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## MILITARY CRIMINAL ACT

[Enforcement Date 01. Jul, 2022.] [Act No.18465, 24. Sep, 2021., Amendment by  
Other Act]

국방부 (법무담당관)02-748-6811



법제처 국가법령정보센터

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### PART I GENERAL PROVISIONS

**Article 1 (Persons subject to Application of this Act)** (1) This Act shall apply to military persons of the Republic of Korea who perpetrate a crime specified in this Act.

(2) The term "military person" in paragraph (1) means any officer, warrant officer, noncommissioned officer, and enlisted soldier who is in active service: Provided, That any enlisted soldier in secondment service shall be excluded herefrom.

(3) This Act shall apply to any of the following persons as a military person: <Amended on May 29, 2016>

1. A civilian military employee;
2. A student who is registered in the military register and is currently enrolled in a military school, an officer candidate, a noncommissioned officer candidate, or a student who is registered in the military service pursuant to Article 57 of the Military Service Act and is currently serving military service at a military base;
3. A military person in reserve service or recruit service who has been called up and is currently serving in the military or a wartime worker.

(4) With respect to Korean nationals or foreigners who perpetrate any of the following crimes, this Act shall apply thereto as military persons:

1. A crime under Article 13 (2) or (3);
2. A crime under Article 42;
3. A crime under any provision of Articles 54 through 56, 58, 58-2 through 58-6, and 59;
4. A crime under any provision of Articles 66 through 71;
5. A crime under Article 75 (1) 1;
6. A crime under Article 77;
7. A crime under Article 78;
8. A crime under any provision of Articles 87 through 90;
9. An attempt to commit a crime under Article 13 (2) or (3);
10. An attempt to commit a crime under any provision of Articles 58-2 through 58-4;

11. An attempt to commit a crime under Article 59 (1);
  12. An attempt to commit a crime under any provision of Articles 66 through 70 and 71 (1) or (2);
  13. An attempt to commit a crime under any provision of Articles 87 through 90.
- (5) If a person specified in any provision of paragraphs (1) through (3) perpetrate a crime under this Act while he or she is in military service, is enrolled in a school, or is serving military service at a military base, this Act shall apply to such person even after he or she is discharged from active service, released from call-up, expelled from the school, or released from the military base.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 1-2 (Territorial Scope of Application)** This Act shall also apply where a person specified in Article 1 perpetrates a crime under this Act (limited to crimes specified in the subparagraphs of Article 1 (4) where a person subject to the application of the aforesaid paragraph is involved) outside of the territory of the Republic of Korea.

[This Article Newly Inserted on Nov. 2, 2009]

**Article 2 (Definition of Terms)** The terms used in this Act are defined as follows:

1. The term "superior" means a person who has the authority of command in a command-obedience relationship. If a command-obedience relationship does not exist, a higher-ranking person or a person in a higher order of precedence shall be treated as a superior;
2. The term "commander" means the head of a company or a larger military unit, the head of navy fleet, or a person who commands a naval ship or an aircraft;
3. The term "sentry" means a person who is posted on land, sea, or air within a specified scope of responsibility to perform an inherent duty to stand guard;
4. The term "military unit" means a military unit, military institution or school, or an institution installed specially in wartime, during a disturbance, or in any other similar situation;
5. The term "in the face of the enemy" means a state immediately before and after the commencement of a combat action, such as an offense or defense or a state of alert for an attack by the enemy in the direct confrontation with the enemy;
6. The term "wartime" means a period beginning with the time when a war is declared or a hostile action is taken against another country or a belligerent body and ending with the

time when an armistice is reached with the other country or the belligerent body;

7. The term "disturbance" means a state of agitation equivalent to the state in wartime, during which the entire country or a region is put under martial law.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 3 (Execution of Death Penalty)** A death penalty shall be executed by a firing squad at a place designated by the competent Chief of Staff. <Amended on Sep. 24, 2021>

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 4 (Applicability of other Acts)** Concerning crimes perpetrated by persons subject to the application of this Act under Article 1, other statutes shall govern except as otherwise provided in this Act.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## PART II PARTICULAR PROVISIONS

### CHAPTER I CRIMES OF INSURRECTION

**Article 5 (Insurrection)** Persons who rise up and take up arms shall be punished by the following:

1. The leader: Death;
2. Persons who participate in the insurrection plot, who assumes command of the insurrection, or who commits murder, causes bodily harm or destruction, or engages in plundering during the insurrection: Death, imprisonment with or without labor for an indefinite term, or imprisonment with or without labor for a term of not less than seven years;
3. Persons who followed others blindly during the insurrection or who participated merely in an insurrection: Imprisonment with or without labor for not more than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 6 (Unlawful Taking of Military Supplies for Purpose of Insurrection)** Persons who conspire to unlawfully take weapons, ammunition, or other goods contributing to military use for the purpose of forming insurrections shall be punished in accordance with Article 5.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 7 (Attempted Crime)** An attempt to commit a crime under any provision of Articles 5 and 6 shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 8 (Preparation, Conspiracy, Incitement, and Encouragement)** (1) A person who prepares or conspires with intent to commit a crime under Article 5 or 6 shall be punished by imprisonment with or without labor for a limited term of not less than five years: Provided, That if a person surrendered him or herself before the actual commission of his or her intended crime, the penalty against such a person may be mitigated or discharged. (2) A person who incites or encourages the commission of a crime under Article 5 or 6 shall also be punished by the penalty provided in paragraph (1).

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 9 (Failure to Report Insurrection)** (1) A person who knowingly fails to report the occurrence of an insurrection to his or her superior or other competent officer without delay shall be punished by imprisonment with or without labor for not more than two years. (2) A person who fails to make a report in the case of paragraph (1) with intent to assist the enemy shall be punished by imprisonment with or without labor for not less than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 10 (Acts against Allies)** The provisions of this Chapter shall also apply to acts committed against an ally of the Republic of Korea.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER II CRIMES OF BENEFITTING THE ENEMY

**Article 11 (Furnishing of Military Bases and Military Installations)** (1) A person who furnishes the enemy with a military fortress, military base, ship or an aircraft for military use, or other place, facility, or structure shall be punished by death. (2) A person who furnishes the enemy with weapons, ammunition, or other goods for military use shall also be punished by the penalty provided in paragraph (1).

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 12 (Destruction of Military Installations, etc.)** A person who destroys a military installation specified in Article 11 or other goods, or makes it impossible to use such an installation or goods for the benefit of the enemy shall be punished by death.

[This Article Wholly Amended on Nov. 2, 2009]

- Article 13 (Espionage)** (1) A person who commits espionage for the enemy shall be punished by death, while a person who aided and abetted a spy of the enemy shall be punished by death or imprisonment with labor for an indefinite term.
- (2) A person who divulges any military secret to the enemy shall also be punished by the penalty provided in paragraph (1).
- (3) A person who commits a crime under paragraph (1) or (2) in any of the following areas or institutions shall also be punished by the penalty provided in paragraph (1):
1. An area in which a military unit, military base, or military port is situated or other area publicly announced pursuant to statutes for the protection of military installations;
  2. An area to which a military unit moves, area in which a military unit conducts an exercise, area in which a counter-espionage operation is conducted, or any other area in which the military carries out a special operation;
  3. A defense industrial entity or research institute designated or commissioned pursuant to the Defense Acquisition Program Act.

[This Article Wholly Amended on Nov. 2, 2009]

- Article 14 (Benefitting the Enemy in General)** A person who commits any of the following acts, other than acts under Articles 11 through 13, shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years:
1. A person who guides the enemy to a course or who furnishes the enemy with geographic information;
  2. A person who coerces a commander into surrendering to the enemy;
  3. A person who hides or harbors the enemy;
  4. A person who destroys or disrupts a path, bridge, lighthouse, sign, or any other traffic facility or interrupts the traffic of military units or ships, aircraft, or vehicles for military use by any other means;
  5. A person who uses a secret code or signal for the enemy, who alters any content of an order, a notice, or report and delivers it altered or neglects the delivery of an order, a notice, or report, or who issues a false order, gives a false notice, or makes a false report;
  6. A person who, for the benefit of the enemy, dismisses or disrupts a military unit, naval fleet, flight formation, or troops or interrupts the communications or gathering of a military unit, naval fleet, flight formation, or troops;

7. A person who supplies the enemy with weapons or ammunition for non-military use or goods that may be used for combat purposes;
8. A person who undermines the Republic of Korea's military advantage or gives the enemy a military advantage.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 15 (Attempted Crime)** An attempt to commit a crime under any provision of Articles 11 through 14 shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 16 (Preparation, Conspiracy, Incitement, and Encouragement)** (1) A person who prepares or conspires with intent to commit a crime under any provision of Articles 11 through 14 shall be punished by imprisonment with labor for a limited term of not less than three years: Provided, That if a person surrenders him or herself before the actual commission of his or her intended crime, the penalty against such a person may be mitigated or discharged.

(2) A person who incites or encourages the commission of a crime under any provision of Articles 11 through 14 shall also be punished by the penalty provided in paragraph (1).

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 17 (Acts against Allies)** The provisions of this Chapter shall also apply to acts committed against an ally of the Republic of Korea.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

### CHAPTER III CRIMES OF ABUSE OF COMMAND AUTHORITY

**Article 18 (Unlawful Initiation of Combat Engagement)** A commander who initiates combat engagement with a foreign country without good cause shall be punished by death.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 19 (Unlawful Continuance of Combat)** A commander who continues combat engagement without good cause after receiving a notice of a truce or an armistice shall be punished by death.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 20 (Unlawful Advance or Retreat)** A commander who, in the absence of an unavoidable cause, abuses his or her authority in wartime, during a disturbance, or in an area under martial law to advance or retreat a military unit, naval ship, or an aircraft shall be punished by death, imprisonment with or without labor for an indefinite term, or imprisonment with or without labor for not less than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 21 (Attempted Crime)** An attempt to commit a crime under any provision of this Chapter shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

#### CHAPTER IV CRIMES OF SURRENDER AND ESCAPE OF COMMANDERS

**Article 22 (Surrender)** A commander who, rather than fulfill his or her duty to the country, surrenders him or herself to the enemy or abandons a military unit, fortress, military base, naval ship, or an aircraft to the enemy shall be punished by death.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 23 (Leading of Military Unit to Escape)** A commander who, rather than fulfill his or her duty to the country, leads a military unit to escape together in the face of the enemy shall be punished by death.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 24 (Dereliction of Duty)** A commander who, without good cause, refuses to perform his or her duty or is derelict in his or her duty shall be punished by the following:

1. In the face of the enemy: Death;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with or without labor for a limited term of not less than five years;
3. In other cases: Imprisonment with or without labor for not more than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 25 (Attempted Crime)** An attempt to commit a crime under Article 22 or 23 shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 26 (Preparation and Conspiracy)** A person who prepares or conspires with intent to commit a crime under Article 22 or 23 shall be punished by imprisonment with labor for a limited term of not less than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER V CRIMES OF BREAKAWAY FROM STATION OF DEFENSE

**Article 27 (Commander's Breakaway from Station of Defense)** A commander who leads a military unit to break away from his or her station of defense or does not go to the area to which he or she is assigned without good cause shall be punished by the following:

1. In the face of the enemy: Death;
2. In wartime, during a disturbance, or in an area under martial law: Death, imprisonment with or without labor for an indefinite term, or imprisonment with or without labor for not less than five years;
3. In other cases: Imprisonment with or without labor for not more than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 28 (Sentry's Breakaway from Station of Defense)** A sentry who, without good cause, breaks away from his or her station of defense or does not go to his or her station of defense by the designated time shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with labor for a limited term of not less than one year;
3. In other cases: Imprisonment with labor for not more than two years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 29 (Attempted Crime)** An attempt to commit a crime under any provision of this Chapter shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER VI CRIMES OF DESERTION FROM MILITARY SERVICE

**Article 30 (Desertion from Military Service)** (1) A person who deserts his or her military unit or his or her duty with intent to evade military service shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment for a limited term of not less than five years;
3. In other cases: Imprisonment with labor for not less than one year nor more than ten years.

(2) A person who has deserted his or her military unit or his or her duty and does not return to the military unit or duty within a reasonable period without good cause shall also be punished by the penalty provided in paragraph (1).

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 31 (Desertion from Extraordinary Military Service)** A person who deserts the place to which he or she is assigned or his or her duty with intent to evade a dangerous or important mission shall also be punished in accordance with Article 30.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 32 (Harboring of Deserter)** A person who hides or harbors another person who commits a crime under Article 30 or 31 shall be punished by the following:

1. In the face of the enemy, during a disturbance, or in an area under martial law: Imprisonment with labor for not more than five years;
2. In other cases: Imprisonment with labor for not more than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 33 (Fleeing to Enemy's Camp)** A person who flees to the enemy's camp shall be punished by death.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 34 (Attempted Crime)** An attempt to commit a crime under any provision of this Chapter shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER VII CRIMES OF NEGLECT OF MILITARY SERVICE

**Article 35 (Neglect of Duty)** A person who falls under any of the following subparagraphs due to the neglect of his or her duty shall be punished by imprisonment with labor for an indefinite term or for a term of not less than one year:

1. A commander or an officer equivalent to a commander who is negligent in preparing for combat engagement with the enemy while performing his or her mission, although combat engagement with the enemy is anticipated;
2. An officer who, without good cause, abandons the military unit or troops led by him or her as at the time of an encounter with the enemy or in the face of peril, while performing his or her mission;
3. A person who, without good cause, fails to attack the enemy for whom he or she holds the duty to attack or evades a peril for which he or she holds a duty to face;
4. A person who, in the absence of an unavoidable cause, abandons a document or an article, which is classified as a military secret and is under his or her custody, to the enemy in an emergency situation;
5. A person who is responsible for the transportation or supply of weapons, ammunition, foodstuff, clothes, or other goods for military use in wartime, during a disturbance, or in an area under martial law but, in the absence of an unavoidable cause, removes them or makes them run short.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 36 (Disturbance of Military Flight Discipline)** A person who disturbs military flight discipline by operating an aircraft in violation of an Act, a regulation, or an order regarding aviation shall be punished by the following:

1. In the face of the enemy: Imprisonment with or without labor for a limited term of not less than one year;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with or without labor for not more than three years;
3. In other cases: Imprisonment with or without labor for not more than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 37 (Danger Caused by Deceit to Navigation)** A person who brings danger to safe navigation of naval ships or aircraft for military use by a false signal or other means shall be punished by the following:

1. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In other cases: Imprisonment with labor for an indefinite term or for a term of not less than two years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 38 (False Order, Notification, and Report)** (1) A person who issues a false order, gives a false notification, or makes a false report with regard to a military affair shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with labor for not more than seven years;
3. In other cases: Imprisonment with labor for not more than one year.

(2) Where a person who holds a duty to issue an order, give a notification, or make a report with regard to a military affair commits a crime under paragraph (1), the penalty against such a person shall be aggravated by up to one half of the penalty specified in each paragraph of paragraph (1).

[This Article Wholly Amended on Nov. 2, 2009]

**Article 39 (False Delivery of Order, etc.)** A person who is responsible for delivering an order, notification, or report regarding a military affair in wartime, during a disturbance, or in an area under martial law but makes a false delivery or fails to deliver it shall be punished in accordance with Article 38.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 40 (Violation of Sentry Order)** (1) A person who, without good cause, orders a change of sentry or changes a sentry without following established rules shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than two years;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with labor for not more than five years;
3. In other cases: Imprisonment with labor for not more than two years.

(2) A sentry who is asleep or drunken on duty shall be punished in accordance with paragraph (1).

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 41 (Cheating for Intentional Evasion of Service)** (1) A person who inflicts an injury on his or her own body with intent to evade service shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: Imprisonment with labor for not more than three years.

(2) A person who pretends to be ill or uses other fraudulent means with intent to evade service shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for not more than ten years;
2. In other cases: Imprisonment with labor for not more than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 42 (Supply of Hazardous Foodstuff)** (1) A person who supplies the military with toxic foodstuff shall be punished by imprisonment with labor for not more than ten years.

(2) A person who causes another person to be killed or sustain an injury by committing a crime under paragraph (1) shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years.

(3) A person who commits a crime by negligence under paragraph (1) shall be punished by imprisonment with or without labor for not more than five years.

(4) A person who commits a crime under paragraph (1) with intent to benefit the enemy shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 43 (Refusal to Dispatch Troops)** A commander who, without reasonable cause, fails to comply with a demand to dispatch troops from a person who has the authority to demand such dispatch upon receipt of such demand, shall be punished by imprisonment with or without labor for not more than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER VIII CRIMES OF INSUBORDINATION

**Article 44 (Insubordination)** A person who resists or disobeys a legitimate order of his or her superior shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with labor for not less than one year nor more than seven years;
3. In other cases: Imprisonment with labor for not more than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 45 (Mass Insubordination)** Persons who commit a crime under Article 44 in a group shall be punished by the following:

1. In the face of the enemy: The leader shall be punished by death, and the other persons by death or imprisonment with labor for an indefinite term;
2. In wartime, during a disturbance, or in an area under martial law: The leader shall be punished by imprisonment with labor for an indefinite term or for a term of not less than seven years, and the other persons by imprisonment for a limited term of not less than one year;
3. In other cases: The leader shall be punished by imprisonment with labor for a limited term of not less than three years, and the other persons by imprisonment with labor for not more than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 46 (Insubordination to Superior's Restraint)** A person who fails to obey his or her superior's restraint while assaulting shall be punished by imprisonment with labor for not more than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 47 (Violation of Order)** A person who holds a duty to observe a legitimate order or rule but violates or fails to observe such order or rule shall be punished by imprisonment with or without labor for not more than two years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER IX CRIMES OF ASSAULT, INTIMIDATION, INFLECTION OF BODILY INJURY, AND MURDER

**Article 48 (Assault or Intimidation against Superior)** A person who assaults or intimidates his or her superior shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for not less than one year nor more than ten years;
2. In other cases: Imprisonment with labor for not more than five years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 49 (Mass Assault, Intimidation, etc. against Superior)** (1) Persons who commit a crime under Article 48 in a group shall be punished by the following:

1. In the face of the enemy: The leader shall be punished by imprisonment with labor for an indefinite term or for a term of not less than ten years, and the other persons by imprisonment with labor for a limited term of not less than three years;
2. In other cases: The leader shall be punished by imprisonment with labor for an indefinite term or for a term of not less than five years, and the other persons by imprisonment with labor for a limited term of not less than one year.

(2) Where two or more persons jointly, but not in a group, commit a crime under Article 48, the penalty against such persons shall be aggravated by up to one half of the penalty specified in Article 48.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 50 (Aggravated Assault or Intimidation against Superior)** A person who commits a crime under Article 48, while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: Imprisonment with labor for an indefinite term or for a term of not less than two years;

[This Article Wholly Amended on Nov. 2, 2009]

**Article 51** Deleted. <Nov. 2, 2009>

**Article 52 (Assault against Superior Causing Death or Injury)** (1) A person who commits a crime under any provision of Articles 48 through 50 causing death of his or her superior, shall be punished by the following:

1. In the face of the enemy: Death, imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
3. In other cases: Imprisonment with labor for an indefinite term or for a term of not less than five years.

(2) A person who commits a crime under any provision of Article 48 or 49 (excluding the leader of persons who commit a crime under any subparagraph of Article 49 (1)) causing an injury to his or her superior, shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than three years;
2. In other cases: Imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 52-2 (Infliction of Bodily Injury on Superior)** A person who inflicts any bodily injury on his or her superior shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than three years;
2. In other cases: Imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 52-3 (Mass Infliction of Bodily Injury, etc. on Superior)** (1) Persons who commit a crime under Article 52-2 in a group shall be punished by the following:

1. In the face of the enemy: The leader shall be punished by imprisonment with labor for an indefinite term or for a term of not less than ten years, and the other persons by imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: The leader shall be punished by imprisonment with labor for an indefinite term or for a term of not less than seven years, and the other persons by imprisonment with labor for limited term of not less than three years.

(2) If two or more persons jointly, but not in a group, commit a crime under Article 52-2, the penalty against such persons shall be aggravated by up to one half of the penalty specified in Article 52-2.

[This Article Newly Inserted on Nov. 2, 2009]

[Previous Article 52-3 moved to Article 52-5 <Nov. 2, 2009>]

**Article 52-4 (Infliction of Aggravated Bodily Injury on Superior)** A person who commits a crime under Article 52-2, while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In other cases: Imprisonment with labor for an indefinite term or for a term of not less than three years;

[This Article Newly Inserted on Nov. 2, 2009]

[Previous Article 52-4 moved to Article 52-6 <Nov. 2, 2009>]

**Article 52-5 (Infliction of Serious Bodily Injury on Superior)** A person who commits a crime under any provision of Articles 52 (2) and 52-2 through 52-4 resulting in a danger to his or her superior's life or resulting in the deformity or incurable or fatal illness of his or her superior, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than three years: Provided, That the leader of persons who commit a crime under Article 52-3 (1) 2 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than seven years;
3. In other cases (excluding the leader of persons who commit a crime under Article 52-3 (1) 2): Imprisonment with labor for an indefinite term or for a term of not less than three years.

[This Article Wholly Amended on Nov. 2, 2009]

[Moved from Article 52-3 <Nov. 2, 2009>]

**Article 52-6 (Infliction of Bodily Injury on Superior Causing Death)** A person who commits a crime under any provision of Articles 52-2 through 52-5 causing death of his or her superior shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than ten years;
2. In wartime, during a disturbance, or in an area under martial law: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
3. In other cases (excluding the leader of persons who commit a crime under Article 52-3 (1) 2): Imprisonment with labor for an indefinite term or for a term of not less than five years.

[This Article Wholly Amended on Nov. 2, 2009]

[Moved from Article 52-4 <Nov. 2, 2009>]

**Article 53 (Murdering Superior and Preparation and Conspiracy therefor)** (1) A person who murders his or her superior shall be punished by death or imprisonment with labor for an indefinite term.

(2) A person who prepares or conspires with intent to commit a crime under paragraph (1) shall be punished by imprisonment with labor for a limited term of not less than one year.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 54 (Assault or Intimidation against Sentry)** A person who assaults or intimidates a sentry shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for not more than seven years;
2. In other cases: Imprisonment with labor for not more than five years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 55 (Mass Assault, Intimidation, etc. against Sentry)** (1) Persons who commit a crime under Article 54 in a group shall be punished by the following:

1. In the face of the enemy: The leader shall be punished by imprisonment with labor for a limited term of not less than five years, and the other persons by imprisonment with labor for a limited term of not less than three years;
  2. In other cases: The leader shall be punished by imprisonment with labor for a limited term of not less than two years, and the other persons by imprisonment with labor for a limited term of not less than one year.
- (2) If two or more persons jointly, but not in a group, commit a crime under Article 54, the penalty against such persons shall be aggravated by up to one half of the penalty specified in Article 54.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 56 (Aggravated Assault or Intimidation against Sentry)** A person who commits a crime under Article 54, while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than three years;
2. In other cases: Imprisonment with labor for a limited term of not less than one year.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 57** Deleted. <Nov. 2, 2009>

**Article 58 (Assault against Sentry Causing Death or Injury)** (1) A person who commits a crime under any provision of Articles 54 through 56, causing death of a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under Article 54 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under Article 55 or 56 by death or imprisonment with labor for an indefinite term or for a term of not less than five years;
3. In other cases: A person who commits a crime under Article 54 shall be punished by imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under Article 55 or 56 by imprisonment with labor for an indefinite term or for a term of not less than five years.

(2) A person who commits a crime under Article 54 or 55, causing an injury to a sentry, shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than three years: Provided, That the leader of persons who commit a crime under Article 55 (1) 1 shall be punished by imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases (excluding the leader of persons who commit a crime under Article 55 (1) 2): Imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 58-2 (Infliction of Bodily Injury on Sentry)** A person who inflicts any bodily injury on a sentry shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than three years;
2. In other cases: Imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 58-3 (Mass Infliction of Bodily Injury, etc. on Sentry)** (1) Persons who commit a crime under Article 58-2 in a group shall be punished by the following:

1. In the face of the enemy: The leader shall be punished by imprisonment with labor for an indefinite term or for a term of not less than seven years, and the other persons by imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: The leader shall be punished by imprisonment with labor for a limited term of not less than five years, and the other persons by imprisonment with labor for a limited term of not less than three years.

(2) Where two or more persons jointly, but not in a group, commit a crime under Article 58-2, the penalty against such persons shall be aggravated by up to one half of the penalty specified in Article 58-2.

[\[This Article Newly Inserted on Nov. 2, 2009\]](#)

[\[Previous Article 58-3 moved to Article 58-5 <Nov. 2, 2009>\]](#)

**Article 58-4 (Infliction of Aggravated Bodily Injury on Sentry)** A person who commits a crime under Article 58-2, while in possession of a deadly weapon or any other dangerous object, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: Imprisonment with labor for a limited term of not less than three years.

[\[This Article Newly Inserted on Nov. 2, 2009\]](#)

[\[Previous Article 58-4 moved to Article 58-6 <Mar. 2, 2009>\]](#)

**Article 58-5 (Infliction of Serious Bodily Injury on Sentry)** A person who commits a crime under any provision of Articles 58 (2), 58-2, and 58-3 (2), resulting in a danger to the

sentry's life or resulting in a deformity or incurable or fatal illness of a sentry, shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: Imprisonment with labor for a limited term of not less than two years.

[This Article Wholly Amended on Nov. 2, 2009]

[Moved from Article 58-3 <Nov. 2, 2009>]

**Article 58-6 (Infliction of Bodily Injury on Sentry Causing Death)** A person who commits a crime under any provision of Articles 58-2 through 58-5, causing death of a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under Article 58-2 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under any provision under Articles 58-3 through 58-5 by death or imprisonment with labor for an indefinite term or for a term of not less than five years;
3. In other cases: A person who commits a crime under Article 58-2 shall be punished by imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under any provision under Articles 58-3 through 58-5 by imprisonment with labor for an indefinite term or for a term of not less than five years.

[This Article Wholly Amended on Nov. 2, 2009]

[Moved from Article 58-4 <Nov. 2, 2009>]

**Article 59 (Murdering Sentry and Preparation and Conspiracy therefor)** (1) A person who murders a sentry shall be punished by death or imprisonment with labor for an indefinite term.

(2) A person who prepares or conspires with intent to commit a crime under paragraph (1) shall be punished by imprisonment with labor for not less than one year nor more than ten years.

[This Article Wholly Amended on Nov. 2, 2009]

- Article 60 (Assault, Intimidation, etc. against Military Person, etc. on Duty)** (1) A person who assaults or intimidates a person on duty, other than his or her superior and a sentry, (limited to a military person or a person falling under any subparagraph of Article 1 (3); hereinafter referred to as "military person, etc.") shall be punished by the following:
1. In the face of the enemy: Imprisonment with labor for not more than seven years;
  2. In other cases: Imprisonment with labor for not more than five years or by a fine not exceeding ten million won.
- (2) A person who commits a crime under paragraph (1) in a group or while in possession of a deadly weapon or any other dangerous object shall be punished by the following:
1. In the face of the enemy: Imprisonment with labor for a limited term of not less than three years;
  2. In other cases: Imprisonment with labor for a limited term of not less than one year.
- (3) Where two or more persons jointly, but not in a group, commit a crime under paragraph (1), the penalty against such persons shall be aggravated by up to one half of the penalty specified in paragraph (1).
- (4) A person who commits a crime under any provision of paragraphs (1) through (3), causing death of a military person, etc. on duty, other than his or her superior nor a sentry, shall be punished by the following:
1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
  2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under paragraph (1) shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under paragraph (2) or (3) by death or imprisonment with labor for an indefinite term or for a term of not less than five years;
  3. In other cases: A person who commits a crime under paragraph (1) shall be punished by imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under paragraph (2) or (3) by imprisonment with labor for an indefinite term or for a term of not less than five years.
- (5) A person who commits a crime under any provision of paragraphs (1) through (3), causing an injury to a military person, etc. on duty, other than his or her superior and a

sentry, shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than three years;
2. In other cases: Imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 60-2 (Infliction of Bodily Injury on Military Person, etc. on Duty)** A person who inflicts any bodily injury on a military person, etc. on duty, other than his or her superior and a sentry, shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than three years;
2. In other cases: Imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 60-3 (Mass Infliction of Bodily Injury, etc. on Military Person, etc. on Duty)** (1) Persons who commit a crime under Article 60-2 in a group or while in possession of a deadly weapon or any other dangerous object shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: Imprisonment with labor for a limited term of not less than three years.

(2) Where two or more persons jointly, but not in a group, commit a crime under Article 60-2, the penalty against such persons shall be aggravated by up to one half of the penalty specified in Article 60-2.

[\[This Article Newly Inserted on Nov. 2, 2009\]](#)

[\[Previous Article 60-3 moved to Article 60-4 <Nov. 2, 2009>\]](#)

**Article 60-4 (Serious Bodily Injury on Military Person, etc. on Duty)** A person who commits a crime under any provision of Article 60 (5), 60-2, or 60-3 (2), resulting in a danger to the life of a military person, etc. on duty, who is neither his or her superior nor a sentry, or resulting in a deformity or incurable or fatal illness of such a military person, shall be punished by the following:

1. In the face of the enemy: Imprisonment with labor for an indefinite term or for a term of not less than five years;

2. In other cases: Imprisonment with labor for a limited term of not less than two years.

[This Article Wholly Amended on Nov. 2, 2009]

[Moved from Article 60-3; previous Article 60-4 moved to Article 60-5 <Nov. 2, 2009>]

#### **Article 60-5 (Infliction of Bodily Injury on Military Person, etc. on Duty Causing Death) A**

person who commits a crime under any provision of Articles 60-2 through 60-4, resulting in the death of a military person, etc. on duty, other than his or her superior and a sentry, shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In wartime, during a disturbance, or in an area under martial law: A person who commits a crime under Article 60-2 shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under Article 60-3 or 60-4 by death or imprisonment with labor for an indefinite term or for a term of not less than five years;
3. In other cases: A person who commits a crime under Article 60-2 shall be punished by imprisonment with labor for an indefinite term or for a term of not less than three years, and a person who commits a crime under Article 60-3 or 60-4 by imprisonment with labor for an indefinite term or for a term of not less than five years.

[This Article Wholly Amended on Nov. 2, 2009]

[Moved from Article 60-4 <Nov. 2, 2009>]

#### **Article 60-6 (Special Cases concerning Crimes of Assault and Intimidation against Military**

**Person, etc.)** If a military person, etc. assaults or intimidates another military person, etc. in any of the following locations, Article 260 (3) and Article 283 (3) of the Criminal Act shall not apply:

1. Military bases prescribed in subparagraph 1 of Article 2 of the Protection of Military Bases and Installations Act;
2. Military installations prescribed in subparagraph 2 of Article 2 the Protection of Military Bases and Installations Act;
3. Military aircraft prescribed in subparagraph 5 of Article 2 of the Protection of Military Bases and Installations Act;

4. Ships for military uses.

[This Article Newly Inserted on May 29, 2016]

**Article 61 (Aggravated Disturbance)** Persons who commit assault, intimidation, or destruction of property in a group, while in possession of weapons or other dangerous objects, shall be punished by the following:

1. Leader: Imprisonment with labor for a limited term of not less than three years;
2. Persons who command other persons or take the initiative in expanding or maintaining their power: Imprisonment with labor for not less than one year nor more than ten years;
3. Persons who follow others blindly: Imprisonment with labor for not less than two years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 62 (Cruel Act)** (1) A person who, by abusing his or her official authority, abuses or cruelly treats another person shall be punished by imprisonment with labor for not more than five years.

(2) A person who abuses or cruelly treats another person by force shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding seven million won.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 63 (Attempted Crime)** An attempt to commit a crime under any provision of Articles 52-2 through 52-4, 53 (1), 58-2 through 58-4, 59 (1), 60-2, and 60-3 shall be punished.

[This Article Wholly Amended on Nov. 2, 2009]

## CHAPTER X CRIMES OF INSULT

**Article 64 (Insult, etc. to Superior)** (1) A person who insults his or her superior in a face-to-face encounter shall be punished by imprisonment with or without labor for not more than two years.

(2) A person who insults his or her superior by publishing a document, picture, or an image, giving a speech, or openly expressing otherwise shall be punished by imprisonment with or without labor for not more than three years.

(3) A person who defames his or her superior by openly stating a fact shall be punished by imprisonment with or without labor for not more than three years.

(4) A person who defames his or her superior by openly stating a false fact shall be punished by imprisonment with or without labor for not more than five years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 65 (Insult to Sentry)** A person who insults a sentry in a face-to-face encounter shall be punished by imprisonment with or without labor for not more than one year.

[This Article Wholly Amended on Nov. 2, 2009]

## CHAPTER XI CRIMES RELATING TO MILITARY SUPPLIES

**Article 66 (Arson of Military Installations, etc.)** (1) A person who destroys a military factory, ship, aircraft, or facility, train, tram, automobile, or bridge for combat by setting fire thereto shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than ten years.

(2) A person who destroys a warehouse that stores goods for military use by setting fire thereto shall be punished by the following:

1. Where goods for military use are present: Death or imprisonment with labor for an indefinite term or for a term of not less than seven years;
2. Where goods for military use are not present: Imprisonment with labor for an indefinite term or for a term of not less than five years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 67 (Arson of Military Supplies Stored Outdoor)** A person who destroys weapons, ammunition, vehicles, accouterments, equipment, materials, foodstuffs, clothes, or other goods stored outdoor for military use by setting fire thereto shall be punished by the following:

1. In the face of the enemy: Death or imprisonment with labor for an indefinite term or for a term of not less than seven years;
2. In other cases: Imprisonment with labor for an indefinite term or for a term of not less than three years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 68 (Detonation of Explosives)** A person who destroys goods specified in Articles 66 and 67 by detonating gunpowder, a boiler, or other explosive goods shall also be

punished in accordance with Articles 66 and 67.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 69 (Destruction of Military Installations, etc.)** A person who destroys, or damages the utility of, goods specified in Article 66 or a railroad, an electric cable, or other installations or goods for military use shall be punished by imprisonment with labor for an indefinite term or for a term of not less than two years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 70 (Damage to Captures)** A person who embezzles, destroys by setting fire, or destroys goods obtained in a fight with the enemy shall be punished by imprisonment with labor for not less than one year nor more than ten years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 71 (Capsizing or destruction of Ships and Aircraft)** (1) A person who capsizes or destroys a naval ship in commission by colliding or stranding it or navigating it to a dangerous place shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than five years.

(2) A person who crashes or destroys an aircraft in commission shall also be punished by the penalty provided in paragraph (1).

(3) A person who kills or injures another person by committing a crime under paragraph (1) or (2) shall be punished by death or imprisonment with labor for an indefinite term or for a term of not less than ten years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 72 (Attempted Crime)** An attempt to commit a crime under any provision of Articles 66 through 70 and 71 (1) and (2) shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 73 (Negligence Criminal)** (1) A person who commits a crime by negligence under any provision of Articles 66 through 71 shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding three million won.

(2) A person who, by negligence in the performance of duty or by gross negligence, commits a crime under paragraph (1) shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding five million won.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 74 (Loss of Military Supplies)** A person who is responsible for retaining custody of firearms, ammunition, explosives, vehicles, accouterments, equipment, materials, foodstuffs, clothes, or other goods for military use but has lost them shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding three million won.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 75 (Aggravation of Penalty against Crimes Relating to Military Supplies, etc.)** (1) A person who commits a crime under any provision of Chapter XXXVIII through XLI of Part II of the Criminal Act in relation to firearms, ammunition, explosives, vehicles, accouterments, equipment, materials, foodstuffs, clothes, or other goods for military use or property interests of the military shall be punished by following:

1. Where firearms, ammunition, or explosives are involved: Death or imprisonment with labor for an indefinite term or for a term of not less than five years;
2. In other cases: Death or imprisonment with labor for an indefinite term or for a term of not less than one year.

(2) A crime under paragraph (1) shall be punished by a penalty heavier than the penalty provided for in the Criminal Act.

(3) A fine not exceeding 30 million won may be imposed concurrently for a crime under paragraph (1).

[This Article Wholly Amended on Nov. 2, 2009]

**Article 76 (Preparation and Conspiracy)** A person who prepares or conspires with intent to commit a crime under any provision of Articles 66 through 69 and 71 shall be punished by imprisonment with or without labor for not more than seven years: Provided, That if a person surrenders him or herself before the actual commission of his or her intended crime, the penalty against such a person may be mitigated or discharged.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 77 (Acts against Military Installations or Military Supplies of Foreign Countries)** Acts committed against military installations or military supplies of foreign armed forces that participate in a joint operation with the armed forces of the Republic of Korea shall also be

governed by the provisions of this Chapter.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER XII CRIMES OF VIOLATION OF ORDER

**Article 78 (Invasion of Sentry Post)** A person who passes through a sentry post by deceiving a sentry or who refuses to obey a sentry's order to stop shall be punished by the following:

1. In the face of the enemy: Imprisonment with or without labor for not less than one year nor more than five years;
2. In wartime, during a disturbance, or in an area under martial law: Imprisonment with or without labor for not more than three years;
3. In other cases: Imprisonment with or without labor for not more than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 79 (Unauthorized Leave of Absence)** A person who temporarily leaves his or her place of service or a designated place without permission or fails to arrive at a designated place by a designated time shall be punished by imprisonment with or without labor for not more than one year or by a fine not exceeding three million won.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 80 (Divulgence of Military Secrets)** (1) A person who divulges any military secret shall be punished by imprisonment with or without labor for not more than ten years.  
(2) A person who, by negligence in the performance of duty or gross negligence, commits a crime under paragraph (1) shall be punished by imprisonment with or without labor for not more than three years or by a fine not exceeding seven million won.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 81 (Unlawful Use of Secret Code)** Any of the following persons shall be punished by imprisonment with or without labor for a limited term of not less than two years:

1. A person who transmits any secret code without permission;
2. A person who makes another person, who is not authorized to receive a secret code, receive the secret code;

3. A person who fails to deliver a secret code that he or she receives or makes a false delivery of such a secret code.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER XIII CRIMES OF PLUNDERING

**Article 82 (Plundering)** (1) A person who wrongfully takes property from residents in a combat area or an occupied area, taking advantage of military power or the fear of war, shall be punished by imprisonment with labor for an indefinite term or for a term of not less than three years.

(2) A person who wrongfully takes clothes or other assets from a person killed or wounded in action shall be punished by imprisonment with labor for a limited term of not less than one year.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 83 (Plundering Resulting in Death or Injury)** (1) A person who commits a crime under Article 82 resulting in death or injury of another person shall be punished by death or imprisonment with labor for an indefinite term.

(2) A person who injures another person or causes another person to sustain an injury in the commission of a crime under Article 82 shall be punished by imprisonment with labor for an indefinite term or for a term of not less than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 84 (Rape in Combat Zone)** (1) A person who rapes a person in a combat zone or an occupied area shall be punished by death. <Amended on Apr. 5, 2013>

(2) Deleted. <Apr. 5, 2013>

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 85 (Attempted Crime)** An attempt to commit a crime under any provision of this Chapter shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER XIV CRIMES RELATING TO PRISONERS OF WAR

**Article 86 (Prisoners of War)** A person who has been captured by the enemy as a prisoner of war but fails to take any proper action for return, although he or she could return to a military unit or base of an allied army or interrupts the attempt by another person of an allied army who has also been captured as a prisoner of war to return to a military unit or base of an allied army shall be punished by imprisonment with labor for not more than two years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 87 (Guard's Assistance in Escape of Prisoners of War)** A person who assists a prisoner of war in escape while guarding or transporting the prisoner of war shall be punished by imprisonment with labor for a limited term of not less than three years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 88 (Assistance in Escape of Prisoners of War)** (1) A person who assists a prisoner of war in escape shall be punished by imprisonment with labor for not more than ten years.  
(2) A person who furnishes a prisoner of war with a tool or commits an act that makes such escape easier shall be punished by imprisonment with labor for not more than seven years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 89 (Unlawful Taking of Prisoners of War)** A person who unlawfully takes away a prisoner of war shall be punished by imprisonment with labor for a limited term of not less than two years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 90 (Harboring of Runaway Prisoners of War)** A person who hides or harbors a runaway prisoner of war shall be punished by imprisonment with labor for not more than five years.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

**Article 91 (Attempted Crime)** An attempt to commit a crime under any provision of Articles 87 through 90 shall be punished.

[\[This Article Wholly Amended on Nov. 2, 2009\]](#)

## CHAPTER XV CRIMES OF RAPE AND INDECENT ACT

**Article 92 (Rape)** A person who, by violence or threat, rapes a person falling under any provision of Article 1 (1) through (3) shall be punished by imprisonment with labor for a limited term of not less than five years. <Amended on Apr. 5, 2013>

[This Article Wholly Amended on Nov. 2, 2009]

**Article 92-2 (Quasi-Rape)** A person who, by violence or threat, penetrates mouth, anus, or any other part of the body (excluding genital organ) of any person prescribed in Article 1 (1) through (3) with his or her genital organ, or who penetrates genital organ or anus with any part of his or her body, such as fingers, (excluding genital organ) or with any object shall be punished by imprisonment with labor for a limited term of not less than three years.

[This Article Newly Inserted on Apr. 5, 2013]

[Previous Article 92-2 moved to Article 92-3 <Apr. 5, 2013>]

**Article 92-3 (Indecent Act by Force)** A person who, by violence or threat, commits an indecent act upon another person falling under any provision of Article 1 (1) through (3) shall be punished by imprisonment with labor for a limited term of not less than one year.

[This Article Newly Inserted on Nov. 2, 2009]

[Moved from Article 92-2; previous Article 92-3 moved to Article 92-4 <Apr. 5, 2013>]

**Article 92-4 (Quasi-Rape and Quasi-Indecent Act)** A person who commits adultery with or commits an indecent act upon another person falling under any provision of Article 1 (1) through (3), taking advantage of the other person's insanity or inability to resist, shall be punished in accordance with Article 92, 92-2, and 92-3. <Amended on Apr. 5, 2013>

[This Article Newly Inserted on Nov. 2, 2009]

[Moved from Article 92-3; previous Article 92-4 moved to Article 92-5 <Apr. 5, 2013>]

**Article 92-5 (Attempted Crime)** An attempt to commit a crime under Article 92, 92-2 through 92-4 shall be punished. <Amended on Apr. 5, 2013>

[This Article Newly Inserted on Nov. 2, 2009]

[Moved from Article 92-4; previous Article 92-5 moved to Article 92-6 <Apr. 5, 2013>]

**Article 92-6 (Indecent Act)** A person who commits anal intercourse with any person prescribed in Article 1 (1) through (3) or any other indecent act shall be punished by imprisonment with labor for not more than two years. <Amended by Act No. 11734, Apr. 5, 2013>

[This Article Newly Inserted on Nov. 2, 2009]

[Moved from Article 92-5; previous Article 92-6 moved to Article 92-7 <Apr. 5, 2013>]

**Article 92-7 (Rape, etc. Inflicting Bodily Injury or Causing Injury)** A person who inflicts any bodily injury on another person falling under any provision of Article 1 (1) through (3) or causes such person to sustain an injury by committing a crime under any provision of Articles 92 and 92-2 through 92-5 shall be punished by imprisonment with labor for an indefinite term or for a term of not less than seven years. <Amended on Apr. 5, 2013>

[This Article Newly Inserted on Nov. 2, 2009]

[Moved from Article 92-6; previous Article 92-7 moved to Article 92-8 <Apr. 5, 2013>]

**Article 92-8 (Rape, etc. with Murder or Causing Death)** A person who commits a crime under any provision of Articles 92 and 92-2 through 92-5 shall be punished by death or imprisonment with labor for an indefinite term, when he or she murders another person falling under any provision of Article 1 (1) through (3), or by death or imprisonment with labor for an indefinite term or for a term of not less than ten years, when he or she causes death of another person. <Amended on Apr. 5, 2013>

[This Article Newly Inserted on Nov. 2, 2009]

[Moved from Article 92-7; Previous Article 92-8 Deleted]

## CHAPTER XVI OTHER CRIMES

**Article 93 (Failure to Frustrate Crimes of Subordinates)** A person who knowingly fails to endeavor to frustrate a crime that a number of his or her subordinates jointly commit shall be punished by imprisonment with or without labor for not more than three years.

[This Article Wholly Amended on Nov. 2, 2009]

**Article 94 (Involvement in Politics)** (1) A person who joins any political party or political organization or conducts any of the following acts shall be punished by imprisonment with labor for not more than five years and by suspension of qualification for not more than five years:

1. An act of supporting, or interfering with, the organization or joining of a political party or political organization;
2. An act of spreading opinions supporting or opposing a specific political party or politician by taking advantage of his or her position or an act of spreading opinions or facts containing compliments or slanders of a specific political party or politician with a view to forming such public opinions;
3. An act of supporting, or interfering with, fundraising or an act of using, or requiring others to use, funds of the State, a local government, or a public institution under the Act on the Management of Public Institutions, for a specific political party or politician;
4. An act of conducting an election campaign or being involved in election campaign meetings, for a specific political party or person;
5. An act referred to in subparagraphs 1 through 4 by using an information and communications network under the Act on Promotion of Information and Communications Network Utilization and Information Protection;
6. An act of demanding that any person provided in Article 1 (1) through (3) or another public official conduct any act referred to in subparagraphs 1 through 5 or an act of giving him or her any advantage or disadvantage as a reward or revenge in connection with such act or promising or notifying such advantage or disadvantage.

(2) Notwithstanding Article 291 (1) of the Military Court Act, the period of prescription of a prosecution for any crime provided in paragraph (1) shall be ten years.

[This Article Wholly Amended on Jan. 14, 2014]