

제16편 병무 병역법

MILITARY SERVICE ACT

Wholly Amended by Act No. 4685, Dec. 31, 1993
 Amended by Act No. 4840, Dec. 31, 1994
 Act No. 5153, Aug. 8, 1996
 Act No. 5161, Aug. 16, 1996
 Act No. 5271, Jan. 13, 1997
 Act No. 5454, Dec. 13, 1997
 Act No. 5757, Feb. 5, 1999
 Act No. 5758, Feb. 5, 1999
 Act No. 6058, Dec. 28, 1999
 Act No. 6287, Dec. 26, 2000
 Act No. 6290, Dec. 26, 2000
 Act No. 6502, Aug. 14, 2001
 Act No. 6547, Dec. 29, 2001
 Act No. 6749, Dec. 5, 2002
 Act No. 6809, Dec. 26, 2002
 Act No. 6972, Sep. 3, 2003
 Act No. 6997, Dec. 11, 2003
 Act No. 7186, Mar. 11, 2004
 Act No. 7272, Dec. 31, 2004
 Act No. 7430, Mar. 31, 2005
 Act No. 7541, May 31, 2005
 Act No. 7845, Jan. 2, 2006

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prescribe matters concerning the military service of nationals of the Republic of Korea.

Article 2 (Definitions)

(1) For the purpose of this Act, *(Amended by Act No. 4840, Dec. 31, 1994; Act No. 5271, Jan. 13, 1997; Act Nos. 5757 & 5758, Feb. 5, 1999; Act Nos. 6287 & 6290, Dec. 26, 2000; Act No. 6502, Aug. 14, 2001)*

1. the term "conscription" means that the State imposes a duty to perform active service on a person under obligation to serve in the military;
2. the term "call-up" means that the State imposes a duty to fulfill any military service or to serve in any public interest field, other than the active service, on a person among those under obligation to serve in the military, who is in the reserve, recruit or second militia service;
3. the term "enlistment in the army" means that a person under obligation to serve in the military enters the military unit by conscription, call-up or application;
4. the term "military cadet" means a cadet, cadet officer, warrant ca-

MILITARY SERVICE ACT

- det officer, or assistant cadet officer, in active service; or a cadet officer or assistant cadet officer, in the first militia service;
5. the term "employer" means the head of a public or private enterprise or organization which employs those under obligation to serve in the military, and to which the Labor Standards Act applies;
 6. Deleted: *(by Act No. 6547, Dec. 29, 2001)*
 7. the term "secondment" means that the status as a military serviceman of a person who is in active service is converted into another status, so as to be engaged in service as a member of a guard or warder of a correctional institution, a riot police unit, or an obligatory fire-fighting unit;
 8. the term "full time reserve service" means a person who was enlisted in active service by conscription and who is called up and performs an actual service, to support the defense of his homeland and affairs related to it, after having performed active service for a specified period and ~~then transferred to reserve service~~;
 9. the term "public interest service personnel" means persons who are called up to serve public interest to support the services of guard, surveillance, protection, attendance, or administrative work and to promote art and sports or international cooperation, which are all necessary for state organs, local governments, public organizations and social welfare facilities installed under the provisions of Article 34 of the Social Welfare Services Act (hereinafter referred to as the "social welfare facilities") to carry out their public objectives;
 10. the term "public health doctor" means a person who is qualified as a doctor, dentist or herbal doctor and is engaged in public health service under the conditions as prescribed by the Act on the Special Measures for Public Health and Medical Services in Agricultural and Fishing Villages, etc.;
 11. the term "international cooperation doctor" means a person who is qualified as a doctor, dentist, or herbal doctor and is engaged in international cooperation service under the conditions as prescribed by the International Cooperation Personnel Act;
 - 11-2. the term "public-service advocate" means a person who is qualified as an attorney-at-law and is engaged in legal aid affairs or legal affairs necessary for carrying out any affairs of the State and local governments which have public objectives, under the conditions as prescribed by the Public-Service Advocates Act;
 - 11-3. the term "doctor in exclusive charge of draft physical" (hereinafter referred to as the "doctor in exclusive charge of draft physical") means a person who is qualified as a doctor or dentist and is assigned to engage exclusively in the draft physical in the military under Article 34;

제16편 병무 병역법

12. the term "technical research personnel" means a person who is assigned as a technical research personnel under Article 36 to carry out research on learning and technology, and is engaged in any research affairs in the technical field concerned;
13. the term "skilled industrial personnel" means a person who is assigned as skilled industrial personnel under Article 36 to foster and support the industry, and is engaged in technical and skilled fields concerned with that industry;
14. the term "designated enterprise" means any research institution, key industrial enterprise, defense industrial enterprise, agricultural corporation as referred to in Article 16 of the Framework Act on Agriculture and Rural Community (hereinafter referred to as the "agricultural corporation") and after-sale service enterprises for agricultural machines as referred to in Article 11 (2) of the Agricultural Mechanization Promotion Act (hereinafter referred to as the "after-sale service enterprise"); and
15. the term "public organizations" means corporations or bodies established by Acts and prescribed by the Presidential Decree to carry out public objectives.
- (2) In cases where this Act prescribes the starting period of the military service in age, the term "from 00 years of age" means "from the 1st of January in the year in which he attains that age", and the term "to 00 years of age" means "until the 31st of December in the year in which he attains that age".

Article 3 (Duties of Military Service)

- (1) Any man who is a national of the Republic of Korea, shall perform faithfully military service under the conditions as prescribed by the Constitution of the Republic of Korea and this Act. Any woman may perform only active service by application.
- (2) Except as provided by this Act, no special exception to the military service may be prescribed.
- (3) No person who is under obligation to serve in the military but is sentenced to imprisonment or imprisonment without prison labor for six or more years, may perform military service, and his name shall be removed from the military register.

Article 4 (Relationship with Military Personnel Management Act)

Except as provided by this Act, the Military Personnel Management Act shall be applied to the service, etc. of those who are enlisted in the army by conscription, call-up or application.

Article 5 (Categories of Military Service)

MILITARY SERVICE ACT

(1) The military service shall be classified into active, reserve, recruit, the first militia and the second militia services as follows: *(Amended by Act No. 4840, Dec. 31, 1994; Act No. 5271, Jan. 13, 1997; Act No. 5757, Feb. 5, 1999; Act No. 6290, Dec. 26, 2000)*

1. Active service: service rendered by men enlisted in the army by conscription or application, and by officers, warrant officers, assistant officers, and military cadets appointed to active service under this Act or the Military Personnel Management Act;
2. Reserve service: service rendered by those who have completed active service, and others who are transferred to reserve service under this Act;
3. Recruit service: service rendered by those who are judged capable of being in active service as a result of the draft physical, but not determined as those to be enlisted in active service due to the circumstances of the supply and demand of the armed forces, and by those who are in service or compulsory service as public interest service personnel, public health doctors, the doctors in exclusive charge of draft physical, international cooperation doctors, public-service advocates, technical research personnel or skilled industrial personnel, or have completed such service or compulsory service, and by those transferred to recruit service under this Act;
4. First militia service: service rendered by those who are under obligation to serve in the military, but are not in the active, reserve, recruit or second militia service; and
5. Second militia service: service rendered by those who are judged incapable of being in the active or recruit service as a result of the draft physical or the physical examination, but determined capable of military support affairs through a call-up for wartime labor, and by those transferred to the second militia service under this Act.

sample (2) Those who are transferred to the reserve service, shall be classified into officers, warrant officers, assistant officers, or enlisted men in the reserve service; those transferred to recruit service, into officers, warrant officers, assistant officers, or enlisted men in the recruit service; and those transferred to the second militia service, into assistant officers or enlisted men in the second militia service. *(Amended by Act No. 4840, Dec. 31, 1994; Act No. 6290, Dec. 26, 2000)*

(3) Any person who is under obligation to serve in the military, shall be recorded in the military register of the military service concerned, and matters necessary for the management of such military register shall be determined by the Presidential Decree.

제16편 병무 병역법

Article 6 (Service of Notice on Imposition of Military Service)

(1) Notice of imposition of military service shall be served to persons under obligation to serve in the military.

(2) In the case where a person under obligation to serve in the military is absent, the notice as referred to in paragraph (1) shall be served on the head of the household, adult member of his family, his employer, or a notice receiver selected by him, and the person who has received it shall deliver it without delay to the person under obligation to serve in the military. In such case, the notice of imposition of the military service shall be considered to have been served on the person under obligation to serve in the military when it has been served on the person as referred to in the former part of this paragraph.

(3) With respect to the delivery of the notice imposing the military service under paragraph (1) or (2), any notice that is deemed especially necessary by the Commissioner of the Military Manpower Administration and any returned notice may be delivered through special delivery methods in accordance with postal Acts and subordinate statutes by applying *mutatis mutandis* to the provisions governing the delivery thereof in the Civil Procedure Act. *(Newly Inserted by Act No. 6749, Dec. 5, 2002)*

Article 7 (Certificate of Military Service and Certificate of Discharge from Military Service)

(1) The director of the regional military manpower office having jurisdiction over the residence (hereinafter referred to as the "director of the regional military manpower office") shall deliver a certificate of military service to a person who is under obligation to serve in the military and who has undergone the draft physical, and the commanding officer of the military unit having a control over him shall deliver him a certificate of discharge from military service when he is discharged. *(Amended by Act No. 6058, Dec. 28, 1999)*

(2) Any person who is under obligation to serve in the military, shall carry with himself the certificate of military service or the certificate of discharge from military service.

(3) The time and procedure of delivery of the certificate of military service or the certificate of discharge from military service, and other necessary matters shall be determined by the Presidential Decree.

CHAPTER II ENLISTMENT IN FIRST MILITIA SERVICE

Article 8 (Enlistment in First Militia Service)

MILITARY SERVICE ACT

(1) Every man who is a national of the Republic of Korea shall be enlisted into the first militia service when he attains eighteen years of age.

(2) Deleted. *(by Act No. 5757, Feb. 5, 1999)*

Article 9 (Survey of Those to be Enlisted in First Militia Service)

(1) The Minister of Government Administration and Home Affairs shall furnish every year resident registration electronic data which are necessary to survey men who turn 18 years old and are subject to the conscription in the first militia service to the Commissioner of the Military Manpower Administration. *(Amended by Act No. 5757, Feb. 5, 1999)*

(2) The Commissioner of the Military Manpower Administration may ask the Minister of Court Administration for the electronic data pertaining to the family registrations of men who turn 18 every year in order to survey men who are not entered in resident registration but are subject to the conscription in the first militia service. *(Newly Inserted by Act No. 7272, Dec. 31, 2004)*

(3) Matters necessary for the scope and procedures of furnishing the resident registration electronic data under paragraph (1) and survey on persons who are subject to the conscription in the first militia service but not entered in resident registration cards on the grounds they were born abroad shall be prescribed by the Presidential Decree. *(Amended by Act No. 5757, Feb. 5, 1999)*

(4) Matters necessary for the survey of those enlisted in the first militia service as referred to in paragraph (1) shall be determined by the Commissioner of the Military Manpower Administration. *(Amended by Act No. 5271, Jan. 13, 1997)*

CHAPTER III DRAFT PHYSICAL

Article 10 (Survey of Persons Subject to Draft Physical)

(1) The director of the regional military manpower office shall survey every year persons who are liable to undergo the draft physical under Article 11 in the following year, compile the computerized military register files and get them to undergo the draft physical. The same shall apply to persons who are obliged to undergo the draft physical notwithstanding indisputable errors in their resident registration or alterations in their resident registration cards. *(Amended by Act No. 5757, Feb. 5, 1999; Act No. 7272, Dec. 31, 2004)*

(2) Matters necessary to survey the persons obliged to undergo the draft physical and to compile and manage the computerized military register files under paragraph (1) shall be prescribed by the Commissioner of the

제16편 병무 병역법

Military Manpower Administration. *<Amended by Act No. 5757, Feb. 5, 1999; Act No. 7272, Dec. 31, 2004>*

Article 11 (Draft Physical)

(1) Any person under obligation to serve in the military shall undergo the draft physical at the time and place designated by the director of the regional military manpower office concerned in the year when he turns 19 years old to determine whether he is fit for the military service: *Provided*, That in consideration of the manpower demand in the military and the supply and demand of draftee resources for the military service, some of the 19-year-old persons may be permitted to undergo the draft physical when they turn 20 years old. *<Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000>*

(2) In case a person who is required to undergo the draft physical fails to do so or a person who had the draft physical postponed no more fails within the cause of the postponement of the draft physical, he shall undergo the draft physical in the year or the following year.

(3) In case the draft physical is required, a psychiatric test, etc. may be taken in addition to the physical examination if necessary.

(4) In the physical examination referred to in paragraph (3), all regions of the body shall be examined through a surgical test, internal test, etc., and if necessary, a clinical pathology test, radiographing, etc. may be taken. *<Amended by Act No. 5757, Feb. 5, 1999>*

(5) In the event that any person who has failed to undergo the draft physical undergoes the physical examination for active service volunteers (hereinafter referred to as the "physical examination for active service volunteers"), which is held by the Commissioner of the Military Manpower Administration in accordance with Article 20 (1), he shall be deemed to undergo the draft physical referred to in paragraph (1): *Provided*, That in the case of any person at the age of 18, the same shall apply only to the case where his physical grade is judged Grade V or VI provided for in Article 12 (1). *<Newly Inserted by Act No. 6972, Sep. 3, 2003; Act No. 7272, Dec. 31, 2004>*

Article 12 (Judgment of Physical Grades)

(1) The doctors in exclusive charge of draft physical who have done the physical examination (including the physical examination for active service volunteers) or the military surgeons under Article 12-2 shall judge physical grades according to what falls under each of the following subparagraphs: *<Amended by Act No. 5757, Feb. 5, 1999; Act No. 6972, Sep. 3, 2003>*

1. Those who are healthy enough to perform the active or recruit service, shall be judged in Grade I, II, III, or IV, according to their phys-

MILITARY SERVICE ACT

ical construction and the degree of their health:

2. Those who are incapable of the active or recruit service, but capable of the second militia service, shall be judged in Grade V;
3. Those who are incapable of military service owing to any disease or mental and physical incompetence, shall be judged in Grade VI; and
4. Those who are unable to be graded according to subparagraphs 1 through 3, owing to any disease or mental and physical incompetence, shall be judged in Grade VII.

(2) A physical grades judgment deliberation committee may be established in the Military Manpower Administration and each regional military manpower office to deliberate the accuracy of physical grade judgments under the provisions of paragraph (1). *<Newly Inserted by Act No. 5757, Feb. 5, 1999>*

(3) For any person who is judged Grade VII (excluding any person who is aged 18 and has undergone the physical examination for active service volunteers) under paragraph (1) 4, the director of the regional military manpower office shall have him undergo a new physical examination, taking into consideration a period of recuperation. In such cases, the period in which a new physical examination is to be held, may not exceed one year after he is judged in Grade VII as a result of the physical examination. *<Amended by Act No. 6972, Sep. 3, 2003; Act No. 7272, Dec. 31, 2004>*

(4) The criteria for judging physical grades referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of National Defense.

(5) Matters necessary for the organization and operation of the physical grades judgement deliberation committee under paragraph (2), shall be determined by the Commissioner of the Military Manpower Administration. *<Newly Inserted by Act No. 5757, Feb. 5, 1999>*

Article 12-2 (Dispatch and Appointments of Military Surgeons, etc.)

(1) The Commissioner of the Military Manpower Administration may, when he deems it difficult to carry out the physical examination only with the doctors in exclusive charge of the draft physical, ask the Minister of the National Defense to dispatch or appoint military surgeons and medical reserve officers (referring to persons to whom the provisions of Article 9 of the Addenda of the previous Act No. 4157, Act on the Regulation of Special Cases of Compulsory Military Service, are applied).

(2) Matters necessary to dispatch or appoint the military surgeons and medical reserve officers, etc. referred to in paragraph (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 5757, Feb. 5, 1999]

Article 13 (Classification, Evaluation, etc. of Aptitude)

(1) With respect to those whose physical grades are judged Grades I

제16편 병무·병역법

through IV as a result of the physical examination (including the physical examination for active service volunteers), the director of the regional military manpower office shall classify and evaluate the aptitude required for military service, taking into consideration the qualifications, license, major field of study, etc., and the Chief of General Staff of each armed force shall assign each of them to a branch of service suitable for his aptitude. *(Amended by Act No. 6972, Sep. 3, 2003)*

(2) Matters necessary for the classification, evaluation, etc. of the aptitude under paragraph (1), shall be determined by the Presidential Decree.

Article 14 (Military Service Disposition)

(1) The director of every regional military manpower office shall take the military service disposition falling under each of the following subparagraphs with respect to each of the persons who have undergone the draft physical (including those who have undergone the physical examination at military hospitals) or the physical examination for active service volunteers. In this case, with respect to any person who is aged 18 and undergoes the physical examination for active service volunteers, military service disposition shall be taken on him only when his physical grade is judged Grade V or VI: *(Amended by Act No. 6972, Sep. 3, 2003; Act No. 7272, Dec. 31, 2004)*

1. Persons whose physical grades are Grades I through IV, shall be assigned to be enlisted in active service, the recruit or the second militia service, taking into consideration his qualifications, such as his academic background, age, etc.;
2. Persons whose physical grade is Grade V, shall be assigned to the second militia service;
3. Persons whose physical grade is in Grade VI, shall be exempted from military service; and
4. Persons whose physical grade is Grade VII, shall undergo a new physical examination.

(2) Any person who was subject to a new physical examination under paragraph (1) 4, but whose physical grade is judged again to be Grade VII as a result of a new physical examination conducted under Article 12 (3), shall be assigned to the second militia service, under the conditions as prescribed by the Presidential Decree: *Provided, That any person who falls under the second militia service as referred to in Article 65 (1) 3 may be entered in the second militia service without undergoing a physical examination again. (Amended by Act No. 5271, Jan. 13, 1997; Act No. 6058, Dec. 28, 1999)*

(3) The criteria for assigning any person falling under paragraph (1) 1 to be enlisted in the active or recruit service, shall be determined by

MILITARY SERVICE ACT

the Commissioner of the Military Manpower Administration.

(4) In case where it is required by any change in the demand and supply of the military service resources, enlistment plan, etc., the Commissioner of the Military Manpower Administration may change the assignment of a person to be enlisted in active service of those assigned under paragraph (1) 1 into the recruit service.

CHAPTER IV PERFORMANCE OF ACTIVE SERVICE, ETC.

SECTION 1 Enlistment in Active Service

Article 15 (Decisions on Order of Conscription for Active Service)

(1) The director of the regional military manpower office shall decide by *Shi* (referring to *Shi* wherein no *Ku* is established: hereinafter the same shall apply)/*Kun/Ku* the order of conscription of those who are assigned to be enlisted in active service as a result of the draft physical. (Amended by Act No. 6547, Dec. 29, 2001)

(2) The criteria for deciding the order of conscription under paragraph (1) shall be determined by the Commissioner of the Military Manpower Administration, taking into consideration such qualifications as physical grades, academic background, age, etc.

Article 16 (Enlistment in Active Service)

(1) The director of the regional military manpower office shall have those whose order of conscription for active services is decided, to enlist in the army in the year they undergo the draft physical, or in the following year, but in determining the time of enlistment, he shall make efforts to maintain a balance of service, aptitude, and qualifications among those to be enlisted in the army.

(2) Notwithstanding the provisions of paragraph (1), the Commissioner of the Military Manpower Administration may have the director of the regional military manpower office enlist separately those who are prescribed by the Presidential Decree, such as those whose enlistment in active service is postponed and the cause thereof expires.

(3) Even though a person who is assigned to be enlisted in active service and whose order in conscription is decided, has moved his residence to another *Shi/Kun/Ku*, he shall enlist in the army at the *Shi/Kun/Ku* where he had his residency at the time he underwent the draft physical: *Provided*, That this shall not apply to persons whose enlistment in the army is postponed under Article 60 (2).

제16편 병무 병역법

Article 17 (Physical Examination for Enlistment in Active Service and Disqualifications)

(1) The commanding officer of every military unit shall, when any person to be enlisted in active service is enlisted in his military unit, hold the physical examination on him within 5 days from the date on which he is enlisted in his military unit.

(2) With regard to any person who is pronounced unfit to serve an active service on the grounds of his disease or mental and physical handicap or is recognized to require the treatment period of not less than 15 days as a result of the physical examination held under paragraph (1), the commanding officer of every military unit shall disqualify him from the military service, explicitly indicating the state of his disease or his mental and physical handicap as well as the period of treatment (limited to the case where the period of treatment is known).

(3) With respect to any person who is disqualified from the military service under paragraph (2), the director of every regional military manpower office shall alter the military service disposition taken for him or get him again to enlist in any military unit according to his physical grade after holding a new physical examination on him under the conditions as prescribed by the Presidential Decree: *Provided*, That, with regard to any person who is disqualified from the military service after he is explicitly informed that his period of treatment is less than 3 months, the director of every regional military manpower office may get him again to enlist in any military unit without holding again the physical examination on him.

(4) With respect to any person who is enlisted again in any military unit after undergoing a new physical examination in accordance with the main sentence of paragraph (3), the commanding officer of such military unit shall not disqualify him from the military service on the grounds of the same disease or the same mental and physical handicap: *Provided*, That the same shall not apply to any person, for whom 6 months lapse from the date on which he undergoes the new physical examination.

[This Article Wholly Amended by Act No. 6972, Sep. 3. 2003]

Article 18 (Active Service)

(1) Those in active service shall serve in military units from the day they are enlisted: *Provided*, That persons, who obtain permission from the Minister of National Defense, may reside outside military units. <Amended by Act No. 5757, Feb. 5. 1999>

(2) The service period of those in active service (including noncommissioned officers appointed without application; hereinafter the same shall

MILITARY SERVICE ACT

apply), shall be as follows: *<Amended by Act No. 6972, Sep. 3, 2003>*

1. Two years in case of the Army;
2. Two years and two months in case of the Navy: *Provided*, That two years in case of the Marine Corps; and
3. Two years and four months in case of the Air Force.

(3) In case where an enlisted man in active service is sentenced to imprisonment or imprisonment without prison labor, or detention, or has been confined to a stockade, or has deserted from his service, the number of days during which the sentence is executed or he is confined to the stockade, or he has deserted from his service, shall not be counted in the active service period. *<Amended by Act No. 5271, Jan. 13, 1997>*

(4) In case where the service period terminates during a period in which an enlisted man in active service is under restraint due to a criminal case, his discharge from military service may be delayed during the time necessary for disposition of the discharge from military service after he is released due to a disposition not to institute a prosecution or judgement, etc. *<Newly Inserted by Act No. 5271, Jan. 13, 1997>*

Article 19 (Adjustment of Active Service Period)

(1) The Minister of National Defense may adjust the service period of active service as follows. In this case, with respect to the matters of subparagraphs 1 and 3, the Minister of National Defense shall obtain approval of the President after going through deliberation of the State Council: *<Amended by Act No. 6972, Sep. 3, 2003; Act No. 7272, Dec. 31, 2004>*

1. The extension of the military service period not exceeding 6 months in cases where a situation corresponding to a wartime or an incident outbreaks, a special disaster area is proclaimed in accordance with Article 60 (1) of the Framework Act on the Management of Disasters and Safety, the military units are required to be additionally created or expanded, or it is difficult to supplement the troop strength on the grounds of the lack of the military service resources;
2. The extension of the service period not exceeding 3 months in case where servicemen are serving aboard ships at sea, are serving abroad or are participating in any major operation or major military exercise; and
3. The shortening of the service period not exceeding 6 months in case where it is necessary to coordinate the fixed number or the service period on the grounds of a decline in the number of persons who sign up for the military service.

(2) In case where the Minister of National Defense desires to extend the service period pursuant to paragraph (1) 2, he shall make the period

제16편 병무 병역법

and causes noticed to the person in question, and where the causes for extension expire, he shall without delay remove the extension of the service period. *(Newly Inserted by Act No. 5271, Jan. 13, 1997)*

(3) The Minister of National Defense may delegate his authority on the extension and removal of the service period as referred to in paragraph (2), to the Chief of General Staff of each armed force. *(Newly Inserted by Act No. 5271, Jan. 13, 1997)*

Article 20 (Recruitment for Active Service)

(1) The Commissioner of the Military Manpower Administration or the Chief of General Staff of each armed force may select any person who is at the age of 18 or above and signs up to serve in the military to be in active service in the Army, the Navy or the Air Force after getting him to undergo the physical examination conducted by the Commissioner of the Military Manpower Administration or the Chief of General Staff of each armed force under the conditions as prescribed by the Presidential Decree. *(Amended by Act No. 6972, Sep. 3, 2003; Act No. 7272, Dec. 31, 2004)*

(2) The Commissioner of the Military Manpower Administration or the Chief of General Staff of each armed force shall draft the persons selected for active service as soldiers under paragraph (1) on a fixed date. In this case, when the persons selected for active service want their selections canceled before their enlistment in the army, their selections may be canceled only in the case where reasons prescribed by the Presidential Decree exist. *(Amended by Act No. 5757, Feb. 5, 1999)*

SECTION 2 Enlistment and Call-up of Those to be Called for Full Time Reserve Service

Article 21 (Those to be Called for Full Time Reserve Service, and Their Selection)

(1) The call to the full time reserve service shall be made to those who were enlisted in the army for full time reserve service by conscription, and have been transferred to the reserve service after completing the active service period as prescribed by the Presidential Decree within a period of one year. *(Amended by Act No. 5271, Jan. 13, 1997)*

(2) The director of the regional military manpower office shall select by place of residence those to be called for the full time reserve service from among those to be enlisted in the active service by conscription. *(Amended by Act No. 5271, Jan. 13, 1997)*

(3) The criteria for the selection of those to be called for full time reserve service under paragraph (2), shall be determined by the Commissioner

MILITARY SERVICE ACT

of the Military Manpower Administration, taking into consideration their qualifications, such as their residency, physical grades, academic backgrounds, ages, etc.

(4) For persons selected to be called for the full time reserve service under paragraph (2), who are unable to serve as a full time reserve service in the area where they are selected, due to change in personal affairs, etc., the director of the regional military manpower office may cancel the selection to be called for the full time reserve service: *Provided*, That if the persons selected to be called for full time reserve service are enlisted in the active service, the cancellation of such selection shall be made by the Chief of General Staff of each armed force. *(Newly Inserted by Act No. 4840, Dec. 31, 1994)*

(5) Matters necessary to set requirements and procedures for the cancellation referred to in main sentence of paragraph (4) shall be prescribed by the Commissioner of the Military Manpower Administration: *Provided*, That in case of the proviso of paragraph (4), such matters shall be prescribed by the Chief of General Staff of each armed force. *(Newly Inserted by Act No. 5757, Feb. 5, 1999)*

Article 22 (Enlistment and Call-up of Those to be Called for Full Time Reserve Service)

(1) The director of the regional military manpower office shall have those to be called for the full time reserve service enlist in the active service according to the requirements of each residence.

(2) The Chief of General Staff of each armed force shall transfer person who were enlisted in the army under paragraph (1), to the reserve service on the day the active service period as prescribed in Article 21 (1) is completed, and call them, at the same time, for the full time reserve service.

Article 23 (Service of Full Time Reserves)

(1) The service period for the persons called for the full time reserve service shall be not more than two year and six months, but the period for active service under Article 21 (1) shall be inserted in the period for full time reserve service. *(Amended by Act No. 5757, Feb. 5, 1999)*

(2) When persons who are called for the full time reserve service, complete the service period as referred to in paragraph (1), they shall be considered to have completed the period of active service by conscription.

(3) The provisions of this Act or the Military Personnel Management Act concerning the performance of active service, shall apply *mutatis mutandis* to the performance of full time reserve service.

(4) The Chief of General Staff of each armed force shall dispatch those who are called for the full time reserve service, to any military unit

제16편 병무 병역법

carrying out the homeland defense service or its supporting organization, to serve there.

(5) The Minister of National Defense may have those who are called for the full time reserve service, reside outside military units, and provide them with meals, or pay them allowances for the meals, within the limits of budget. *(Amended by Act No. 5757, Feb. 5, 1999)*

(6) In case where persons who are called for full time reserve service, are sentenced to imprisonment or imprisonment without prison labor, or detention, or have been confined to a stockade, or who desert from their service, the number of days for which the sentence is executed, or the persons are confined to a stockade, or they have deserted from service, shall not be counted in the service period. *(Amended by Act No. 5271, Jan. 13, 1997)*

(7) The provisions of Article 18 (4) shall apply *mutatis mutandis* to the full time reserve service. *(Newly Inserted by Act No. 5271, Jan. 13, 1997)*

(8) Matters related to the service period for the full time reserves under paragraph (1) and their calls and cancellation of the calls, etc. shall be prescribed by the Presidential Decree. *(Newly Inserted by Act No. 5757, Feb. 5, 1999)*

SECTION 3 Secondment

Article 24 (Secondment by Allotments)

(1) The Minister of Justice, the Commissioner of the National Police Agency, or the Commissioner of the National Maritime Police Agency may request the Minister of National Defense to make an allotment of needed persons for the secondment pursuant to the classifications under any of the following subparagraphs:

1. In case of the Minister of Justice, needed persons scheduled to be appointed to guards or warders under Article 3 of the Act on the Establishment of Correctional Institution Guard Units; and
2. In case of the Commissioner of the National Police Agency, or the Commissioner of the National Maritime Police Agency, needed persons scheduled to be appointed to riot policemen liable to carry out the counter-espionage operations under Article 3 (1) of the Establishment of Riot Police Units Act.

(2) The Minister of National Defense may, upon receipt of a request for allotment of needed persons under paragraph (1), second the needed persons from among those who have enlisted in active service and have finished the course of the specified military education and training.

(3) Persons seconded under paragraph (2) shall carry out the service for

MILITARY SERVICE ACT

the same period as the active service period reckoning from the date of enlistment. In such case, the period of secondment shall be deemed the period of service as an active duty soldier.

(4) The Minister of National Defense shall, where any person seconded under paragraph (2) has completed the seconded service, cancel the secondment and transfer to the reserve.

(5) The Minister of Justice, the Commissioner of the National Police Agency, or the Commissioner of the National Maritime Police Agency may, with respect to the persons seconded under paragraph (2) and falling under any of each subparagraph of Article 65 (1), request the Minister of National Defense to cancel his secondment.

(6) The Minister of National Defense shall, upon receipt of a request for a cancellation of the secondment under paragraph (5), cancel the secondment of the corresponding person, and take the disposition of discharge or exemption from the military service.

(7) Matters necessary for the allotment and secondment of needed persons under paragraphs (1) and (2) shall be prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 6502, Aug. 14, 2001]

Article 25 (Secondment by Recommendation)

(1) The Minister of National Defense may, in case of the following subparagraphs, have the director of the regional military manpower office enlist the recommended persons, by deeming them as applicants for the active service in the army, and let them undergo the specified military education, and second them for service: *(Amended by Act No. 7186, Mar. 11, 2004)*

1. Where he has received a recommendation from the Administrator of the National Emergency Management Agency for persons to be appointed as obligatory fire-fighting members in charge of assisting the firefighting duties under Article 3 (2) of the Establishment of Obligatory Fire-Fighting Unit Act; and
2. Where he has received a recommendation from the Commissioner of the National Police Agency or the Commissioner of the National Maritime Police Agency for persons to be appointed as riot policemen in charge of assisting the public security affairs under Article 3 (2) and (3) of the Establishment of Riot Police Units Act, and for persons, who are to graduate from the National Police University, to serve in the riot police units.

(2) The persons seconded under paragraph (1) shall serve for the same period as that of the active service soldiers, reckoning from the date of

제16편 병무 병역법

enlistment: *Provided*, That the Administrator of the National Emergency Management Agency, the Commissioner of the National Police Agency, or the Commissioner of the National Maritime Police Agency may extend the secondment period within the limit of 6 months in consultation with the Minister of National Defense. In such case, the secondment period and the extended secondment period shall be deemed the period served as an active duty soldier. *<Amended by Act No. 7186, Mar. 11, 2004>*

(3) The provisions of Article 24 (4) through (6) shall apply *mutatis mutandis* to a cancellation of secondment and an enrollment in the reserve upon the completion of secondment by any person who has been seconded under paragraph (1), and to a request for cancellation of secondment, a disposition of service transfer, and an exemption of military service in case of falling under any of the subparagraphs of Article 65 (1). In such case, the term "the Minister of Justice" in Article 24 (5) shall be deemed "the Administrator of the National Emergency Management Agency". *<Amended by Act No. 7186, Mar. 11, 2004>*

(4) Matters necessary for the allotment and secondment of the recommended persons under paragraphs (1) shall be prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 6502, Aug. 14, 2001]

CHAPTER V PERFORMANCE OF RECRUIT SERVICE

SECTION 1 Service of Public Interest Service Personnel

Article 26 (Duties of Public Interest Service Personnel and Those to be Called for It)

(1) Public interest service personnel shall carry out the following activities: *<Amended by Act No. 5271, Jan. 13, 1997; Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000>*

1. Activities to support guard, surveillance, protection, services and administrative work necessary to attain public interest objectives sought by state organs, local governments, public organizations and social welfare facilities;
2. Deleted; *<by Act No. 5757, Feb. 5, 1999>*
3. Activities to support art and sports fields for promoting culture and enhancing national prestige; and
4. Activities to support economic, social and cultural development of de-

MILITARY SERVICE ACT

veloping countries, as prescribed by the International Cooperation Personnel Act.

(2) The public interest service personnel who are to serve for activities referred to in paragraph (1) 1 shall be called up from among reservists, those who are to serve for activities referred to in paragraph (1) 3, from among reservists or persons to be enlisted into the active service who have special ability in arts and sports fields prescribed by the Presidential Decree and have been recommended by the Minister of Culture and Tourism, and those who are to serve for activities referred to in paragraph (1) 4, from among reservists or persons to be enlisted into the active service who have been recommended by the Minister of Foreign Affairs and Trade under the International Cooperation Personnel Act. *(Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000)*

(3) The public interest service personnel to serve for social welfare facilities under paragraph (1) 1 shall be chosen by the directors of regional military manpower offices and matters necessary to set standards and procedures for choosing them shall be prescribed by the Commissioner of the Military Manpower Administration. *(Newly Inserted by Act No. 5757, Feb. 5, 1999)*

(4) Those to be enlisted in the active service who fall under paragraph (2), shall be transferred to the recruit service.

Article 27 (Decisions on Assignment of Public Interest Service Personnel)

(1) The director of the regional military manpower office shall, upon receiving any request for assignment of the required number of the public interest service personnel to be engaged in the service under Article 26 (1) 1 for the next year from the head of a state organ, a local government or a public organization requiring public interest service personnel, decide the agency, field and form of service, number of personnel to be assigned, etc. *(Amended by Act No. 5757, Feb. 5, 1999; Act No. 6058, Dec. 28, 1999; Act No. 6287, Dec. 26, 2000)*

(2) The Commissioner of the Military Manpower Administration shall, upon receiving any request for assignment of the required number of the public interest service personnel to be engaged in the service under Article 26 (1) 4 for the next year from the Minister of Foreign Affairs and Trade, decide the service agency and field and the number of personnel to be assigned, etc. *(Newly Inserted by Act No. 6287, Dec. 26, 2000)*

Article 28 (Decisions on Order of Call-up of Public Interest Service Personnel)

(1) The director of the regional military manpower office shall decide by region the order of call-up of those to be called as public interest ser-

제16편 병무 병역법

vice personnel: *Provided*, That for those as prescribed in Article 26 (1) 3 and 4, the order of call-up may be determined separately. *<Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000>*

(2) The criteria for determining the scope of call-up by region and the order of call-up referred to in paragraph (1) shall be determined by the Commissioner of the Military Manpower Administration, taking into consideration their qualifications, such as physical grades, academic backgrounds, ages, etc. *<Amended by Act No. 5757, Feb. 5, 1999>*

Article 29 (Call-up of Public Interest Service Personnel)

(1) The director of the regional military manpower office shall call those whose order of call-up as public interest service personnel is decided after prescribing their service institutions and service fields falling under each of the following subparagraphs: *<Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000>*

1. Persons falling under Article 26 (1) 1: Service institutions (*Provided*, That public interest service personnel chosen under Article 26 (3) may be called up separately after determining service institutions and fields for them); and

2. Persons falling under Article 26 (1) 3 and 4: Service fields.

(2) Notwithstanding the provisions of paragraph (1), the Commissioner of the Military Manpower Administration may have the director of the regional military manpower office call separately those public interest service personnel whose call-up as public interest service personnel is postponed but the cause of such postponement disappears and who are prescribed by the Presidential Decree.

(3) For those who are called as public interest service personnel under paragraphs (1) and (2), the call-up for education as prescribed in Article 55 shall be conducted, and the period of such call-up for education shall be counted in the service period.

Article 30 (Service Period, etc. of Public Interest Service Personnel)

(1) The service period for the public interest service personnel shall be as follows: *<Amended by Act No. 6972, Sep. 3, 2003>*

1. Two years and two months for the public interest service personnel who serve to support administrative affairs, etc. provided for in Article 26 (1) 1;

2. Two years and ten months for the public interest service personnel who serve in the fields of art and athletics provided for in Article 26 (1) 3; and

MILITARY SERVICE ACT

3. Two years and six months for the public interest service personnel who serve for the work of international support provided for in Article 26 (1) 4.

(2) In case where any public interest service personnel is sentenced to imprisonment or imprisonment without prison labor, or penal detention, or he has deserted from his service, the number of days for which the sentence is executed, or he has deserted from his service, shall not be counted in the service period.

(3) The provisions of Article 18 (4) shall apply *mutatis mutandis* to the cancellation of the call of the public interest service personnel. *<Newly Inserted by Act No. 5271, Jan. 13, 1997; Act No. 5757, Feb. 5, 1999>*

(4) Necessary matters concerning the service of the public interest service personnel, including the calculation of their service period and the cancellation of their calls-up, shall be prescribed by the Presidential Decree. *<Amended by Act No. 6972, Sep. 3, 2003>*

Article 31 (Service, Remuneration, etc. of Public Interest Service Personnel)

11 (1) The head of the agency to which the public interest service personnel are assigned as prescribed in Article 26 (1) 1, shall designate service fields in which they work on, and matters other than those prescribed by this Act, which are necessary for this service shall be determined by the Presidential Decree. In such cases, any act of said public interest service personnel in the course of carrying out the duties shall be considered as the performance of said public interest service. *<Amended by Act No. 5757, Feb. 5, 1999>*

(2) The head of the agency to which the public interest service personnel are assigned under paragraph (1), when he designates or alters their service fields, shall consult in advance with the director of the competent regional military manpower office. *<Amended by Act No. 5757, Feb. 5, 1999>*

(3) The public interest service personnel as prescribed in Article 26 (1) 3 shall serve under the direction and control of the Minister of Culture and Tourism, with respect to the development of their special abilities and to their services in the fields concerned. *<Amended by Act No. 5757, Feb. 5, 1999>*

(4) The public interest service personnel as prescribed in Article 26 (1) 1 shall work attending to their places of service from their homes and returning to their homes after work, and under the direction and con-

trol of the head of the agency to which they are assigned: *Provided*, That if it is difficult to attend work from their homes and return to their homes after work, or if it is required depending on the speciality of their services, etc., they may be allowed to work living together.

(5) Heads of state organs, local governments or public organizations shall pay the remuneration and the travel expenses, etc, required for performing the duties, to the public interest service personnel as prescribed in Article 26 (1) 1, and the matters necessary for the criteria, etc. for same shall be determined by the Presidential Decree. *(Amended by Act No. 5757, Feb. 5, 1999)*

(6) Deleted. *(by Act No. 5757, Feb. 5, 1999)*

(7) The public interest service personnel as prescribed in Article 26 (1) 4 shall serve under the direction and control of the Minister of Foreign Affairs and Trade under the International Cooperation Personnel Act. *(Newly Inserted by Act No. 6287, Dec. 26, 2000)*

(8) The public interest service personnel as prescribed in Article 26 (1) 4 shall be paid the remuneration and travel expenses, etc. required for performing their duties under the International Cooperation Personnel Act. *(Newly Inserted by Act No. 6287, Dec. 26, 2000)*

Article 32 (Notification on Change in Personal Affairs of Public Interest Service Personnel)

(1) If any of the public interest service personnel as prescribed in Article 26 (1) 1 falls under any of the following subparagraphs, heads of state organs, local governments or public organizations to which they are assigned, shall notify the director of the regional military manpower office concerned within fourteen days: *(Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000)*

1. When he deserts his service place or fails to serve in the field concerned, without any justifiable reason;
2. When he is warned of the disobedience under Article 33 (1) because he fails to comply with a lawful order of service;
3. When it is deemed impossible for him to attend the service place from his home, because all of his family has moved the residence to another place;
4. When the agency to which he is assigned is closed or moved; and
5. When it is deemed impossible for him to normally perform his duties

MILITARY SERVICE ACT

because he has been sentenced to imprisonment with or without prison labor during the service period.

(2) Deleted. *(by Act No. 5757, Feb. 5, 1999)*

(3) In case where any of the public interest service personnel as prescribed in Article 26 (1) 3 fails to serve in the field concerned, the Minister of Culture and Tourism shall notify the Commissioner of the Military Manpower Administration within fourteen days after said cause occurs.

(4) The director of the regional military manpower office may, upon receiving notification regarding the public interest service personnel falling under paragraphs (1) 3 through 5 and (5) 4, designate newly institutions for the public interest service personnel to serve under the conditions as prescribed by the Presidential Decree. In this case, heads of the institutions newly designated shall designate fields and places in which the public interest service personnel are to serve and then shall notify the competent regional military manpower office of the designation within 14 days from the date the designation is made. *(Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000)*

(5) If any of the public interest service personnel as prescribed in Article 26 (1) 4 falls under any of the following subparagraphs, the Minister of Foreign Affairs and Trade shall notify the director of the competent regional military manpower office within fourteen days: *(Newly Inserted by Act No. 6287, Dec. 26, 2000)*

1. When he deserts his service place or fails to serve in the field concerned, without any justifiable reason;
2. When he fails to comply with a lawful order of service;
3. When he is recalled under Article 9 of the International Cooperation Personnel Act;
4. When he returns home without fulfilling his duties under Article 11 of the International Cooperation Personnel Act; and
5. When he fails to comply with the order of the education on service as prescribed by the International Cooperation Personnel Act without any justifiable reason or violates the obligations of service as international cooperation personnel.

Article 33 (Extension of Service and Cancellation of Call-up of Public Interest Service Personnel)

(1) When any of the public interest service personnel deserts his service

제16편 병무 병역법

place without any justifiable reasons, he shall be made to serve an extended service for a period of 5 times the number of desertion days, and when he falls under any of the following subparagraphs, he shall be warned and his service period shall be made to extend by 5 days whenever he is warned. *Provided*, That the same shall not apply to any person subject to warning dispositions for the sum total of 4 times or more due to the reasons falling under any of subparagraphs 1 through 4, and any person falling under subparagraph 1 of Article 89-2: *(Amended by Act No. 5757, Feb. 5, 1999; Act No. 6058, Dec. 28, 1999; Act No. 7541, May 31, 2005)*

1. When obstructing the services of other persons or instigating the negligence of services;
2. When committing the acts for political purposes, such as joining the political party and other political organizations;
3. When committing cruel acts on other public interest service personnel;
4. When seeking for profit-making in connection with services, or committing the acts of concurrent services without any permission of the head of his service institutions; and
5. When falling under any reasons prescribed by the Presidential Decree, such as failing to execute the assigned duties or retarding them without justifiable reasons.

(2) With respect to anyone who is a public interest service personnel provided for in Article 26 (1) 3 or 4 and falls under any of the following subparagraphs, the call-up for the public interest service personnel for him shall be cancelled: *(Amended by Act No. 7430, Mar. 31, 2005)*

1. Person who departs from Korea or stays abroad without obtaining the permission for overseas travel or the permission for extending his overseas travel period provided for in Article 70 (1) or (3), or a person who fails to return to Korea within the permitted period without any justifiable grounds; and
2. Person who fails to return to Korea in violation of an order to return to Korea under Article 83 (2) 9.

(3) The person, whose call-up to serve as one of the public interest service personnel is canceled under paragraph (2), shall be made to return to his status before he has been enrolled into the public interest service personnel and then he shall be drafted into the active service notwithstanding the provisions of Article 71 or called up to serve as one of the public interest service personnel under Article 26 (1) 1. *(Newly Inserted by Act No. 5757, Feb. 5, 1999)*

(4) Any public interest service personnel who is sentenced to a penalty under subparagraph 1 of Article 89-2 or Article 89-3, shall serve as a

MILITARY SERVICE ACT

public interest service personnel as prescribed in Article 26 (1) 1 for the remaining service period, under the conditions as prescribed by the Presidential Decree: *Provided*, That this shall not apply to those falling under Article 65 (1) 3. *<Newly Inserted by Act No. 4840, Dec. 31, 1994; Act No. 7541, May 31, 2005>*

(5) Any of the public interest service personnel as prescribed in Article 26 (1) 4, who falls under any of the following subparagraphs, shall be drafted into the active service after the cancellation of his call-up to serve as public interest service personnel or shall be called up to serve as public interest service personnel referred to in Article 26 (1) 1: *<Newly Inserted by Act No. 6287, Dec. 26, 2000>*

1. A person who is recalled under Article 9 of the International Cooperation Personnel Act; and
2. A person who fails to comply with the order of the education on service as prescribed by the International Cooperation Personnel Act without any justifiable reason.

SECTION 2 Service of Public Health Doctors, etc.

Article 34 (Assignment of Public Health Doctors, etc.)

(1) The Commissioner of the Military Manpower Administration may assign any persons who are qualified as doctors, dentists, or herbal doctors and fall under any of the following subparagraphs, as public health doctors, the doctors in exclusive charge of draft physical or international cooperation doctors (excluding herbal doctors; hereinafter the same shall apply), on their application. In such cases, persons to be enlisted in the active service shall be assigned to the recruit service: *<Amended by Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000>*

1. Persons who are to be enlisted in active service and have applied for a transfer to the military register of officers in active service in the medical field as prescribed in Article 58 (1) 1 but failed to be transferred;
 2. Persons who are transferred to the military register of the medical cadet officers prescribed in Article 58 (2) 1 but failed to be transferred to the military register of officers in active service in the medical field; and
 3. Persons who are qualified for doctors, dentists, or herbal doctors, and are in the recruit service to be called up as the public interest service personnel as prescribed in Article 26 (1) 1.
- (2) Persons who are transferred to serve as the public health doctors, the doctors in exclusive charge of draft physical or international coop-

제16편 병무 병역법

eration doctors under paragraph (1), shall be engaged in the field concerned for three years, and shall be considered to have completed their service as public interest service personnel, at the expiration of such period. *(Amended by Act No. 5757, Feb. 5, 1999)*

(3) Persons who are transferred to serve as the public health doctors, the doctors in exclusive charge of draft physical or international cooperation doctors under paragraph (1), shall be subject to the call for education as prescribed in Article 55, but such education call period shall not be counted in the service period. *(Amended by Act No. 5757, Feb. 5, 1999)*

(4) Matters necessary for the transfer, service, etc., of the public health doctors, the doctors in exclusive charge of draft physical or international cooperation doctors shall be determined by the Presidential Decree. *(Amended by Act No. 5757, Feb. 5, 1999)*

Article 34-2 (Transfer of Public-Service Advocates)

(1) The Commissioner of the Military Manpower Administration may transfer persons who are qualified for lawyers and fall under any of the following subparagraphs to serve as public-service advocates upon their requests. In such case, the persons to be enlisted in the active service shall be transferred to the recruit service: *(Amended by Act No. 5757, Feb. 5, 1999)*

1. Persons who are to be enlisted in active service, and have applied for a transfer to the military register of officers in active service in the field of judicial affairs under Article 58 (1) 2 but failed to be transferred;
2. Persons who are transferred to the military register of the judicial cadet officers prescribed in Article 58 (2) 2 but failed to be transferred to the military register of officers in active service in the judicial affairs field; and
3. Persons who are qualified for lawyers, and are in the recruit service to be called as public interest service personnel as prescribed in Article 26 (1) 1.

(2) Persons who are transferred to serve as the public-service advocates under paragraph (1), shall be engaged in the field concerned for three years, and when said period is completed, the persons shall be considered to have completed their service as the public interest service personnel.

(3) For persons who have been transferred to serve as the public-service advocates under paragraph (1), the call for military education shall be made under Article 55, but the period of the call for education shall not be counted in the period of military service.

(4) Matters necessary for the transfer, etc. of the public-service advocate shall be determined by the Presidential Decree.

[This Article Newly Inserted by Act No. 4840, Dec. 31, 1994]

MILITARY SERVICE ACT

Article 34-3 (Status and Remuneration of Doctors in Exclusive Charge of Draft Physical)

(1) The doctors in exclusive charge of draft physical shall be contract public officials working for the Military Manpower Administration and they will be remunerated within the limits of the remuneration given to the military personnel and also paid travel expenses, etc. necessary for performing their duties. Matters necessary to set standards for their remuneration, etc. shall be prescribed by the Presidential Decree.

(2) The Commissioner of the Military Manpower Administration shall call the doctors in exclusive charge of draft physical to participate in educational programs necessary for them to carry out their duties and have them engage in the work of physical examination. They may also participate in training programs related to their duties in military hospitals for a period not exceeding three months when they are not engaged in the draft physical. *(Amended by Act No. 6058, Dec. 28, 1999)*

(3) Matters necessary to order them to engage in the work of draft physical and have them participate in the educational and training programs under the provisions of paragraph (2) shall be prescribed by the Presidential Decree.

(4) The doctors in exclusive charge of draft physical shall faithfully carry out the work of physical examination and shall not desert their work places without permission from the Commissioner of the Military Manpower Administration or without any justifiable reasons.

(5) The Commissioner of the Military Manpower Administration shall command and supervise the service of the doctors in exclusive charge of draft physical.

(6) Any persons falling under each subparagraph of Article 33 of the State Public Officials Act shall not be appointed the doctors in exclusive charge of draft physical and in case any of the doctors in exclusive charge of draft physical falls under each subparagraph of Article 33 of the State Public Officials Act, he shall naturally lose his status as a doctor in exclusive charge of draft physical.

(7) The service of the doctors in exclusive charge of draft physical shall be governed by the State Public Officials Act except as prescribed in this Act.

[This Article Newly Inserted by Act No. 5757, Feb. 5, 1999]

제16편 병무 병역법

Article 34-4 (Deprivation of Status of Doctors in Exclusive Charge of Draft Physical)

In case any of the doctors in exclusive charge of draft physical falls under each of the following subparagraphs, the Commissioner of the Military Manpower Administration may deprive *ex officio* him of his status as a doctor in exclusive charge of draft physical: *Provided*, That in case of subparagraphs 1 through 3, the Commissioner shall deprive him of his status as a doctor in exclusive charge of draft physical:

1. When he loses his qualification as a doctor or a dentist;
2. When a person, who has been appointed a doctor in exclusive charge of draft physical, has not followed orders to participate in educational and training programs without any justifiable reason;
3. When he deserts his workplace or does not engage in the duty of the relevant field for a period of not less than the total period of 8 days in violation of the provisions of Article 34-3 (4) without any justifiable reason;
4. When he is unable to return to his work or to perform his duties within one year due to his physical or mental trouble or within 3 months after he is missing or his whereabouts are unknown;
5. When he is judged inappropriate to retain his status as a doctor in exclusive charge of draft physical after he has been charged with a criminal act;
6. When he is found to have judged unfairly physical grades or performed the act of unfairness in connection with the physical examination, etc.; and
7. When he goes against orders given under this Act or by this Act, his duties or he is deemed inappropriate to hold his status as a doctor in exclusive charge of draft physical due to his extremely poor job performance.

[This Article Newly Inserted by Act No. 5757, Feb. 5, 1999]

Article 34-5 (Term of Service and Its Extension, etc. for Doctors in Exclusive Charge of Draft Physical)

- (1) When any of the doctors in exclusive charge of draft physical is unable to perform his duties for a period of not less than one month on the grounds of disease or injuries not related to his duties, the Commissioner of the Military Manpower Administration may have him serve for an extended

MILITARY SERVICE ACT

period corresponding to the period of not less than one month: *Provided*, That the same shall not apply to the case where a doctor in exclusive charge of draft physical is deprived of his status for reasons prescribed in the provisions of subparagraph 4 of Article 34-4.

(2) When any of the doctors in exclusive charge of draft physical does not follow this Act or orders given by this Act or either violates or neglects his duties, the Commissioner of the Military Manpower Administration may extend his service for a considerable period commensurate with the reasons, cut his pay by not more than one third, or reprimand him: *Provided*, That the same shall not apply to the case where a doctor in exclusive charge of draft physical is deprived of his status for reasons referred to in subparagraphs 2, 3, 5, 6 and 7 of Article 34-2 or his service is extended under the provisions of Article 35 (2) for deserting his workplace or failing to perform his duties for the total period of not more than 7 days without any justifiable reasons.

[This Article Newly Inserted by Act No. 5757, Feb. 5, 1999]

Article 34-6 (Hearings)

The Commissioner of the Military Manpower Administration shall, when he intends to deprive a doctor in exclusive charge of draft physical of his status pursuant to the provisions of Article 34-4, hold hearings.

[This Article Newly Inserted by Act No. 5757, Feb. 5, 1999]

Article 35 (Notification on Changes in Personal Affairs of Public Health Doctor, etc.)

(1) In case where public health doctors, doctors in exclusive charge of draft physical or international cooperation doctors fall under any of the following subparagraphs, the Minister of Health and Welfare, the directors of the regional military manpower offices or the Minister of Foreign Affairs and Trade shall notify the Commissioner of the Military Manpower Administration of the cause within fourteen days: *(Amended by Act No. 4840, Dec. 31, 1994; Act No. 5454, Dec. 13, 1997; Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000)*

1. When their licenses as doctors, dentists or herbal doctors are cancelled or suspended;
2. When they fail to comply with the order of education on service as prescribed by the Act on the Special Measures for Public Health and Medical Services in Agricultural and Fishing Villages, etc., or the International Cooperation Personnel Act;

제16편 병무 병역법

3. When they have deserted from service or failed to be engaged in the service in the field concerned, for a period of not less than eight days in the aggregate without any justifiable reason;
4. When they have deserted from service or failed to be engaged in the service in the field concerned, for a period of not exceeding seven days in the aggregate without any justifiable reason;
5. When they are recalled as international cooperation doctors under Article 9 of the International Cooperation Personnel Act; and
6. When they fall under any of subparagraphs of Article 33 of the State Public Officials Act.

(2) In case where public health doctors, doctors in exclusive charge of draft physical, or international cooperation doctors fall under any of paragraph (1) 1, 2, 5 and 6, and the provisions of Article 34-4, the Commissioner of the Military Manpower Administration shall cancel their assignment, and in case where they fall under paragraph (1) 4, he shall have them serve for a period prolonged by as much as five times of the number of days for which they have deserted from the service or failed to be engaged in the service concerned. *(Amended by Act No. 4840, Dec. 31, 1994; Act No. 5757, Feb. 5, 1999; Act No. 6287, Dec. 26, 2000)*

(3) Persons whose transfer to serve as public health doctors, doctors in exclusive charge of draft physical or international cooperation doctors is cancelled under paragraph (2), shall be returned to the status held before the transfer and be enlisted in the active service or be called up as public interest service personnel. *(Amended by Act No. 5757, Feb. 5, 1999)*

(4) Persons who have deserted the service area for a total period of eight or more days or have not been engaged in the duties of the field concerned without any justifiable reason, shall have the transfer to serve as public health doctors, doctors in exclusive charge of draft physical or international cooperation doctors, cancelled, and shall be called up to serve as public interest service personnel, as prescribed in Article 26 (1) 1, during the remaining service period, under the conditions as prescribed by the Presidential Decree: *Provided*, That this shall not apply to persons falling under Article 65 (1) 3. *(Newly Inserted by Act No. 4840, Dec. 31, 1994; Act No. 5757, Feb. 5, 1999)*

Article 35-2 (Notification on Change in Personnel Affairs of Public-Service Advocate)

- (1) In case where persons who are transferred to serve as public-service

MILITARY SERVICE ACT

advocates fall under any of the following subparagraphs, the Minister of Justice shall notify the Commissioner of the Military Manpower Administration in cause within fourteen days:

1. When they fail to receive the education for service as prescribed by the Public-Service Advocates Act, without any justifiable reason;
2. When they fail to be appointed as public-service advocates under the Public-Service Advocates Act;
3. When they are forfeited of or lose the status of the public-service advocate under the Public-Service Advocates Act because they have deserted the service place, or have not been engaged in the duties in the field concerned, for a total period of eight or more days, without any justifiable reason; and
4. When they have deserted the service place or have not been engaged in duties in the field concerned, for a total period of up to seven days, without any justifiable reason.

(2) In case where persons who are transferred to serve as public-service advocates fall under any of paragraph (1) 1 through 3 (excluding the reasons that they have deserted the service place, or have not been engaged in the duties in the field concerned, for a total period of eight or more days, without any justifiable reason), the Commissioner of the Military Manpower Administration shall cancel the transfer, and if the persons fall under paragraph (1) 4, their service period shall be extended by five times the number of days for which they have deserted the service place or have not been engaged in the duties concerned.

(3) Any persons whose transfer to serve as public-service advocate under paragraph (2) is cancelled, shall be returned to the status prior to the transfer to be enlisted in the active service, or to be called as public interest service personnel.

(4) Any persons who have deserted the service place, or have not been engaged in the duties in the field concerned, for a total period of eight or more days, without any justifiable reason, shall have the transfer to serve as public-service advocate cancelled, and be called as the public interest service personnel as prescribed in Article 26 (1) 1, to serve for the remaining service period, under the conditions as prescribed by the Presidential Decree: *Provided*, That, persons falling under Article 65 (1) 3 shall not apply to this.

[This Article Newly Inserted by Act No. 4840, Dec. 31, 1994]

SECTION 3 Services of Technical Research and Skilled Industrial Personnel

Article 36 (Selection etc. of Designated Enterprises)

(1) The Commissioner of the Military Manpower Administration shall select designated enterprises (excluding agricultural corporations and after-sale service enterprises) for which technical research and skilled industrial personnel will serve, from among research institutions, key industrial enterprises and defense industrial enterprises according to the standards as determined by the Presidential Decree. *(Amended by Act No. 6058, Dec. 28, 1999)*

(2) Where any research institution, key industrial enterprise and defense industrial enterprise which has not been selected as a designated enterprise, falls under the causes as determined by the Presidential Decree such as taking over, etc. the designated enterprises selected pursuant to paragraph (1), it shall be deemed to have been selected as the designated enterprise.

(3) Where the designated enterprise selected pursuant to paragraph (1) falls under the causes as determined by the Presidential Decree such as discontinuance of business, etc., the Commissioner of the Military Manpower Administration may cancel the selection of the designated enterprise status.

(4) The Commissioner of the Military Manpower Administration shall determine the number of persons to be transferred to the technical research or skilled industrial personnel within a limit not interrupting the supply of the personnel required for the armed forces, and shall determine the total number of the personnel to be assigned, depending on the types of the designated enterprise, under the conditions as prescribed by the Presidential Decree. *(Amended by Act No. 6058, Dec. 28, 1999)*

(5) The director of the competent regional military manpower office (meaning the director of the regional military manpower office who has jurisdiction over the administrative districts in which workplaces of the designated enterprise or a successor of farming as referred to in Article 12 of the Framework Act on Agriculture and Rural Community and a successor to