

The Criminal Justice System Of South Korea And Germany

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Abstract

Criminal justice system forms an important part of any country's judicial system. The system developed for controlling the crimes includes the group of methods and agencies which are made by the government for imposing penalties on the persons who break the laws. A comparative analysis of criminal justice system of Germany and South Korea is carried out to understand the judicial system, criminal laws, function of police, juvenile judicial system and other areas of the criminal justice system. The analysis of the crime data helped to understand how both countries differ in their effectiveness in controlling crimes.

Introduction

The justice system for the crime includes the group of methods and agencies which are made by the government for controlling the crime as well as for imposing penalties for the persons who break the laws. The way in which this justice system operates within every area relies on jurisdiction which is in charge: state, city, county, tribal government, military installation or feral government. Various jurisdictions include different agencies, laws, and methods of managing the justice system for the crime (Roufa, 2017). The main methods include the state justice systems for crime which manages the crimes done within the state and the federal justice system for crime manages the crimes done in the boundary of the federal property.

The three main elements which make up the justice system for crime are courts, law enforcement, and corrections. All these work together for preventing and punishing the deviant attitude.

- Law Enforcement is the most viable element. The police officers usually are the first persons who get the calls about the crimes done. The police patrol then helps to prevent the crimes, investigate the incidences of the crime, and arrest the suspected people for committing a crime (Roufa, 2017). The culprits entered the court system after getting arrested.
- Courts System: constitutes the judges, juries, and attorneys, along with the ancillary staff. The innocence of guilt of the suspect is found by the court. The suspected person, who is now a defendant, is given a chance to defend himself in the court as the proof is presented. He is then released or sent to jail if they have committed the crime (Roufa, 2017). If he is found guilty, he receives the sentence of punishment depending on the criteria made by the status and judges. The defendant is then sent to the correction system after he gets a sentence.

- Corrections System: It incorporates all kinds of punishment and sentencing. It includes probations and incarceration. A sentenced criminal becomes the responsibility of this system until he commutes or serves his full sentence (Roufa, 2017).

In this paper, the criminal justice system of South Korea and Germany is reviewed.

Historical Background

Germany is the most famous country of the Europe having the biggest economy. It is the wealthiest state of the world, having the average income per capita along with the purchasing strength of the 16.200 € in 2005 (France and Great Britain: 16.700 €). Germany has the middle-class society and is widely seeking the well-established welfare system, and the poverty linked social issues are getting relatively lowered there. But, the latest economic performance of state was not much dynamic, and the country has become one of the slowest expanding economic countries in the whole euro zone (Höfer, 2005).

The structural stiffness in labor market of the state has brought up unemployment as the biggest issue. The rate of unemployment has been reached to 12.5% till February 2005, which is the highest rate ever seen. The high rate of unemployment along with the expanding population has put a lot of stress on the welfare system and has lately cut down the social services. Along with this, the reunification, integrations and the modernization of the East German state have caused its economy to be an expensive long process. Even then there was some progress done in raising the living standard of the people of East Germany, the complicated procedure of the integration of the former communist system and the society is taking a lot of time than it was expected, but still, needs some bigger financial transfers from west towards east.

Regarding the criminal matters of the state, which largely depend on the inquisitorial procedures, opposite to the accusatory as it is in the UK. So, all the prosecutions are performed by the separate prosecution service (Staatsanwaltschaft), being independent of the police. It is the duty of the prosecution service to gather the facts where people get suspected for a crime, called the police for assisting the investigation. In fact, many cases are the other way around: police carry out the inquiry process, and the prosecutor may get involved as the investigations get completed. The decision of the public prosecutor for indicating the suspect or discounting the proceedings is instructed by the law as per the rule of the mandatory prosecution. During the criminal proceedings, the public prosecutor advises those who act on the prosecution. Germany has got a separate justice system for juvenile, making education important instead of the retribution for young people having ages between 14-18, and under particular conditions, for the young ones having the ages between 18-21 (Höfer, 2005).

The state of Korea gets established in about 7th century which is what now in the modern North and South Korea. The Korean peninsula got declared as a protectorate of the Japan in 1905. It got annexed by Japan in 1910, not until surrendering of Japan in 1945 by the end of world war 11 and the

kingdom of Korean came into being in the southern part of the peninsula. And the communist state of (DPRK) Democratic Republic of Korea came into being within the northern section. Not after so long, the US, as well as the UN, fought for the south during the Korean war of 1950 to 1953, the war which was intended for defending the southern part from the communist people This was ended in 1953 along with the formation of the demilitarized section at the 38th parallel (Yang, 1994).

This line of demarcation has been divided into the peninsula amid the DPRK and the ROK since then. After the war, the South Korea continued for achieving the fast economic progress as compared to the North Korea and has been considered as the modern democratic country now. The stress amid the two states is still very strong, but, the relations have been damaged because of the attacks by the north on the southern civilian and ships. As of 2026, the president of South Korea is Lee Jae Myung, while its capital is Seoul. With few exceptions of Chinese citizens, 100% of the population is ethnic Korean while the national language of the country is Korean. The religious demographics of the population are: 23.2% Buddhists, 49.3% have no religion, and 26.3% is Christian (Yang, 1994).

Criminal Law Description

The Strafgesetzbuch is linked with the old Penal Code system of the German empire implied back in 1871, which is highly similar to the Penal Code system present in the North Germany. This Penal Code system has two main sections (German Law, 2015):

General Section ("Allgemeiner Teil"): which manages the general issues, for example:

- Attempts
- Essential defences
- Law linked definitions
- Section of the validity of law
- Ability to be pronounced guilty
- Enactment and provocation or accessory shop
- General means of punishments (like imprisonments and fines)
- Statutes of limitations

Special Section ("Besonderer Teil"): which includes the list of various criminal offenses as well as their definitions and sentences, for example (German Law, 2015):

- Crimes against life
- Crimes against the democratic rule of law
- Crimes against public order
- Crimes against the individual with sexual nature
- Crimes against the individual's wealth (like theft or robbery)

No Punishment Without Law

An individual who has violated the fundamental laws of a state or rights of another individual will get punishment. The criminal actions along with their legal results are only ruled by the law of the state (German Law, 2015).

The Only Law Of The State Is Authorized For Prosecuting The Criminal Offenses

Any sort of penalty via self-administered justice or non-state communities or head of the family is not allowed.

Public Attorneys (Staatsanwaltschaft), Police, And Courts

The witnesses and victims of the criminal action should contact the police officer by calling at 110. The public attorney and police will then investigate whether there is any suspicion of the happening of the criminal action. Only the courts are allowed for convicting the criminal defender. The members of the justice system and police are not allowed for this and will act as per the laws always (German Law, 2015):

Every Individual Can Become A Witness And Should Speak The Truth

Any individual can be hard as he acts as the witness while the investigation of crimes is done. Just the wife or husband or any close relative of the suspect can refuse the evidence provided. A witness should speak the truth always. The false statements are itself a crime and witness can get punishment on it.

Some Of The Most Common Elements Of The Crime

It is not allowed to make use of any physical violence in the state of Germany. This applies to family members, too, who should never physically punish anyone at home.

Sexual Self-Determination

This is a necessary element of the legal protection. An individual who forces someone to perform a sexual act with threats or violence will be imprisoned for years. This implies the spouse, too. The sexual actions done to kids having the age of less than 14 are not allowed and can be punished (German Law, 2015):

Drugs

Drugs are not allowed in Germany. An individual who sells, imports, possesses or handles the drugs will get punished (German Law, 2015).

Criminal Law In South Korea

Rules Of Evidence

The guidelines of evidence in Korea confer high probation values for the inappropriate suspect investigation records generated by the prosecutor, that is, the protocol constituting the state of the suspect or any individual, organized by the public prosecuting attorney or the judicial officers. However, this document is technically a rumour in the US legal system and includes a record of the confessions created without the help of legal advice. While either the prosecutor or the police constable can generate the record of the suspect investigation, as produced by the prosecutor, it is allowable if the suspicious person makes it confirms the authenticity of the Record during the preparatory stages or while the trial is going on. As the suspicious person refutes this genuineness, the evidence or records can still be allowable if there exists any situational guarantee of trustworthiness. However, the record or evidence made by the policeman is not allowable if the suspect refutes the realness later during the process (Ahn, 1997).

A suspect can confirm the genuineness by signing a record by the completion at the time when it is supposed to get confirmed. Another method of confirming is through substantial acknowledgement in which the suspect confirms the record. The police-generated record needs to be acknowledged substantially.

Role Of Counsel

Presently, the defendant's lawyers perform a minimal role during the investigation procedure. The defence counsel is presented during the process and can make objections only when the process is unjust. The council can make opinions just after the investigations are approved (Carothers, 1998).

Jury Trial

Korea started experiments using the restricted form of the jury system in January 2008. The criminal actions system constitutes four chapters for general provisions, 42 chapters for individual provisions, addenda, and 372 clauses (Carothers, 1998).

General Provisions

Unit I. General Provisions

Chap. 01. Restriction on the Applicability of the Criminal Act (Carothers, 1998)

Chap. 02. Crime

- Section. 1. Commission of Mitigation and Crime or Exception of the Sentence
- Section. 2. Criminal Tries
- Section. 3. Involvement
- Section. 4. Frequent Crimes
- Section. 5. Simultaneous Crimes

Chap. 03. Punishment

- Section. 1. Forms and Harshness of Sentences
- Section. 2. Fortitude of Punishment
- Section. 3. Postponement of Burden of Sentence
- Section. 4. Postponement of Implementation of Sentence
- Section. 5. Implementation of Sentence
- Section. 6. Parole
- Section. 7. Treatment for Implementation of Ruling of the Guilty
- Section. 8. Extermination of Sentence
- Chap. 04. Term

Individual Crimes

- Unit II. Individual Provisions
- Chap. 01. Crime about Insurrection
- Chap. 02. Crimes about Foreign Aggression
- Chap. 03. Crimes about National Flag
- Chap. 04. Crimes about Foreign affairs
- Chap. 05. Crimes against Public Peace

- Chap. 06. Crimes about Explosives
- Chap. 07. Crimes about the Responsibilities of the Public Officials
- Chap. 08. Crimes of the Obstruction of the Presentation of the Official Duties
- Chap. 09. Crimes about the Escape and harboring of Criminals
- Chap. 10. Crimes of Lying and Devastation of Evidence
- Chap. 11. Crimes about False Accusation
- Chap. 12. Crimes against the Deceased Persons
- Chap. 13. Crimes of the Arson and Fire produced by the Negligence
- Chap. 14. Crimes about the Inundation or Water Utilization
- Chap. 15. Crimes about Traffic Obstacle
- Chap. 16. Crimes about Drinking Waters
- Chap. 17. Crimes about Opium
- Chap. 18. Crimes about Currency
- Chap. 19. Crimes about Valued Securities and Revenue Stamps
- Chap. 20. Crimes about Documents
- Chap. 21. Crimes about Seals
- Chap. 22. Crimes about Sexual Morals
- Chap. 23. Crimes about Gambling and Lotteries
- Chap. 24. Crimes of Homicide
- Chap. 25. Crimes about Infliction of the Bodily Injury or Violence
- Chap. 26. Crimes about the Infliction of the Bodily Injury or Death due to Negligence
- Chap. 27. Crimes about Abortion
- Chap. 28. Crimes about the Abandonment or Maltreatment
- Chap. 29. Crimes about the False Arrest or Illegal Confinement
- Chap. 30. Crimes about Intimidation
- Chap. 31. Crimes of Kidnapping
- Chap. 32. Crimes of Rape and Notorious Conduct
- Chap. 33. Crimes of Reputation
- Chap. 34. Crimes of Credit Trade and Auction
- Chap. 35. Crimes of Defilement of the Secrecy
- Chap. 36. Crimes of Interruption of the Human Habitation
- Chap. 37. Crimes of Hindering Another person from asking for His Right
- Chap. 38. Crimes of Theft and Robbery
- Chap. 39. Crimes of Deception and Extortion
- Chap. 40. Crimes of Misappropriation and Breakage of Trust
- Chap. 41. Crimes against the Stolen Property
- Chap. 42. Crimes of Obliteration and Damages

Distinctive Criminal Laws

Just after the law is enforced, the crimes become heinous or large. Also, in a few cases, a novel kind of threat occurs. Thus, special actions have been taken to combat such crimes. Anyhow, for special crimes, the Criminal Act is considered the basic framework (Ahn, 1997).

The types of punishable actions for special crimes have been increased, and the penalties for them have expanded in the same way, even leading to the sentence of death. Following are a few examples of such special actions:

- Act about the penalties for the violent acts for punishing the violent acts by the group or an individual.
- Act about extra punishment, etc., for specific acts for punishing bribery, hit-and-run accidents, baby snatch, etc.
- National Safety Act for punishing the pro-communist propaganda or for its support.

Judicial System

The rules of Roman law built the basis of the judicial system of Germany and defined the system of justice, which differed basically from the Anglo-Saxon system. In the US, the courts depend on precedents from previous cases, while in Germany, the courts seem to be quite comprehensive in terms of legal codes. These codes delineate somehow abstracting the legal values and judges should decide the particular ones depending on those standards. The German judicial system includes three kinds of courts: the ordinary courts, which deal with crime and civil cases and are quite numerous now. The specialized courts deal with cases that are linked to administration, social, fiscal, labour, and patent law. While the constitutional courts deal with judicial reviews as well as constitutional interpretations. The (Bundes-verfassungsgericht) federal constitutional court stands as the highest court, which plays an important role via its interpretation related to the basic laws (Martinez, 2003).

The ordinary courts have four further tiers, each of utmost significance. The lowest one has a few thousand local courts (Amtsgerichte; sing., Amtsgericht), which deal with cases linked with minor offences or small civil issues. These courts carry out routine legal operations, too, like probation. The specialized courts have five definite sections: social, fiscal, patent law, administrative and labour. Similar to ordinary courts, they are managed hierarchically, having land court systems that lie under federal courts. The 16 judges make up the federal constitutional court, the highest and most important judicial factor of Germany's judicial system. They are opted to serve for 12 years, at non-renewable conditions and get removed from office for abuse or simply by a motion given by the court itself. The Bundesrat and Bundestag each select half of the members of the court. So, partisan politics play a role, but the compromise is made in the system as any decision of the court needs a two-thirds majority among the judges who participated in the case (Martinez, 2003).

Judicial System In South Korea

The Republic of Korea has a specialized judicial system. This judicial system is comprised of 6 high courts, an administrative court, Supreme Court of South Korea. More over some other courts of particular dominion like family matters and 13 regional courts. Regional courts contain sub branches which are highly established similar to municipal courts. One court is made to deal with constitutional matters. According to the constitution of Korea, maximum powers are devoted to South Korean referring to article 5th and 6th. In spite of this, there is no proper system of adjudicators, set for court system of South Korea. Since 2nd of February of 2008, some power is given to judges. Like all the quarries related to fact and law will be decided by judges. Furthermore, some sufficient authority is given to advisory panels, and they are hosted for social and illegal cases (Im, 1987).

Public Courts:

Currently, there are 103 public courts in South Korea. Public or municipal courts deal with minor cases of daily life. Like disputes on small claims which do not exceed more than twenty million. Or cases in which punishment is announced for at least 30 days or a fine not more than 2 lac dollar charge on criminal (Im, 1987).

Regional Courts:

In South Korea, most of the criminal and civil cases are sought out by 18 regional courts. Moreover, it deals with the appellate panel which looks over applicants related issues. Decisions of such cases are taken by either branch court jury or by the single regional court. An appellate panel is composed of 3 judges (Im, 1987). Normally only one judge ran a case and gave his final decision. But in some specific cases, there may be a crew of 3 judges which will give an ultimate decision.

Subdivision Courts:

They are considered as a part of the regional court. In South Korea, there are almost 40 sub divisional courts. Although they work more than district court one deficit is, they deprive of appellate function.

High Courts:

There are six high courts in South Korea. All of them deals with appellate cases. A panel of three judges is set in family or administrative court. Some civil cases are heard by one judge in which money in controversy is more than 500 lac won. Appeals in this court are heard by three judges. In South Korea, high courts are situated in Busan, Daejeon, Seoul, Gwangju, and Daegu. Jeju high court contains special panel in Gwangju high court (Im, 1987).

Juries:

According to the constitution of Korea, the organization Act of court defines the qualification of judges. Article number 42 of this Act defines, only those are eligible which has successfully passed National Examination of Judicial and completed a training program of two years at Training Institute and Judicial Research (JRTI). Or which have a degree of a lawyer are qualified for being a judge (Im, 1987).

Chief justice and then later justices Council of Korea confirms the nomination of judges. This council consists of judges of Supreme Court. The service timing of judges is ten years, and they can be selected again. The above given chosen process and decision of service is not applicable for Constitutional and Supreme Court of Korea. Both of them have their procedures. For nomination and services terms as well, Supreme Court and constitutional courts of South Korea are the main regulatory authorities in a country.

Juvenile Justice System

The youth justice system in Germany is regulated federally. The practice of the youth justice is vacillated amid the punishment and rehab in the response of the shifting of the political powers since the 1900s. After World War I, the state made the legislations for creating the system which incorporated with both philosophies. In 1922, the Juvenile welfare act was passed which address the youth who are need of care while the Juvenile Justice system was brought up in 1923 which targets the youth delinquents (Albrecht, 2004).

The youth diversion has four different levels: the whole diversion without interventions, the diversion via illegal entities, the diversion with the interventions like fine, community service, apology and the diversion needing the court proceedings. The German law differentiates amid these four sections by the age. The “Kids” with age less than 14, get criminally culpable, while the “Juveniles” having the ages between 14-17 have the responsibility of the youth welfare departments. The youngsters at the age of 18, are considered as adolescents are criminally responsible and the people with age of 21 or more are the legal adults (Albrecht, 2004).

The Germany made the Juvenile Justice system in 1990. This system referred to the least restrictive interventions for the youths, introduced the community sanctions and increased the diversionary options like the mediation, social training and so on. The youth imprisonments have been lowered during past 30 years however the proportion of the youths has got placed under the judicial control and increased since 1960 (Albrecht, 2004). The possible explanation of this expansion is that the youth imprisonment is a lot cheap (which 100 to 200 euros each day), as compared to the placement of the youth in the residential treatment facility for the youths (which is 250 euros each day).

In South Korea, everybody including children or their guardians have a different perception towards

the options which are available to them to fight against the violation of their human rights. The different options include complaints and petitions to different organizations like National Human Rights Commission. The Constitution is very clear about people bringing their cases to the court of law. Every citizen who feels that their rights are violated can challenge in the court of law. These rights are precisely stated and include the right to an attorney to anyone who is arrested and also the compensation by the state in case of damage to property by a public official during any activity in his duty. The children are allowed to report to the police of anything which they consider a violation to their rights, but it can only proceed if they pursue it with a representative if it has some serious legal issues (Correction Bureau, 1993).

Crime Data

The following table compares the crime statistics of Germany and South Korea (Nation Master, 2017):

Stat	Germany	South Korea
Cost of living > Average monthly disposable salary > After tax	\$2,851.85 Ranked 21st. 31% more than South Korea	\$2,174.36 Ranked 38th.
Crime > Murder rate	0.86	2.3
Rape Rate	9.4 Ranked 24th.	13.5 Ranked 20th. 44% more than Germany
Intentional homicide rate	0.81 Ranked 43rd.	2.9 Ranked 52nd. Four times more than Germany
Violent crime > Murder rate	690 Ranked 29th.	1,251 Ranked 20th. 81% more than Germany
Crime > Violent crime > Murder rate per million people	8.44 Ranked 79th.	25.32 Ranked 51st. Three times more than Germany

Prison System Description

The federal states of Germany manage all the matters of prisons exclusively. Federal states are ruled by federal states. The procedure of imprisonment of penitentiaries is made up of two folds: the first one is to ensure that when prisoners are free from prison, they will lead a social life without any misconduct. On the other hand, people in society who are guilty of doing corruption acts. Main offices of prison services are made in justice ministry of each state. Within head offices, a prison service department looks after personal matters, hiring of prisoners and preaching prisoners. It also regulates all the organizational matters of prison services. Finances, construction, prime and advanced teaching of staff, professional training and prison services legislation are all under the hold of this department (Chammah, 2016).

Initially, imprisonments are held in public prosecuting attorney office, where a case is proceeding. Felons who are imprisoned for the first time of fewer than three months are allocated among first time imprisoned criminals (Erstvollzug). The re-offenders are placed in regular jails (Regel Voll Zug). And those who got long term punishment are imposed within high-security jails (langstrafenanstalt). Some more categories are made for adults, masculine prisoners and those with any health or mental issue (Chammah, 2016). A particular department manages some prisons require therapies like those who have committed any sexual crimes. Prisoners are kept in the form of crowds of ten to fifteen. All of them are assigned to any social activity. They are supported by psychiatrists, correction officers, and other social employees. In this way, they are given a golden chance to accurate themselves and eliminate social defects.

In 1976, or the first time a Prison Act by Germans was approved by federal regulation. It was specifically made for grownups. The federal constitutional court took a pronouncement in back 2006. Due to that decision, some correction was to be made regarding adults at the end of next year. Five basic types of incarcerations were made in Germany. They were Haft (safe keeping), Zuchthaus (custodial), Einschließung (jail), Gefangnis (prison) and Arbeitshaus (workhouse). Among them, Zuchthaus was most a prison of hard work. Prisoners are involved in the physical activity like breaking hard rocks etc. they had to work hard till their last folding (Chammah, 2016).

As compared to the rest of the world the prisons in Korea are cleaner and safer. They are run professionally and with great care. It is said that Korean prisons are quieter and the rate of rape there, is almost equal to zero. Their prisons keep the inmates engaged all the time by involving them in different activities and tasks. The normal schedule for their week days is from 8 a.m. to 5 a.m. in the evening while they keep the inmates in their respective cells during the weekends or holidays so that the correctional officers can have some time off.

Number And Type Of Prisons:

The total number of correctional facilities in Korea is 39. Out of these 39, 26 are prisons, 1 is a

women's prison, 2 are juvenile prisons, 1 is an open prison, 5 are detention houses, 1 is a branch prison detention house, 2 are protection houses, and 1 is a branch prison (Correction Bureau, 1993).

Some Beds In Prisons:

There are no typical beds in the prisons of Korea.

Some Admissions Each Year:

The number of admissions in all the correctional facilities in the year 1992 was 27,799 people (Correction Bureau, Various Years)

The Average Population Of Prisoners:

The average population in the year 1992 was 55,159. Out of these 55,159 prisoners, 219 were under penal labour, and 31,169 were convicts. A survey conducted at the end of 1992 showed that 97.2% of the prisoners were male, and the remaining 2.8% were of the opposite gender. Among them, only 0.3% were foreigners.

Estimated Or Actual Number Of Inmates Imprisoned:

Detailed information about actual percentages of the prisoners imprisoned by annual imprisonments, type of crime committed, and other daily averages is not available. Yet, of these 34,499 inmates in the year 1992, the highest portion, i.e. 23.6%, was imprisoned for the crime of theft, the next highest portion, i.e. 17.1%, for robbery, and the third highest, i.e. 12.8%, were in for Special Laws that are concerned about the violent behaviour punishment (Correctional Bureau, 1993).

Functions Of The Police

The Federal Republic of Germany has given authority to sixteen states (Lander) to build their police officers and maintain their police forces within their periphery. They are also given the power to teach police consultants and pass a law. The basic law is introduced for basic federal authority among the main areas of law enforcement. Germany has one federal police, 16 state police forces, and three federal law enforcement organizations (Tyler, 2007).

A range of law enforcement tasks is accomplished by federal police. Such as aerospace security, railway police, boundary protection, and naval. They may also serve in other foreign countries and handle systematized crimes and terrorism. The Aviation Security Act, Residents Act, federal police act, and Germany's basic laws allocate all the above tasks. More than thirty-five thousand law

enforcement officers and five thousand other staff collectively make up federal police, which are highly trained. It plays a vital role in controlling security staples in Europe and the Federal Republic of Germany as well (Tyler, 2007).

Compared to Germany, the citizens of South Korea do not know how to handle their anger and usually target the cops, who become the victims of the frustrations the common people are facing. They are often harassed by people for no reason. The police do not press charges against people as they feel unsafe and do not want to endanger their lives or jobs. Even if charges are pressed against common citizens, who are very few in number, still only 50% of them are fined, and the rest get away with it. The fine for punching a police officer in South Korea is around \$80, which is a very small amount and is one of the reasons why people are casual about it, and still no one brings in the fine. The police are not liked by the people, though it is a part of the government, but they are oppressed by them (Angryrants, 2016).

Conclusion

The justice system for crime includes the group of methods and agencies that are made by the government to control crime and to impose penalties for the persons who break the laws. The three main elements which make up the justice system for crime are courts, law enforcement, and corrections. The judicial system of Germany is based on the rules of the Roman law. In Germany, the courts seem to be quite comprehensive in the legal codes. These codes delineate somehow abstracting the legal values and judges should decide the particular ones depending on those standards. The youth justice system in Germany is regulated federally. The practice of youth justice is vacillated amid the punishment and rehab in response to the shifting of political powers. The federal states of Germany manage all the prison matters exclusively. Federal states are ruled by federal states. The procedure of imprisonment in penitentiaries is made up of two folds: the first one is to ensure that when prisoners are free from prison, they will lead a social life without any misconduct.

The Republic of Korea has a specialized judicial system. This judicial system is comprised of 6 high courts, an administrative court, and the Supreme Court of South Korea. In South Korea, everybody, including children or their guardians, has a different perception towards the options which are available to them to fight against the violation of their human rights. The different options include complaints and petitions to different organizations like the National Human Rights Commission. The Constitution is very clear about people bringing their cases to the court of law. Compared to the rest of the world, the prisons in Korea are cleaner and safer. They are run professionally and with great care. It is said that Korean prisons are quieter, and the rate of rape there is almost equal to zero.

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