( $r = 0.40$ ).

Moreover, the *2020 Survey of Korean Attitudes on Unification* conducted by the Institute for Peace and Unification Studies at Seoul National University reveals that a significant proportion of the South Korean population consistently views North Korea as a "partner" for cooperation. Specifically, in 2020, 48.2% of respondents considered North Korea a partner, while 21% viewed it as a border, 14.8% as an enemy, 11.9% as support, and 4% as competition. Comparing these figures to data from 2007 onwards shows fluctuations over time, with the highest percentage viewing North Korea as a partner in 2008 (57.6%) and the lowest in 2015 (35.2%). These findings underscore the

importance of actively implementing economic, social, cultural, and other inter-Korean cooperation projects to enhance public recognition and emotional engagement with the laws of unification, crucial for effective policy implementation.

It is essential to note that public support for specific North Korea policies fluctuates over time. For instance, between 2007 and 2012, dissatisfaction with North Korea policies generally outweighed satisfaction. From 2013 to 2015, however, satisfaction began to surpass dissatisfaction. Thereafter, fluctuations continued, with peaks in satisfaction reaching a record high of 65.6% in 2018, followed by declines in subsequent years (Lee, 2020).

These variations indicate that perceptions of North Korea and satisfaction with North Korea policies do not always align. Therefore, policies ranging from military approaches and pressure tactics to those emphasizing tolerance, reconciliation, and cooperation are not mutually exclusive but should be strategically balanced to foster a stable North Korea policy environment.

## Conclusion

The distinction between law and morality lies primarily in the enforceability of law. Unlike moral principles, which are voluntary and subjective, laws are binding and mandatory for citizens. Consequently, if laws fail to reflect current societal realities, they risk losing relevance and becoming disconnected from the populace. Given that laws evolve alongside social changes and vary across different periods, accurate measurement of these shifts through legal consciousness is crucial. This measurement informs continuous improvements in legal frameworks, ensuring they remain aligned with societal needs and values (Kim, 2016).

The South Korean government's official approach to unification is outlined in the Basic Agreement for Inter-Korean reconciliation, cooperation, and exchange, structured across three stages: harmony and cooperation (Stage 1), Inter-Korean union (Stage 2), and the completion of a unified nation (Stage 3) (Kim, 2021). This plan formally adopts the "National Community Unification Plan" as its unification policy, institutionalizing it at the Inter-Korean union stage (Stage 2). This involves systematizing legal and institutional mechanisms and establishing various Inter-Korean union bodies such as the Joint Summit Meeting, Joint Advisory Council, Joint Executive Council, Joint Parliament, Joint Court, and Joint Audit Office.

Notably, as Inter-Korean integration deepens during Stage 2, the establishment of a Joint Court holds particular significance. This court is envisioned to uphold the primacy of agreements and decisions made jointly between South and North Korea, thereby laying the groundwork for a unified legal community.

In anticipation of the dynamic nature of Inter-Korean relations, it is essential to develop a range of legal institutions capable of operating effectively under fluctuating circumstances. Whether progressing through a gradual, step-by-step unification process akin to Germany's experience or navigating swiftly changing conditions, thorough review and preparation of diverse legal issues—whether quantitative agreements or explicit normalization and unification agreements—are imperative.

## References

- Case No. 1992-Hun-Na-48, *Constitutional Court of Korea*. (1992).
- Case No. 1995-Do-1148, *Supreme Court of Korea*. (1995).
- Cho, J. (2018). A Study on Legal Character and Conclusion Process of Inter-Korean Unification Agreement, *Korea International Law Review*, 49, 123–141.
- Choi, E. (2022). Roles and Tasks of Laws for Social Integration Between South and North Korea: Focusing on the Establishment of 'The Rule of Law'. *Journal of Peace and Unification Studies*, 14(1), 155–193. <https://doi.org/10.35369/jpus.14.1.202206.155>
- Choi, H., Park, J., Kwon, Y., & Lee, H. Development and Validation of Attitude toward Unification of Korea (ATU-K), *Korean Psychological Journal of Culture and Social Issues*, 27(3), 259–284. <https://doi.org/10.20406/kjcs.2021.8.27.3.259>
- Choi, Y., Kim, D., Chae, G. (2017). *A Study on the Legal Consciousness of North Korean Refugees*. Korean Institute of Criminology. (In Korean)
- Hwang, J. (2017). After 20 Years: North Korea Policy Since the Conservative-Progressive Debate. *Unification Policy Studies (UPS)*, 26(1), 29–49. <https://doi.org/10.33728/ups.2017.26.1.002>
- Hwang, S. (2011). Dialogue Between International Politics and Policy toward North Korea: Focusing on National Interests. *Legislation and Policy Studies*, 9(1), 107–130. <https://doi.org/10.22809/nars.2017.9.1.005>
- Im, H. (2015). Korean Law-abiding Policy from The View of Legal Culturalism. *The Journal of Next-Generation Humanities and Social Sciences*, 11, 21-40. <https://doi.org/10.22538/jnghss.2015.11.21>
- Jhe, S. (2004). The Question of According Domestic Legal Effect to Inter-Korean Agreements, *Korean Lawyers Association Journal (KLAJ)*, 53(4), 44–88.
- Ji, B. (2005). Legal Understanding of the Development of Inter-Korean Relations. National Institute for Unification Education. (In Korean)
- Jung, Y. (2014). The Role of Court and Lawyers in the Change of Legal Culture- The Revitalization of Court-Annexed Civil Mediation. *Kangwon Law Review (KWLR)*, 42, 443–475. <https://doi.org/10.18215/kwlr.2014.42.443>
- Kang, H. & Cha, H. (2019). *2019 National Legal Awareness Survey*. Korea Legislation Research Institute. (In Korean)
- Kim, B. (2020, October 4). *North Korea Recognition, Era of Disconnection, Change of Unification Consciousness* [Conference presentation]. 79th Institute for Peace and Unification Studies (IPUS) Conference, Seoul, Republic of Korea.
- Kim, D. (2021). The Legal Characteristics and the Means for Effective Implementation of Inter-Korean Agreements, *Unification & Law*, 45, 76-105. <https://doi.org/10.36514/unilaw.2021.45.76>
- Kim, D. & Lim, J., (2021). *South Korean Younger Generations' Prejudice Towards North Korean Residents and Its Implications for Inter-Korean Social Integration*. 40th Korean Unification Research Paper Contest Award Proceedings (pp.5-16). National Institute for Unification Education. (In Korean)
- Kim, J. (2006). *Korean Legal Culture: Understanding, Structure and Change*, Nanam Publishing House. (In Korean)
- Kim, M. (2016). *A Research on the Legal Consciousness of Korean Legal Experts in 2016*. Korea Legislation Research Institute.
- Kwak, H. (2011). A Study on the Tendency in Legal Consciousness Studies. *Journal of Law-Related Education*, 6(2), 1–22. <https://doi.org/10.29175/klrea.6.2.201112.1>
- Kwon, H. (2018). *Social and Cultural Cooperation and Legal and Policy Development for Inter-Korean Social Integration*. Korea Legislation Research Institute. (In Korean)

- Lee, J. (2020, October 4). *North Korea Recognition, Era of Disconnection, Change of Unification Consciousness* [Conference presentation]. 79th IPUS Conference, Seoul, Republic of Korea.
- Lee, S. & Jeong, H. (2019). Korean People's "New Security Perception": Change and Continuity. *21st Century Political Science Review*, 29(2), 73–98. <http://doi.org/10.17937/topsr.29.2.201906.73>
- Ministry of Unification. (2021). *2021 Unification White Paper* [White paper]. [https://www.unikorea.go.kr/books/whitepaper/whitepaper/white\\_2021/index.html](https://www.unikorea.go.kr/books/whitepaper/whitepaper/white_2021/index.html)
- Ministry of Unification. (2022). *2022 Unification White Paper* [White paper]. [https://www.unikorea.go.kr/books/whitepaper/whitepaper/white\\_2022/index.html](https://www.unikorea.go.kr/books/whitepaper/whitepaper/white_2022/index.html)
- Ministry of Unification. (n.d.). *Inter-Korean Dialogue Statistics*. Retrieved June 28, 2024 from <https://dialogue.unikorea.go.kr/ukd/b/be/usrCmsStat/List.do?tab=1&gn=1>
- Ministry of Unification. (n.d.). *Korean Law Information Center*. Retrieved June 28, 2024 from <https://www.law.go.kr/LSW/lsAstSc.do?cptOfiCd=1250000#cptOfi1250000>
- NationalInstituteforUnificationEducation.(2021, March2).*2021UnificationEducationPlan*.<https://www.uniedu.go.kr/uniedu/home/pds/pdsatcl/view.do?id=20503&mid=SM00000532>
- Park, J., Lee, M., Choi, H., Kwon, Y., Sloman, S., & Halperin, E. (2019). *2019 Annual Reports of Attitude of Koreans toward Peace and Reconciliation*. Korea Institute for National Unification.
- Park, S. (2009). A study on self-defense in Anglo-American criminal law. *SungKyunkwan Law Review*, 21(1), 169-188. <https://doi.org/10.17008/skklr.2009.21.1.008>
- Yoo, E. (2024). Comparative Study of Changes in Legal Consciousness of Koreans Before and After COVID-19: Focusing on the Normativity of Law and the Perception of Fundamental Rights, *Soongsil Law Review*, 59, 163-195. <https://doi.org/10.35867/ssulri.2024.59..006>

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## Conflict of Interest Information

The authors have no conflicts of interest to declare.