

# CONSTITUTION OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Adopted by the Supreme People's Assembly at Its First Session September 8, 1948, with amendments adopted at the Seventh, Eighth and Ninth Sessions

## CHAPTER I BASIC PRINCIPLES

**ARTICLE 1.** Our state is the Democratic People's Republic of Korea.

**ARTICLE 2.** The state power of the D.P.R.K. belongs to the people.

The representative organs through which the people exercise power are the Supreme People's Assembly and the local people's assemblies at all levels.

**ARTICLE 3.** All the representative organs of state power from ri people's assemblies to the Supreme People's Assembly are elected by the free will of the people.

The elections to the organs of state power are conducted by the citizens of the D.P.R.K. on the basis of universal, equal and direct suffrage by secret ballot.

**ARTICLE 4.** Deputies to all the organs of state power are responsible to their electors for their activities.

The electors may recall their deputies before the expiration of the term of office in case the deputies betray their confidence.

**ARTICLE 5.** In the D.P.R.K. the ownership of the means of production takes the following forms: state ownership; cooperative ownership; ownership by private natural or by private juridical person.

Mines and other mineral wealth, forests, waters, major enterprises, banks, rail, water and air transport, communication, waterworks, natural energy, as well as all the property which formerly belonged to the Japanese government, the Japanese nationals or pro-Japanese elements, are owned by the state.

Foreign trade is conducted by the state or under its supervision.

**ARTICLE 6.** The land owned by the Japanese government and the Japanese nationals as well as the Korean landlords is confiscated.

The tenancy system is abolished forever.

Only those who till land with their own labor are allowed to own it.

Maximum extent of land ownership is [from] five [to] twenty *jungbo*.

Maximum extent of land ownership is specially prescribed by law according to locality and conditions.

[Besides] the private ownership of land, the state and cooperative organizations are allowed to own land.

No limit is imposed upon the acreage owned by the state and cooperative organizations.

The state protects in particular the interests of the working peasants and gives them help in various forms insofar as the economic policy permits.

**ARTICLE 7.** In the areas in Korea where the land reform has not yet been effected, it is to be carried out at the date fixed by the Supreme People's Assembly of the D.P.R.K.

**ARTICLE 8.** The private ownership prescribed by law of land, draft cattle, farm implements and other means of production, medium and small industrial enterprises, medium and small trade, raw materials and manufactured goods, residences and outhouses, articles of domestic economy, income and savings is protected by law.

The right to inherit private property is ensured by law.

Creative initiative in private economy is encouraged.

**ARTICLE 9.** The state encourages the development of the cooperative organizations of the people.

The property of the cooperative organizations is protected by law.

**ARTICLE 10.** With a view to utilizing rationally in the interests of the people all the domestic economic resources and all potential resources, the state works out a uniform national economic plan, and strives accordingly for the restoration and development of the national economy and culture.

The state carries out the national economic plan on the basis of state and cooperative ownership, and allows privately owned economy to participate in it.

## **CHAPTER II FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

**ARTICLE 11.** All citizens of the D.P.R.K., irrespective of sex, nationality, religious belief, specialty, property status or education, have equal rights in all spheres of government, political, economic, social and cultural activity.

**ARTICLE 12.** All citizens of the D.P.R.K. who have reached the age of twenty, irrespective of sex, nationality, social origin, religious belief, length of residence, property status or education, have the right to elect and be elected to organs of state power.

Citizens serving in the Korean People's Army have the right to elect and be elected to organs of state power on equal terms with other citizens.

Persons who are deprived of the electoral right by the decision of a court, insane persons, and the pro-Japanese elements have no right to elect and be elected.

**ARTICLE 13.** Citizens of the D.P.R.K. have freedom of speech, the press, association, assembly, mass meetings and demonstration.

Citizens are guaranteed the right to organize and unite in democratic political parties, trade unions, cooperative organizations, sports, cultural, technical, scientific and other societies.

**ARTICLE 14.** Citizens of the D.P.R.K. have freedom of religious belief and of conducting religious services.

**ARTICLE 15.** Citizens of the D.P.R.K. have the right to equal pay for equal work in the state organs, cooperative organizations, and in the privately owned enterprises.

**ARTICLE 16.** Citizens of the D.P.R.K. have the right to rest.

The right to rest is ensured by the establishment of an eight-hour working day for workers and office employees and by the institution of paid vacations.

**ARTICLE 17.** Citizens of the D.P.R.K. who are entitled to the benefit of social insurance have the right to material assistance in old age and in case of sickness or disability.

This right is ensured in the form of medical service and material assistance in accordance with social insurance provided by the state.

**ARTICLE 18.** Citizens of the D.P.R.K. have the right to education. Elementary education is universal and compulsory.

The state ensures free education for the children of poor citizens.

A system of state stipends is applied to the majority of students of technical and higher educational institutions.

Education is conducted in the national language.

**ARTICLE 19.** Citizens of the D.P.R.K. have freedom of running medium and small industrial enterprises and engaging in commerce.

**ARTICLE 20.** Citizens of the D.P.R.K. have freedom of engaging in scientific and artistic pursuits.

Copyright and patent right of invention are protected by law.

**ARTICLE 21.** The inviolability of the homes of citizens and privacy of correspondence are protected by law.

**ARTICLE 22.** Women in the D.P.R.K. are accorded equal rights with men in all spheres of government, political, economic, social and cultural activity.

The state protects especially mothers and children.

**ARTICLE 23.** The state protects marriage and the family.

Duties of parents to the child born out of wedlock are equal with the duties to the child born in wedlock.

The child born out of wedlock has equal rights with the child born in wedlock.

Juridical relations of marriage and the family are specially prescribed by law.

**ARTICLE 24.** Citizens of the D.P.R.K. are guaranteed inviolability of the person. No citizen may be placed under arrest except by decision of a court or with the sanction of a procurator.

**ARTICLE 25.** Citizens of the D.P.R.K. have the right to submit petition and make complaints to the organs of state power.

Citizens have the right to make complaints to any government authority against transgression of the law in the discharge of duty by any government employee and the right to compensation for the loss sustained as a result of infringement of their rights.

**ARTICLE 26.** The D.P.R.K. affords the right of asylum to foreign nationals persecuted for fighting for democratic principles or national liberation movements, or for the interests of the working people or for freedom of scientific and cultural activities.

**ARTICLE 27.** Citizens of the D.P.R.K. must abide by the Constitution and the law.

It is the most heinous of crimes against the state to abuse the rights granted by the Constitution for the purpose of altering or undermining the lawful order provided for in the Constitution, and is punishable by law.

**ARTICLE 28.** It is the duty of every citizen of the D.P.R.K. to defend the homeland.

To defend the homeland is the highest duty and honor of every citizen of the D.P.R.K.

It is the most heinous of crimes to betray the homeland and the people, and the criminal is subject to severe punishment.

**ARTICLE 29.** It is the duty of every citizen of the D.P.R.K. to pay taxes according to his economic status.

**ARTICLE 30.** It is the duty of every citizen of the D.P.R.K. to work. Work is a matter of honor for the Korean people.

In the D.P.R.K. work constitutes a foundation for the development of the national economy and culture.

**ARTICLE 31.** The national minorities who have the citizenship of the D.P.R.K. are guaranteed equal rights with the Korean citizens.

They have freedom to use their mother tongues and develop their own national culture.

**CHAPTER III**  
**THE HIGHEST ORGAN OF STATE POWER**  
**SECTION I**  
***THE SUPREME PEOPLE'S ASSEMBLY***

**ARTICLE 32.** The Supreme People's Assembly is the highest organ of state power in the D.P.R.K.

**ARTICLE 33.** The legislative power of the state is exercised exclusively by the Supreme People's Assembly of the D.P.R.K.

**ARTICLE 34.** The Supreme People's Assembly is composed of deputies elected on the basis of universal, equal and direct suffrage by secret ballot.

**ARTICLE 35.** The Supreme People's Assembly is elected at the ratio of one deputy for every 50,000 of the population.

**ARTICLE 36.** Deputies of the Supreme People's Assembly are elected for a term of four years.

**ARTICLE 37.** The Supreme People's Assembly exercises the supreme power of the state, with the exception of the rights vested by the Constitution in the Presidium of the Supreme People's Assembly and in the Cabinet. The following powers are exercised exclusively by the Supreme People's Assembly:

1. To approve and amend the Constitution;
2. To establish basic principles of the domestic and foreign policies;
3. To elect the Presidium of the Supreme People's Assembly;
4. To form the Cabinet;
5. To pass laws and to approve major decrees adopted by the Presidium of the Supreme People's Assembly when the Supreme People's Assembly is not in session;

6. To approve the national economic plan;
7. To approve the state budget;
8. To establish or revise the status and boundaries of provinces, cities, counties and *ri*, towns or workers' settlements;
9. To exercise the right of amnesty;
10. To elect the Supreme Court;
11. To appoint the Procurator General.

**ARTICLE 38.** The Supreme People's Assembly convenes ordinary and extraordinary sessions.

Ordinary sessions are convened twice a year.

Ordinary sessions are convened by the decision of the Presidium of the Supreme People's Assembly.

Extraordinary sessions are convened by the Presidium of the Supreme People's Assembly when it deems necessary or on the demand of over one-third of the deputies.

**ARTICLE 39.** The Supreme People's Assembly elects a chairman and two vicechairmen.

The chairman presides over the sittings in accordance with the regulations adopted by the Supreme People's Assembly.

**ARTICLE 40.** Attendance of a simple majority of [all] deputies is required to hold sessions of the Supreme People's Assembly.

Laws are adopted by a majority vote of the deputies present at the session.

**ARTICLE 41.** The law passed by the Supreme People's Assembly is published over the signatures of the chairman and the secretary-general of the Presidium of the Supreme People's Assembly within a period not exceeding five days.

**ARTICLE 42.** The Supreme People's Assembly may organize appropriate committees to consider in advance matters for discussion.

The committees are entitled to supervise the organs of state power and the organs subordinate to them.

**ARTICLE 43.** The Supreme People's Assembly establishes a Legislative Bills Committee to draw up or consider draft laws to be submitted to the Supreme People's Assembly for approval.

**ARTICLE 44.** Deputies of the Supreme People's Assembly are ensured inviolability as deputies. No deputy of the Supreme People's Assembly may be arrested or punished except in case of a flagrant offense without the consent of the Supreme People's Assembly or, when the Supreme People's Assembly is not in session, without the consent of the Presidium of the Supreme People's Assembly.

**ARTICLE 45.** Prior to the expiration of the term of office of the Supreme People's Assembly, its Presidium shall arrange the holding of elections to the succeeding Supreme People's Assembly. In the event of the dissolution of the Supreme People's Assembly, new elections must be carried out within a period not exceeding two months from the date of its dissolution.

**ARTICLE 46.** Should extraordinary circumstances arise, the sitting Supreme People's Assembly may exercise its powers exceeding the term of office provided for in the Constitution as long as the circumstances continue. The Supreme People's Assembly, in such event, may decide upon its dissolution before its term of office expires.

## **SECTION 2**

### ***THE PRESIDIUM OF THE SUPREME PEOPLE'S ASSEMBLY***

**ARTICLE 47.** The Presidium of the Supreme People's Assembly is the highest organ of state power when the Supreme People's Assembly is not in session.

**ARTICLE 48.** The Presidium of the Supreme People's Assembly is elected by the Supreme People's Assembly and composed of a chairman, vice-chairmen, a secretary-general and its members.

**ARTICLE 49.** The Presidium of the Supreme People's Assembly exercises the following functions:

1. To convene the Supreme People's Assembly;
2. To supervise the execution of the Constitution and laws, and interpret the laws in operation and issue decrees;
3. To annul decisions and orders of the Cabinet where these contravene the Constitution or laws;
4. To promulgate laws adopted by the Supreme People's Assembly;
5. To exercise the right of pardon;
6. To appoint and remove ministers upon recommendation by the Premier when the Supreme People's Assembly is not in session, subject to subsequent confirmation by the Supreme People's Assembly;
7. To award orders and medals and confer titles of honor;
8. To ratify or annul treaties concluded with foreign states;
9. To appoint or recall ambassadors and ministers to foreign states;
10. To receive the letters of credence and recall of diplomatic representatives accredited to it by foreign states.

**ARTICLE 50.** The Presidium of the Supreme People's Assembly is responsible to the Supreme People's Assembly for its activities, and the Supreme People's Assembly reelects, whenever it deems necessary, some or all of the members of the Presidium of the Supreme People's Assembly.

**ARTICLE 51.** In the event of dissolution of the Supreme People's Assembly, the Presidium of the Supreme People's Assembly exercises its functions until a new Presidium of the Supreme People's Assembly is elected.

## **CHAPTER IV**

### **THE CENTRAL EXECUTIVE ORGAN OF STATE POWER**

#### **SECTION 1**

#### ***THE CABINET***

**ARTICLE 52.** The Cabinet of the D.P.R.K. is the highest executive organ of state power.

**ARTICLE 53.** The Cabinet of the D.P.R.K. has the right to promulgate decisions and orders in accordance with the Constitution and laws. The decisions and orders promulgated by the Cabinet are binding throughout the territory of the D.P.R.K.

**ARTICLE 54.** The Cabinet of the D.P.R.K. controls and directs the work of all ministries and other organs subordinate to it.

**ARTICLE 55.** The Cabinet of the D.P.R.K. exercises the following functions:

1. To conduct general guidance in the sphere of relations with foreign states and conclude treaties with foreign states;
  2. To control foreign trade;
  3. To direct local organs of state power;
  4. To organize the monetary and credit system;
  5. To draw up a uniform state budget and to fix taxation and other revenue included in the state and local budgets;
  6. To direct state industrial and commercial establishments, agricultural enterprises and state transport and communication facilities;
  7. To adopt measures for the maintenance of public order, for the protection of the interests of the state and for the safeguarding of the rights of citizens;
  8. To establish basic principles concerning the utilization of land, mineral wealth, forests and waters;
1. To direct the educational, cultural, scientific, artistic and public health work;
  2. To establish political, economic and social measures for the improvement of economic and cultural standards of the people;
  3. To direct the formation of the Korean People's Army; to appoint and remove high-ranking officers of the Korean People's Army;
  4. To appoint and remove vice-ministers, managers of major industrial enterprises and rectors of universities.

**ARTICLE 56.** The Cabinet of the D.P.R.K. has the right to annul ordinances and regulations of the ministries, decisions and directives of the provincial people's committees where these contravene the Constitution, laws and decrees or decisions and orders issued by the Cabinet.



**ARTICLE 57.** The decisions of the Cabinet are adopted by a majority vote. The decisions adopted by the Cabinet are published over the signatures of the Premier and the ministers concerned.

**ARTICLE 58.** The Cabinet of the D.P.R.K. is composed of the following persons: (1) the Premier; (2) the Vice-Premiers; (3) the ministers; (4) the chairmen of the committees.

The organization of the Cabinet is specially determined by law.

**ARTICLE 59.** The Premier is the head of the government of the D.P.R.K.

The Premier convenes and presides over the Cabinet meetings.

The Vice-Premier is under the direction of the Premier, and should the Premier be absent from the office for [any] reason the Vice-Premier acts in behalf of the Premier.

When the Vice-Premier acts in behalf of the Premier, the Vice-Premier exercises equal rights with the Premier.

**ARTICLE 60.** The Cabinet of the D.P.R.K. is subordinate to the Supreme People's Assembly in its work and is responsible to the Presidium of the Supreme People's Assembly when the Supreme People's Assembly is not in session.

**ARTICLE 61.** The Premier, Vice-Premiers and ministers take the following oath before the Supreme People's Assembly:

'I pledge myself to serve faithfully the Korean people and the Democratic People's Republic of Korea, to fight solely for the welfare of the entire people and the country through my activities in the capacity of a member of the Cabinet, to observe strictly the Constitution and the laws of the Democratic People's Republic of Korea, and to dedicate all my power and ability to the safeguarding of the sovereignty of the Democratic People's Republic of Korea and democratic freedoms.'

**ARTICLE 62.** Deputies to the Supreme People's Assembly may address questions to the Cabinet or to the ministers.

The Cabinet or a minister to whom a question is addressed is obliged to furnish answers in accordance with the procedure prescribed by the Supreme People's Assembly.

## **SECTION 2** ***THE MINISTRIES***

**ARTICLE 63.** The ministries are the executive organs of state power in their respective branches.

**ARTICLE 64.** The functions of the ministries are to direct their respective branches of the state administration within the jurisdiction of the Cabinet.

**ARTICLE 65.** The minister is the head of the ministry.

The minister is a member of the Cabinet with a vote and is subject to the Cabinet in discharging his duties.

**ARTICLE 66.** The minister may, within the limits of his authority, issue ministerial ordinances or regulations whose execution is binding.

**ARTICLE 67.** Should the minister for reasons be unable to perform his duties, the vice-minister exercises the functions on his behalf. The vice-minister is under the direction of the minister.

## **CHAPTER V THE LOCAL ORGANS OF STATE POWER**

**ARTICLE 68.** The local organs of state power in provinces, cities, counties or city districts and ri, towns or workers' settlements are the respective people's assemblies.

**ARTICLE 69.** The people's assemblies at all levels are composed of the deputies elected on the basis of universal, equal and direct suffrage by secret ballot.

The provincial people's assemblies are elected for a term of four years and the people's assemblies of cities, counties or city districts and ri, towns or workers' settlements for a term of two years.

The elections to the people's assemblies at all levels are specially provided for by law.

**ARTICLE 70.** The local people's assemblies at all levels ensure the observance and execution of laws in their respective areas; direct all activities in economic, public and cultural fields; approve local budgets; ensure the protection of state and public property, the maintenance of public order and the rights of citizens.

**ARTICLE 71.** The local people's assemblies at all levels adopt decisions within the limits of the powers vested in them by law.

**ARTICLE 72.** The people's committees of provinces, cities, counties or city districts and ri, towns or workers' settlements are the executive organs of the people's assemblies at corresponding levels and the local administrative organs of the state.

**ARTICLE 73.** The people's committees at all levels each consist of a chairman, vice-chairmen, a secretary-general and committee members elected by the people's assemblies at corresponding levels.

**ARTICLE 74.** The people's committees at all levels carry out all administrative affairs of the state in the areas under their jurisdiction in pursuance of decisions and directives of the people's assemblies at corresponding levels and the organs at higher levels.

**ARTICLE 75.** The people's committees at all levels are responsible in their activities to the people's assemblies at corresponding levels and the people's committees at higher levels.

All the people's committees are under the unified leadership of, and subordinate to, the Cabinet.

**ARTICLE 76.** The people's committees at higher levels have the right to annul or revise decisions and directives of the people's committees at lower levels, and to suspend decisions of the people's assemblies at lower levels.

**ARTICLE 77.** The people's assemblies at higher levels have the right to annul or revise decisions and directives of the people's assemblies and the people's committees at lower levels.

**ARTICLE 78.** The people's committees at all levels, even after the expiration of the term of office of the people's assemblies at corresponding levels, continue to perform their functions until new people's committees are elected.

**ARTICLE 79.** The people's committees of provinces, cities and counties or city districts are provided with adequate departments for the direction of their affairs.

These departments are specially provided for by law.

**ARTICLE 80.** The heads of departments of the people's committees of provinces, cities and counties or city districts are subordinate to the people's assemblies and the people's committees to which they belong, and to the corresponding departments of the people's committees at higher levels and to the ministries concerned.

**ARTICLE 81.** The people's assemblies and the people's committees at all levels must always secure a broad participation of the local population in the discharge of their duties and rely upon their initiative.

## **CHAPTER VI THE COURTS AND THE PROCURATOR'S OFFICE**

**ARTICLE 82.** In the D.P.R.K., cases are tried by the Supreme Court, the courts of provinces, cities and counties, and the special courts.

Judgment is passed and executed in the name of the D.P.R.K.

**ARTICLE 83.** The courts are organized through elections.

The Supreme Court is elected by the Supreme People's Assembly.

The courts of provinces, cities and counties are elected by the people's assemblies at corresponding levels by secret ballot.

The organization of the special courts is specially provided for by law.

Judges or people's assessors are removed only by means of recall of the organs which elected them.

**ARTICLE 84.** The first trial is conducted with the participation of the people's assessors who have equal rights with judges.

**ARTICLE 85.** Every citizen who has electoral right has the right to be a judge or a people's assessor.

Those who served as judges or procurators under Japanese rule are deprived of the right to be judges or procurators.

**ARTICLE 86.** Cases are tried in public, and the accused is guaranteed the right to defense.

Cases may be closed to the public by the decision of a court only in cases otherwise provided for by law.

**ARTICLE 87.** Judicial proceedings are conducted in the Korean language.

Persons not knowing this language are guaranteed the opportunity of fully acquainting themselves with the records of the case through an interpreter and likewise the right to use their own language in court.

**ARTICLE 88.** Judges are independent and subject only to the law in exercising judicial authority.

**ARTICLE 89.** The Supreme Court is the highest judicial organ of the D.P.R.K.

The Supreme Court supervises the judicial work of all courts.

**ARTICLE 90.** Procurators exercise supervision to ensure precise and honest observance and execution of the law by all ministries and institutions and organizations subordinate to them as well as by officials and citizens.

**ARTICLE 91.** Procurators supervise if the ordinances and regulations of all ministries and the decisions and directives of local organs of state power conform with the Constitution, laws and decrees, as well as with the decisions and orders of the Cabinet.

**ARTICLE 92.** The head of the Supreme Procurator's Office is the Procurator General appointed by the Supreme People's Assembly.

**ARTICLE 93.** Procurators of provinces, cities and counties are appointed by the Procurator General.

**ARTICLE 94.** Procurators are independent in the discharge of their duties without being subject to the local organs of state power.

## **CHAPTER VII THE STATE BUDGET**

**ARTICLE 95.** The fundamental aim of the state budget is to organize a mighty national economy by consolidating all the state property, enhance the cultural and living standards of the people, and strengthen the national defense.

**ARTICLE 96.** The state budget is annually drawn up by the Cabinet and subject to approval by the Supreme People's Assembly.

**ARTICLE 97.** The state revenue and expenditure are consolidated in a uniform state budget.

**ARTICLE 98.** No organ of state power is allowed to make any outlay not stipulated in the state budget.

All the organs of state power must observe the financial discipline and consolidate the financial system.

**ARTICLE 99.** To practice economy on, and make rational utilization of, the state finance is the fundamental principle of financial activities.

## **CHAPTER VIII NATIONAL DEFENSE**

**ARTICLE 100.** The Korean People's Army is formed for the defense of the D.P.R.K.

The mission of the Korean People's Army is to safeguard the sovereignty of the fatherland and freedom of the people.

## **CHAPTER IX STATE EMBLEM, NATIONAL FLAG, CAPITAL**

**ARTICLE 101.** The state emblem of the D.P.R.K. is a grand hydroelectric power station under the beaming light of a red star, framed with ears of rice bound with a band bearing the inscription 'The Democratic People's Republic of Korea.'

**ARTICLE 102.** The national flag of the D.P.R.K. is of three colors--a broad, red horizontal stripe in the center with a five-pointed red star in a white circle near the staff, and white and blue stripes over and under the red stripe. The ratio of the width to the length is 1:2.

**ARTICLE 103.** The capital of the D.P.R.K. is the City of Seoul.

**CHAPTER X  
PROCEDURE FOR AMENDING THE CONSTITUTION**

**ARTICLE 104.** The Constitution of the D.P.R.K. may be amended only by the Supreme People's Assembly. Adoption of the draft laws for amendments to the Constitution requires the approval by a majority of not less than two-thirds of the deputies of the Supreme People's Assembly.

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*1. Constitution of the Democratic People's Republic of Korea* (Pyongyang: New Korea Press, 1956).