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A Study on the Integration of the inheritance law of South and North Korea after unification

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The inheritance law is a complex regulation that has both family and property legal characteristics, and the integration of the inheritance law between the two Koreas is one of the urgent tasks to be solved in the process of integrating the two Koreas' legislation. This study sought to derive the source of the law on inheritance between the two Koreas, compare its main contents, and then focus on how to overcome the major differences between the two Koreas' inheritance laws based on the basic direction of the legal integration of the unified Korea.

The main provisions regarding inheritance are provided by the Civil Act in South Korea, and the Family Law and the Inheritance Act in North Korea. The differences between the inheritance laws of South and North Korea are mainly seen in general principles such as inheritance property and inheritance order, right to claim inheritance recovery, approval and abandonment of inheritance, will, a legal portion of an heir and execution of inheritance. The basic principle of the constitution of the unified Korea should be based on the basic order of liberal democracy, and it is necessary to expand the application of the South Korean civil law in the integration of the North-South inheritance law, but temporarily recognize the effectiveness of some regulations under the North Korean inheritance law to promote legal stability and protect the trust of the North Korean people.

Therefore, the special provisions of the inheritance law of the unified Korea should be put in place to solve the problem of conflict between the major differences in the inheritance law between the two Koreas until the full application of the South Korean civil law after the date of entry into force of the Unification Agreement. Also, since the North Korean law is not immutable but can change according to social and economic changes in the North, I be-

lieve that further research on the integration of the North-South inheritance law should continue, noting the possibility of changes in the North's inheritance law due to marketization.

Key Words

South and North Korea inheritance law, Inter-Korean legal system integration, Integration of inheritance law