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THE NATIONAL ASSEMBLY OF
THE REPUBLIC OF KOREA

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입법자의 의사를 어떻게 확인할 것인가?
-법률쟁점 **DB**를 중심으로-

How to trace Legislative Intent?
-Understanding Legislation Issue Database

National Assembly Law Library
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Table of Contents

- Purpose and necessity of legislation Issue DB
- Workflow and concept overview
- Contents and current status
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- * Legislation Issue DB- search system overview

Legislation Issue DB Overview

■ Legislation Issue DB traces and identifies the intent of legislators

- exploring documents and information generated in legislation process, analyzing debates under the process, identifying and arranging considerations and compromised conclusions from the debates, and completing and uploading Legislation Issue Process Reports into database



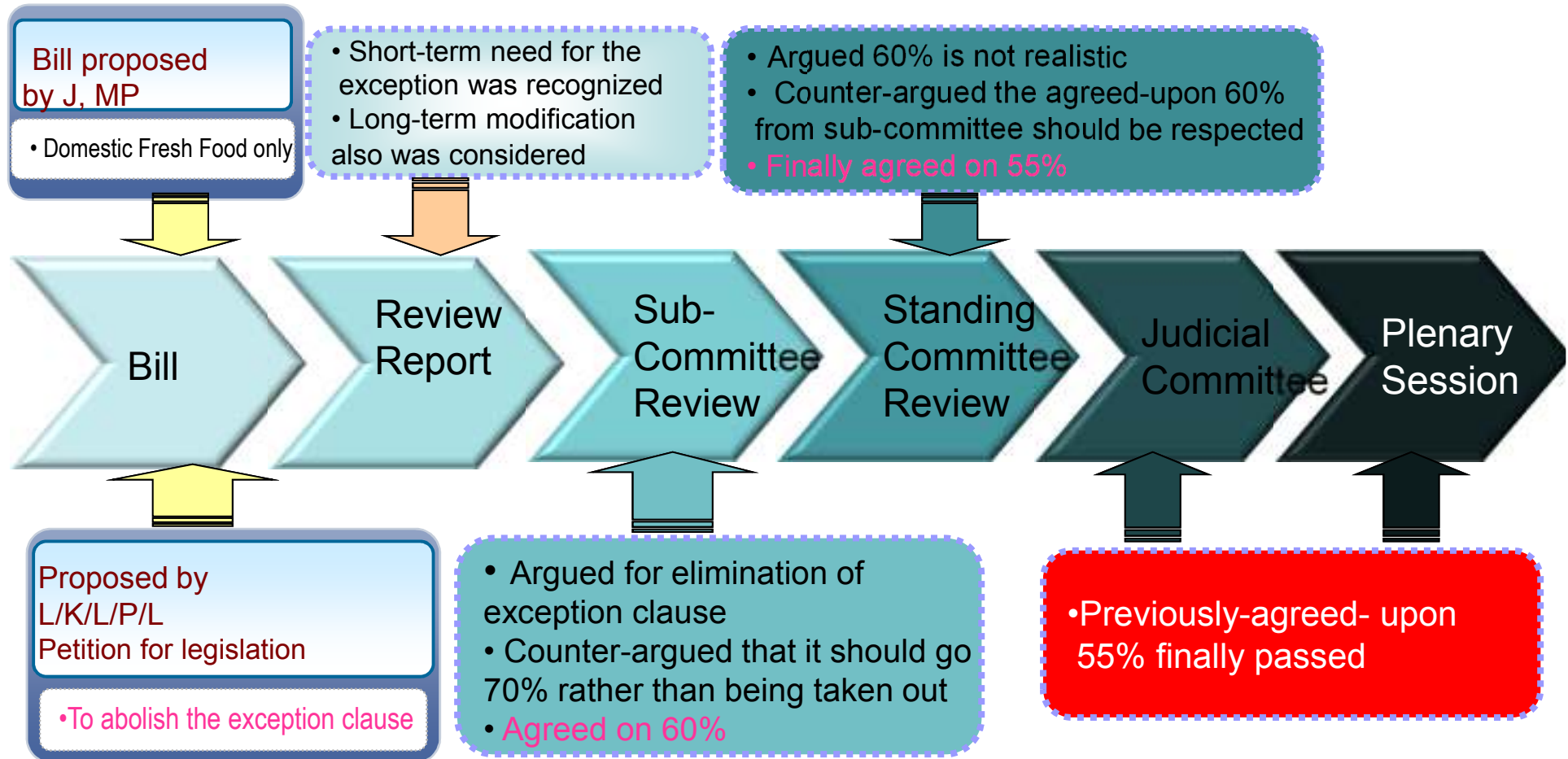
Necessity

- a need for well-organized source of information to help understand legislators' intent
 - The database summarizes social circumstances at the time of legislation, legislative intent and purpose of the legislation and debate among stakeholders
- a demand for comprehensive documents that capture the intent of legislators in the study of law as well as in law enforcement and judicial review



Distribution Industry Development Act : became effective on April 24th, 2013 Act No. 11626, partially amended on Jan. 23rd.2014 Amendment issue: grounds for exception to trading hours restrictions
 – Formation of legislative intent on the proportion of Agricultural and fishery product sales in total sales

Before the amendment → Superstores with 51% or higher of sales coming from Agricultural and fishery product are excluded from application of trading hours restrictions



Workflow

▷ List up Bills passed plenary session → Select **Issue Act**



▷ **Collect, Research and Analyze Legislative Information:
Legal Experts and Law Librarians**



▷ **Complete Overview of the Issue Act and
Legislation Issue Process Report**



Round review

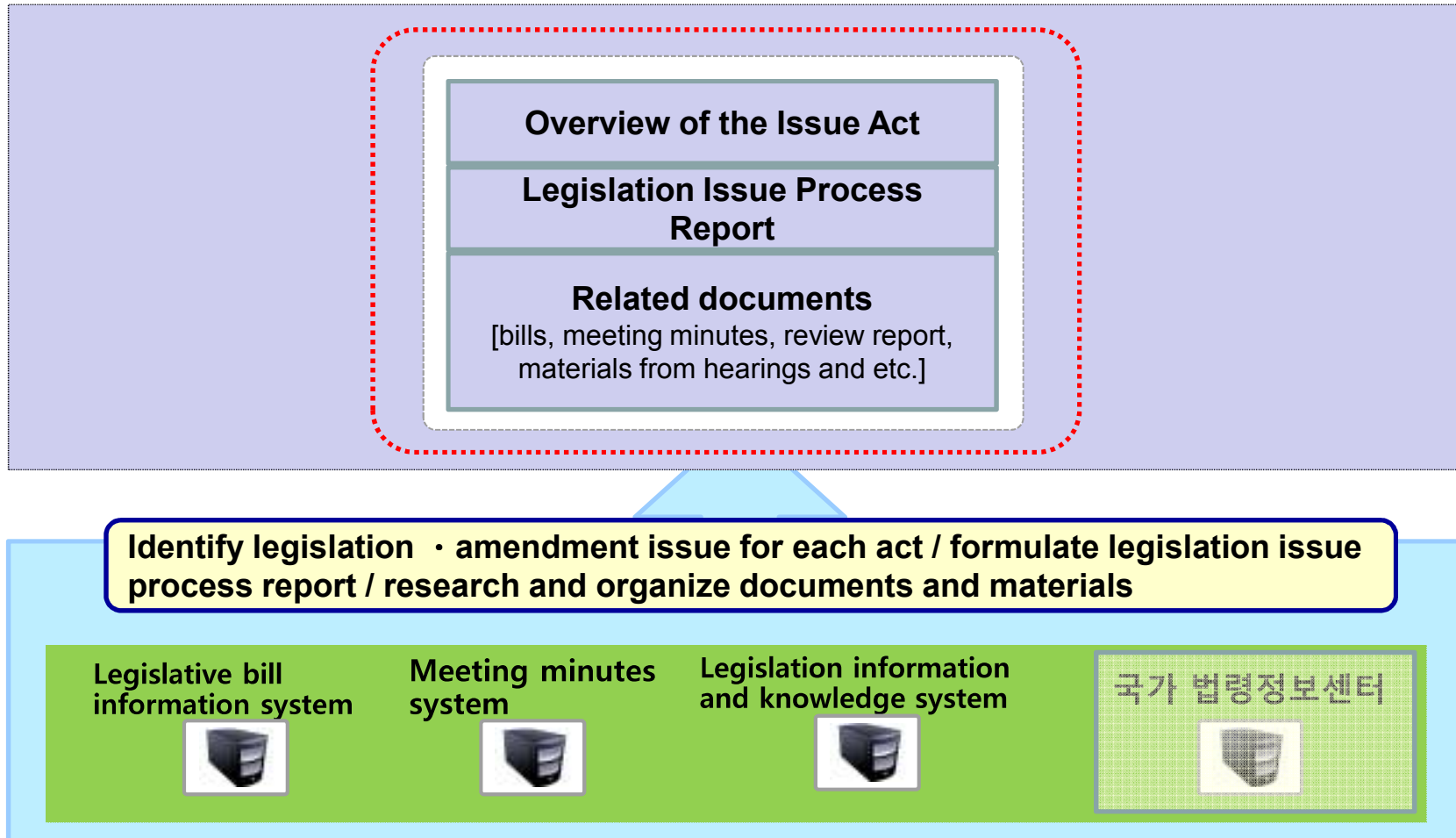
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Yes

▷ **Upload to the database and publish materials**

Concept Overview



Key Contents

Title	Description
Overview of the Issue Act	<ul style="list-style-type: none">○ Overview of legislation process of the Issue Act<ul style="list-style-type: none">- Purpose of legislation, key contents, legislation · amendment and issues of the Act- Related legislative bills, governing standing committee, related Executive Department or Administration
Legislation Issue Process Report	<ul style="list-style-type: none">○ Research reports, documents and committee minutes in legislation process, identifying and arranging debates, opinions and compromised conclusions○ complete a report with considering the legislative intent identified under this work
Related Documents	<ul style="list-style-type: none">○ Materials from standing committee and plenary session<ul style="list-style-type: none">- review report, meeting minutes and etc.○ Legal precedent directly related to the legislated or amended acts, constitutional court decisions, materials from hearings and seminars, media reports and etc.

Legislation Issue DB Status (2014. 4. 30)

○ 1,319 Acts in force in the Republic of Korea (as of March 31st)

<http://www.moleg.go.kr/lawinfo/status/statusReport>

○ DB creation progress

Year	No. of acts uploaded
2011	115
2012	159
2013	454
2014	132
Total	860

○ Service plan: To be open to the public in December 2014

Expected Effects

- Help applying legislative intent to the law enforcement activities and judicial review by providing the intent regarding legislated or amended acts
- Offer changes and modifications, made in legislation process but not be inserted into new Act, as recommendation ideas for future legislation
- Contribute to successful legislation by evaluating effectiveness of the legislation or amendment in the light of legislative intent

Future Developments

- Provide all the information regarding legislated or amended acts containing issued legislative items in a comprehensive manner
- Develop into a database that identifies areas of improvement in legislation and items prompting further amendment by linking and analyzing all legislation information

Legislation Issue DB- Search System Overview (1)


법률쟁점DB
[법률별 검색](#)
[쟁점별 검색](#)
[위원회별 검색](#)
[법률쟁점DB 소개](#)
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법률쟁점 DB는 국회 입법과정에서 논의된 법률의 제정·개정 쟁점을 중심으로 입법경과를 정리하고, 관련 자료를 연계하여 제공합니다.

제정 개정 입법경과 ▶ MORE	법률별 쟁점 살펴보기 ▶ MORE	위원회별 현안 법률 ▶ MORE
<ul style="list-style-type: none"> 표시·광고의 공정화.. [개정] 2014.01.28 독점규제 및 공정거.. [개정] 2014.01.24 공인중개사의 업무 .. [개정] 2014.01.28 대중문화예술평업발전.. [제정]2014.01.28 국토의 계획 및 이.. [개정] 2012.12.18 아동복지법 [개정] 2014.01.28 마약류관리에 관한 .. [개정] 2014.07.30 	<ul style="list-style-type: none"> 동의의결제 상호출자 공인중개사법 대중문화예술평인 체육시설의 범위 아동학대 마약류취급승인자 	<ul style="list-style-type: none"> 정무위원회 NEW 국토교통위원회 NEW 교육문화체육관광위원회 NEW 보건복지위원회 NEW 국회운영위원회 NEW 산업통상자원위원회 NEW 법제사법위원회 NEW

Legislation Issue DB- Search System Overview (2)

저작권법

제22차 개정 [시행 2014.07.01] [법률 제12137호, 2013.12.30, 일부개정]

상임위원회/ 소관부처 : 교육문화체육관광위원회 / 문화체육관광부

> 입법경과 보기

 저작권법(제 12137호)_입법경과.hwp  저작권법(제 12137호)_입법경과.pdf

입법정보보기

개요

법령 및 판례 등

관련문헌 등

외국법률DB

 목록보기

> 입법목적

이 법은 저작자의 권리와 이에 인접하는 권리를 보호하고 저작물의 공정한 이용을 도모함으로써 문화 및 관련 산업의 향상발전에 이바지함을 목적으로 함

> 주요내용

이 법은 저작물, 저작자, 저작인격권, 저작재산권, 저작물 이용의 법정허락, 등록 및 인증, 배타적 발행권, 출판에 관한 특례, 저작인접권, 데이터베이스 제작자의 보호, 영상저작물에 관한 특례, 프로그램에 관한 특례, 온라인서비스제공자의 책임 제한, 기술적 보호조치의 무력화 금지 등, 저작위탁관리업, 한국저작권위원회, 권리의 침해에 대한 구제 등을 규정하고 있음

> 제정·개정내용

1. 공공저작물의 자유이용 신설(제24조의2 신설)

○ 국가 또는 지방자치단체가 작성한 업무상 저작물에 대해서는 이용허락을 받지 않고 자유롭게 이용할 수 있도록 함

2. 학교교육목적 저작물 자유이용방법에 '전시' 및 '공중송신' 추가(제25조제2항)







○ 저작권자의 이용허락 없이 저작물을 이용할 수 있는 학교교육 목적의 저작물 이용형태에 '전시'를 추가하고 '방송 또는 전송'을 상위개념인 '공중송신'으로 변경함

Legislation Issue DB- Search System Overview (3)

> 관련의안 및 위원회자료

관련의안















위원회자료

- ▶ 저작권법 일부개정법률안(대안) (2013.12.9) 1908464  
- ▶ 저작권법 일부개정법률안(윤관석의원 대표발의) (2012.9.21) 1901915  
- ▶ 저작권법 일부개정법률안(김운덕의원 대표발의) (2012.10.30) 1902329  

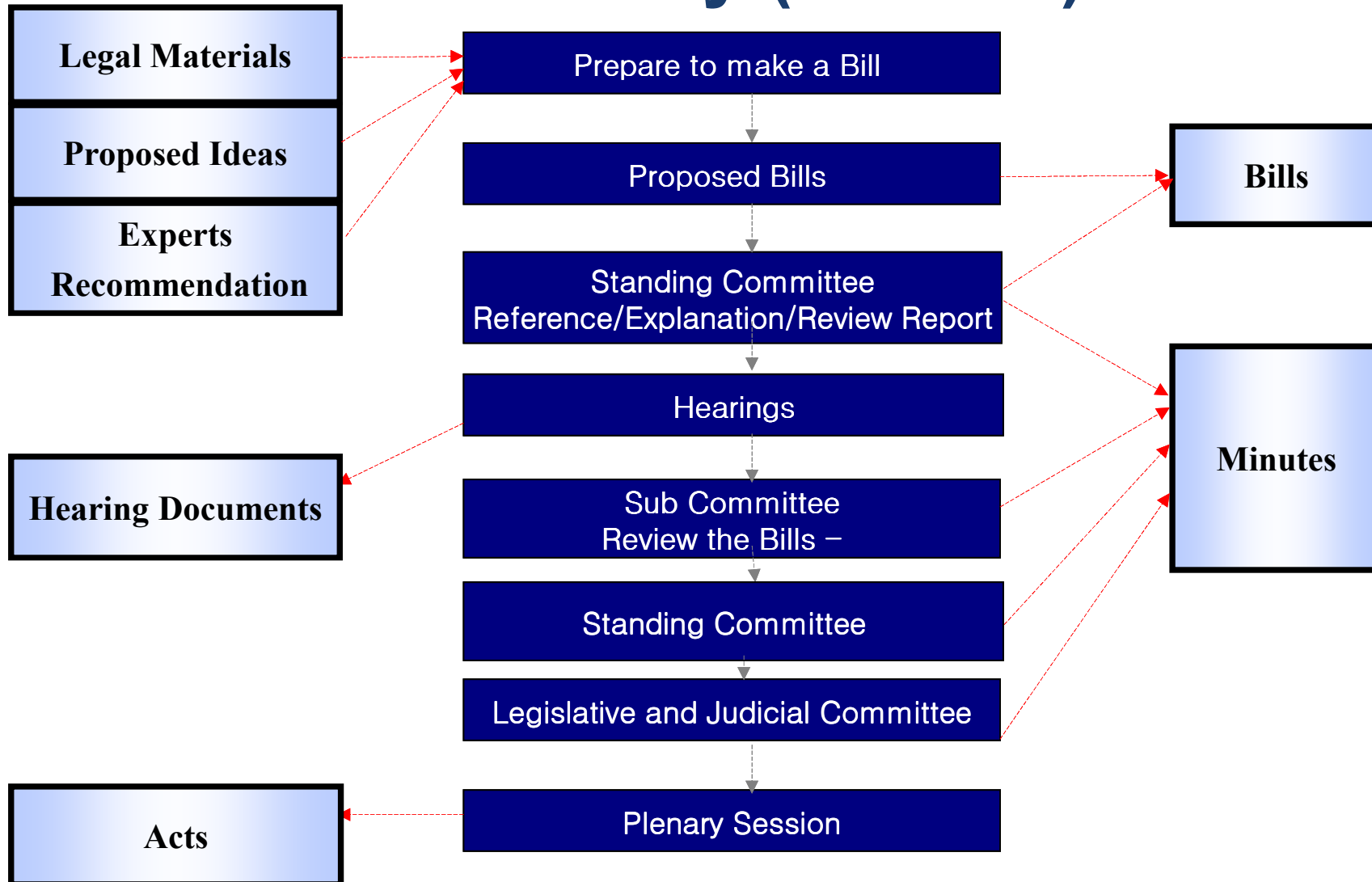
> 관련의안 및 위원회자료

관련의안

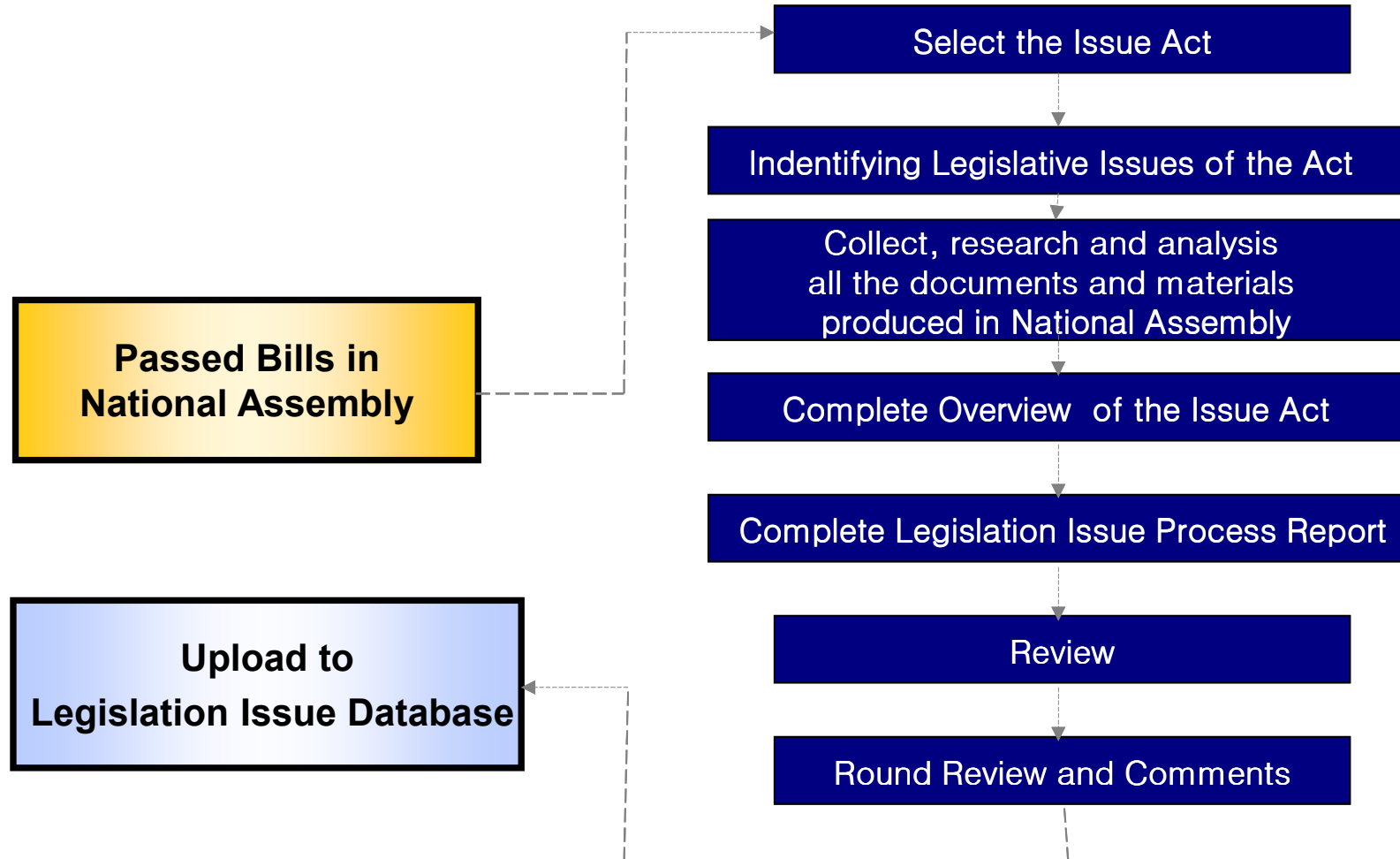
위원회자료

- ▶ 검토보고서_윤관석의원 대표발의안(2013.6) 1901915  
- ▶ 검토보고서_김운덕의원 대표발의안(2013.6) 1902329  
- ▶ 제316회 국회(임시회) 교육문화체육관광위원회 제2차 전체회의 회의록(2013.6.17) 
- ▶ 제317회 국회(임시회) 교육문화체육관광위원회 법안심사소위원회 제2차 회의록(2013.7.25) 
- ▶ 제320회 국회(정기회) 교육문화체육관광위원회 제1차 전체회의 회의록(2013.10.2) 
- ▶ 제320회 국회(정기회) 법제사법위원회 제9차 전체회의 회의록(2013.12.9) 
- ▶ 제320회 국회(정기회) 본회의 제17차 회의록(2013.12.10) 
- ▶ 체계자구 검토보고서 
- ▶ 심사보고서_윤관석의원 대표발의안(2013.12) 1901915  
- ▶ 심사보고서_김운덕의원 대표발의안(2013.12) 1902329  

Legislation Process under National Assembly (in Brief)



Work Flow of Legislation Issue DB



Distribution Industry Development Act - § 12-2①

Exception on Restriction of Grand Marts Business Hours to protect Small and Medium Shops
 –Sales of Agricultural and Fishery Products shall be over **55%** in Total Annual Sales of Grand Mart

The Act(before amended Jan. 23, 2013) :
51% over

Bill – proposed by
 N.A. M cho
 • Only Domestic Fresh Food

•Exception clause shall need in short term base, in long term, it shall be abolished
 • the Scope of A&F product shall be determined by N.A.Ms

•When 60%, No Hanaro Mart shall not meet it, and Hanaro shall be under the restriction.
 •Hanaro shall be deemed superstore and the Act shall be applied to protect small stores.
 • Comprising two conflict arguments(Abolishing v Raising to 70%), Sub-committee agreed at 60%
 •Chairperson coordinated debates:
 – Assistant Administrators of Ruling and Opposition Parties finally agreed to amend to **55%**.



Bills – proposed by other N. A. M. such as Lee, Kim, Park ...
 • Abolishing the Exception Clause

•Some Argue-Abolishing
 •Others Argue- raising to 70%
 •Agree to 60%

•Amended Bill passed
55%

Thank You!