

Article

Asylum Seekers in the Blind Spots of State-led Crisis Management: Institutionalization of South Korea's Judicial Interpreting System and Its Missing Blocks

Miyeon Ko

Interdisciplinary Graduate Program in Korean Studies, Jeju National University, Jejudaehak-ro 102, Korea
longevity1@naver.com

Abstract: South Korea's judicial interpreting system was introduced in 2005 as a supportive institution for protecting the human rights of foreigners under criminal charges. The system was developed by the country's judiciary without legislative engagement and has continuously been improved as such. Although certain academic fields have worked to add legally binding forces to the system, little attention has been paid to the sociological and historical contexts of the system. As consensus has been achieved over the necessity of legislating the system, it is high time to identify the elements that hinder the legislating process. In this study, the sociological and historical concepts of a "nation," "nationhood," and "citizenship" are reviewed to understand South Korea's Nationality Act. It is also discussed that the country's post-modern inclination toward homogeneous nationalism leads to social conflict amid the accelerating multicultural transformation of Korean society. Based on the theoretical examination, the system's lack of legally binding forces and the absence of data on the system's practical application are suggested as the two missing blocks of complementing the system. As an initiative step, this paper concludes with the analysis of how the system is applied and practiced on different occasions and what elements are left to be improved.

Keywords: multiculturalism; homogeneous nationalism; migrants; interpretation; Korean culture

1. Introduction

Over the past decade or two, South Korea has enjoyed an epoch-making culture boom that is mostly boosted by the increasing international interest in the so-called 'K-culture.' Apart from whether the recent trend would end up being a short-lived fad, the country's public welcomes the unprecedented level of attention to their culture and willingly expresses national pride, especially on social media. Although the phenomenon may appear, in a sense, to represent the South Korean public pursuit of openness toward and connectedness with the world, many of the contents shared online reveal the country's deeply rooted homogeneous nationalism. Likewise, it remains doubtful if the offline environment of South Korean society is really prepared to accept and include those with different cultural backgrounds. Media outlets rarely miss the opportunity to indicate the nationality of criminal suspects from outside Korea, not to mention the politicians taking advantage of the unfiltered animosity and disdain expressed against foreign nationals. The coronavirus crisis in the past four years proved the country's deficient institutions to equally support its residents regardless of nationality. Particularly, insufficiently informed foreigners struggled to have access to medical supplies and aids, many of whom even facing existential threats [1]. Indeed, South Korea's current cultural situation appears to be eccentric in that the public sentiment welcoming the keen attention paid by foreigners coexists with the country's systematic failure to ensure all-inclusive stability.

1.1. Judicial interpreting system: An institution for human rights protection

However paradoxical the country's current cultural situation is, South Korea explicitly advocates cultural diversity in accordance with its constitutional principles. The country came to be situated in a multicultural environment amid the irresistible wave of globalization in the 2000s, even before its institutions were substantially prepared. To address newly emerging cultural conflicts, the government introduced a range of measures to ensure foreigners' access to public services and legal aids. The country's judicial interpreting system was devised for the same purpose, especially considering the critical need to protect the human rights of foreigners lacking Korean linguistic skills. Foreign residents or visitors often experience difficulties with language in taking legal actions due to the country's homogeneous nationalistic traditions. The Framework Act on the Korean Language (2005) adds to these difficulties because Article 14 of the act stipulates all public documents shall be developed in Hangeul. This means that foreign nationals are more prone to face risks in defending themselves than Korean nationals during the court proceedings, which may lead to the deprivation of their basic human rights. Therefore, a consensus was achieved in the country's judiciary that linguistic assistance needs to be provided to foreigners who are involved in lawsuits, in addition to protecting their right to counsel.

1.2. Purpose of the study

The introduction of the judicial interpreting system is a significant move toward advocating multiculturalism and human rights, given the country's practice of homogeneous nationalism and the tendency toward cultural assimilation. Since its establishment, the system has undergone a number of institutional revision and complementation. The process is led by jurists and researchers in the translation studies, mostly emphasizing the necessity of the system and the professional translation skills required in the field. Unfortunately, however, the decade-long efforts to better the system have failed to give a rise to a relevant legislative drive and to understand how the system is actually implemented under different circumstances.

The judicial interpreting system remains legally unstable partly due to the lack of research from different perspectives despite the diversity of related academic fields. Most of the previous studies present the increase in the number of criminal cases involving foreigners as a precondition for the system. However, this approach is logically insufficient in that it may raise questions over the universal imperatives of the system on other conditions. Although chances are scarce, a downward trend in the criminal cases involving foreigners would not eliminate or weaken the necessity of the system. The claim that there is a universal demand to protect foreigners' human rights might explain the consistent call for the system. Yet, the claim is also logically unstable to account for the reason why the mandatory interpreting system is needed specifically under judicial circumstances, unlike the administrative settings where linguistic assistance is considered an optional measure. Another reason would be the work ethics whereby court interpreters are restricted from disclosing any information obtained during the course of business. The right to privacy must be ensured for those involved in legal cases as a range of sensitive information is shared throughout the court proceedings. Still, it is deemed the most beneficial to indicted foreigners that the overall application of the system is academically discussed so that the missing blocks can be filled if there are any. Considering these reasons, it is deemed necessary to employ a different approach to the question of why the judicial interpreting system has to be reestablished through a legislation process.

2. Materials and Methods

2.1. Review of previous studies

As earlier mentioned, South Korea's judicial interpreting system has been established and complemented by researchers in the judicial and the translation studies. Previously,

studies on the country's judicial interpreting system mostly addressed the topics limited to presenting the apparent social changes that gave birth to the system and suggesting measures to improve its procedures and the quality of services. To name a few, studies in the field of jurisprudence focused on the procedural betterment of the system [2] [3] [4], while researchers in the field of translation studies emphasized how to improve the system through training and assessment [5] [6]. A more recent study attempted to identify key issues concerning the legislation of laws related to the judicial interpreting system [7], but the study ends up briefly mentioning that discussions are needed concerning the necessity of the act and the achievement of social consensus. Some studies covered the topic of judicial interpreting in a broader sense of community interpreting, attempting to address the concept of multiculturalism [8] [9] [10]. However, these studies limitedly provide a statistical review of community interpreting services, without pointing out why the country's judicial interpreting statutes have yet to be devised despite years of efforts.

2.2. Research methods

In this study, I focused on the missing blocks of South Korea's judicial interpreting system with regard to ensuring foreigners' human rights. Although previous studies consistently suggested that a related law be enacted to complement the system, no remarkable step has been taken that could lead to the actual legislation. Taking this into consideration alongside the limitations reviewed in 2.1, I will take a different academic approach that can help comprehend the missing blocks of the country's judicial interpreting system. Specifically, a sociological lens will be used to interpret the South Korean context of foreigners' status and the resulting need for a legally binding system. With regard to the practical aspects of the system, no field-focused review of the judicial interpreting system has been conducted in previous studies, as pointed out in 2.1. To improve the existing system, however, it is essential to examine its application to actual cases and identify if there exist any elements to be improved. In this sense, I will briefly examine how the judicial interpreting system is implemented based on my humble experiences as a court interpreter. Although relying on my personal memories may hinder a meticulous analysis, the first attempt to practically review the system would be meaningful in that it can eventually contribute to protecting the human rights of foreigners. In doing so, the findings of this study could help ponder upon the blind spots of state-led crisis management, particularly in the present time of xenophobia-driven crisis.

3. Conceptual Interpretation

3.1. South Korea's *jus sanguinis* and homogeneous nationalism

South Korea's judicial interpreting system has been established with a synchronic understanding of the increasingly diversifying environment. Since the judicial interpreting system has evolved surrounding the rights and interests of foreigners, it is also deemed useful to clarify their legal status from a diachronic perspective. With the establishment of a nation-state in a modern sense, Korean society accepted homogeneous nationalism and *jus sanguinis* as the underlining principles of determining the status of its people. I judge that modern Korean society imagined the community of "hanminjok" [the Han ethnic group] [11], considering the historical situation around the late period of Joseon where the concept of the "nation" was enlighteningly taught and widely used. Evidence of this judgment can be found in *The Korea Daily News* and *The Independence*. The English versions of Korea's representative newspapers provide a clue about how the Korean term of "minjok" [a nation] began to be used and settled. This process took place in the period that spanned from the disbandment of the Independence Club (1898) through the Russo-Japanese War (1904-1905) to the Japanese annexation of Korea (1910) [12] [13]. I assume that "minjok" and "gungmin" in Korean came to refer to the same English term of "nation" as the English word was introduced and translated by intellectuals who studied in western countries or engaged in exchanges with foreign journalists.

The term “nation” could have been added with their nationalistic consciousness, which might have come to represent two different concepts in Korean, that is, “minjok” and “gungmin.” (The first relates to an ethnic group, while the latter referring to the members of a state.) To focus on the sociological aspects of the topic, I will take my future articles as an opportunity to address the historical elements herein mentioned in more detail.

The legislative principle of *jus sanguinis* is related to the concept of membership, particularly the division between citizens and non-citizens. Early in the 1990s, European scholars began discussing the membership of foreign residents, especially with the formation of the European Union. In reviewing the relationship between “citizenship” and “nationhood” was actively studied, Brubaker (1994) claimed that the judiciary principles of *jus soli* in France and *jus sanguinis* in Germany are rooted in the identity of their members that had been formed before the emergence of modern nation-states [14]. In rebuttal, Choe (2006) demonstrated that ethnic-centered Korea and state-centered China both adopted *jus sanguinis* as the principle of nationhood based on the common pre-modern experience of the resident registration system [15]. Meanwhile, Torpey (1999) addressed the membership issues of foreigners by analyzing the trans-border migration and the resulting development of the passport [16]. Apart from the different views of the membership of citizens and non-citizens, it is generally agreed that the concepts of citizenship and nationhood have become identical since the establishment of modern nation-states. The aforementioned discussions are useful in understanding how modern Korean society formed the concepts of nationhood and citizenship based on the principle of *jus sanguinis*. The introduction of the judiciary principle, the experience of colonization, and other historical aspects in the modern era collectively worked to eventually shape the country’s inclination toward homogeneous nationalism.

3.2. Multiculturalizing South Korean society

With a marked increase in incoming migrants amid intensifying globalization in the 1990s, South Korea has featured multicultural aspects in different social sectors since the beginning of the 2000s. The nation’s unavoidable shift to ethnical, religious, and cultural diversity led to unforeseen social conflict in the mid-2000s, which especially interlocked with the changing economic conditions. Subsequently, institutional measures were introduced for the purpose of creating a stabilized multicultural environment. These measures include the Act on the Employment of Foreign Workers (2003), the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea (2007), and the Multicultural Families Support Act (2008). Particularly, the South Korean government drafted the 1st Master Plan for Immigration Policy (2008) in accordance with the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea. The aforementioned statutes also provide legal grounds for the nation’s multilingual public services for those lacking Korean language skills. Article 20 of the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea and Articles 11-2(1) and 12(4) of the Multicultural Families Support Act stipulate the conditions concerning the provision of interpretation and translation services to foreigners. Enabling these administrative and legislative efforts is the principle of reciprocity in international relations and treaties [17]. In the same context, the country’s judicature has worked to ensure the protection of human rights of foreigners throughout the court proceedings.

The country’s inclination toward homogeneous nationalism, as per detailed in 3.1, gave impetus to exclusionist policies based on the principle of cultural assimilation. Korean society came to feature cultural diversity before the government established philosophical guidelines for the institutions developed to help its citizens adapt to the multiculturalizing environment. Meanwhile, laws and institutional measures were introduced to feature conflicting principles, creating a condition that is difficult for foreigners to be included. The Framework Act on the Korean Language mandates the use of Hangeul in public documents and the Nationality Act defines foreigners as those who lack the coun-

try's citizenship (or nationhood as indicated in 3.1). On the other hand, the country upholds the legislative principle of equally treating non-citizens (e.g. foreigners) and citizens in all rights and interests as members of society, excluding only when it comes to suffrage. These conflicting and contradictory conditions often led to the rebound phenomenon where anything related to multiculturalism is despised [18]. Under these circumstances, the Supreme Court developed the Established Rule on the Interpretation, Translation, and Treatment of Cases Involving Foreigners. Understandably, the branch with the country's second-highest judicial authorities had few options available in facing an inactive legislative move, while concurrently complying with the nationally ratified agreements and treaties on human rights.

4. Missing Blocks

4.1. Missing block (1): Legally binding force

As the judicial domain is closely related to the protection or infringement of foreigners' rights and interests, South Korea's judiciary established the Court Interpreter and Translator Appointment System (often referred to as the "judicial interpreting system") in 2004. The system has since been implemented and improved continuously, with regular training courses offered alongside an updated manual in 23 languages accessible online [19]. Interestingly, discussions are still underway concerning the institutionalization of the system after nearly two decades have passed since its introduction. In March 2020, the Ministry of Justice held the 6th Legislative Proposal Contest and Symposium to encourage law students to make proposals for the legislation or revision of laws enacted by the ministry. The winning ideas were proposed by two teams, one from the Kyungpook National University and the other from Korea University, both of which focused on the institutional qualification of court interpreters [20]. The reason for the continued discussion of institutionalizing the judicial interpreting system lies in the absence of legally binding institutions. In fact, the seemingly well-established judicial interpreting system is grounded in the Established Rule on the Interpretation, Translation, and Treatment of Cases Involving Foreigners (2004) [21]. In legal terms, an "established rule" corresponds to a "rule applicable to the management of legislative affairs," which features an even weaker legally binding force than a "directive." This means that none of the administrative officers -- let alone the judge or judges -- shall be held legally responsible for non-compliance with the established rule [22].

Despite the consensus on the need for the judicial interpreting system, why does the related institution lack legally binding forces? Without answering this question, the legal status of the system would remain incomplete and fail to serve its purposes. Obviously, the situation is most directly related to the country's constitutional principle of separating legislative, judicial, and administrative powers. As discussed in 3.1, foreigners are considered "non-citizens" in South Korea -- a nation-state -- under the Nationality Act and are ineligible to enjoy the citizenship rights granted to Korean nationals. This legal status especially excludes them from holding the right to vote, which places them into the position where they could only rely on the generosity of others because the legislature is highly likely to pay little attention to the need to enact relevant laws. It is the dilemma of protecting the human rights of foreigners who have virtually no power to pressure lawmakers that drove the Supreme Court to draft the useful, yet legally non-binding "established rule." However thoroughly the interpreters are trained to improve their skills and gain legal knowledge, it will turn out to be only a partial solution to the issue of disempowered foreigners during the court proceedings. This is why the judicial interpreting system needs to be examined from a sociological perspective and inputs need to be collected to find measures to boost a legislative drive.

4.2. Missing block (2): Field-focused review

As discussed in 4.1, South Korea's current judicial interpreting system is a legally non-binding established rule. Nonetheless, it is an institution introduced and implemented by the judicial branches that plays an auxiliary but crucial role during the legal procedures. Given the system's relatedness to the protection of indicted foreigners' rights, it is necessary to review how it works on the actual occasions so as to identify what specific elements to be considered in the related legislative process. To this end, I analyzed a total of 43 occasions that required my judicial interpreting services for 15 different criminal cases where foreign defendants and/or witnesses were involved. All of the interpreting occasions took place in the Jeju region for three years that spanned from June 2020 to June 2023. To abide by the work ethics of judicial interpreters, the items presented in the tables contain no specific information concerning the case number and the defendant's name, age, nationality, and criminal charges. The information below has been recorded for the sole purpose of observing the application of the judicial interpreting system, thus highlighting only the matters related to the conditions for interpretation.

Table 1. Judicial Interpreting Within Court

No.	Procedure (MM/YY)	Subjects	Mode	Full or partial	Indictment in writing	
					Translation assigned	Shared before trial
1	Commencement (06/2020)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Partial	O	
2	Continuance (07/2020)	Chief judge, defendant, defense counsel	Consecutive	Partial	N/A	
3	Witness examination (09/2020)	Chief judge, defendant	Consecutive	Partial	N/A	
4	Commencement (09/2020)	Chief judge, defendant, defense counsel	Consecutive	Full	O	
5	Appeal (10/2020)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Partial	X	X
6	Witness examination (10/2020)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Partial	N/A	
7	Commencement (11/2020)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	O	
8	Witness examination (11/2020)	Chief judge, witness, defendant, defense counsel	Consecutive	Partial	N/A	
9	Closing of hearing + Announcement of judgment (12/2020)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Partial	N/A	
10	Closing of hearing + Announcement of judgment (12/2020)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
11	Commencement (05/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Partial	O	O
12	Closing of hearing + Announcement of judgment (06/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	O
13	Commencement (11/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	O	
14	Commencement (11/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	O	

15	Commencement (11/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	O	
16	Witness examination (12/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
17	Bail hearing (12/2021)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
18	Witness examination (01/2022)	Chief judge, prosecutor, witness, defense counsel	Consecutive	Full	N/A	
19	Witness examination (01/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
20	Closing of hearing (03/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
21	Witness examination (03/2022)	Chief judge, prosecutor, witness, defendant, defense counsel	Consecutive	Full	N/A	
22	Announcement of judgment (03/2022)	Chief judge, defendant, defense counsel	Consecutive	Full	N/A	
23	Witness examination (03/2022)	Chief judge, prosecutor, witness, defendant, defense counsel	Consecutive	Full	N/A	
24	Announcement of judgment (04/2022)	Chief judge, defendant, defense counsel	Consecutive	Full	N/A	
25	Closing of hearing (04/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
26	Closing of hearing (04/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
27	Announcement of judgment (05/2022)	Chief judge, defendant, defense counsel	Consecutive	Full	N/A	
28	Closing of hearing (05/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
29	Closing of hearing (05/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	N/A	
30	Announcement of judgment (06/2022)	Chief judge, defendant, defense counsel	Consecutive	Full	N/A	
31	Commencement (09/2022)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	O	
32	Appeal (11/2022)	Chief judge, appellant, defendant	Consecutive	Full		O
33	Commencement (03/2023)	Chief judge, prosecutor, defendant, defense counsel	Consecutive	Full	O	
34	Witness examination (04/2022)	Chief judge, prosecutor, witness, defense counsel	Consecutive	Partial	N/A	
35	Witness examination (06/2022)	Chief judge, prosecutor, defendant, witness, defense counsel	Consecutive	Full	N/A	

Table 2. Judicial Interpreting Outside Court

No.	Procedure	Place	Subjects	Mode	Full or partial	On or off manual
-----	-----------	-------	----------	------	-----------------	------------------

36	Consultation with defense counsel (09/2020)	Prison	Defendant, defense counsel	Consecutive	Full	Off
37	Delivery of sentenced person with suspended execution of penalty (12/2020)	Prison	Prison officer, defendant's family	Consecutive + sight translation	Full	Off
38	Delivery of sentenced person with suspended execution of penalty (12/2020)	Hospital	Prison officer, hospital official, defendant's family	Consecutive	Full	Off
39	Consultation with defense counsel (11/2021)	Prison	Defendant, defense counsel	Consecutive	Full	Off
40	Consultation with defense counsel (11/2021)	Prison	Defendant, defense counsel	Consecutive	Full	Off
41	Consultation with defense counsel (11/2021)	Naomi Center	Defendant, defense counsel	Consecutive	Full	Off
42	Consultation with defense counsel (12/2021)	Naomi Center	Defendant, defense counsel	Consecutive	Full	Off
43	Consultation with defense counsel (04/2023)	Defense counsel's office	Defendant, defense counsel	Consecutive	Full	Off

Interpreting services were provided as per ordered by the chief judge of each case if the services were to be offered within the court. Many other situations, however, required the judicial interpreter to make discretionary decisions depending on the situation because no procedural guidelines were available. To emphasize the institutional improvement of the system, I divided the cases applied with the judicial interpreting system as shown in Table 1 and Table 2, depending on the presence of procedural guidelines. Table 1 details the specific procedural occasions of criminal trials that demanded consecutive interpreting for different players involved in the cases. As all indictments are drafted in Korean in accordance with the country's Framework Act on the Korean Language, the court customarily assigns the appointed interpreter with the translation of the written indictment. This process is certainly beneficial because it allows the interpreter to be well-informed of the case and eventually helps provide quality services. Unfortunately, however, the matters related to the case are unable to be shared with the interpreter who is not a directly involved person. Therefore, it would be desirable if the system is improved to specify that the interpreter appointed to a certain case is assigned to translate the relevant materials. In fact, the court interpreters are different from those who interpret between the police or the prosecutor and the defendant on many occasions. The matters

discussed during investigation and interrogation are also important factors that may determine the interpreter's acquaintance with the materials to be presented to the court. Taking this into account, it would be the most desirable if the system and its manual more broadly covers the judicial occasions.

Table 2 describes special occasions of judicial interpretation that took place outside the court. Unlike the formal interpretation services provided as ordered by the judge, no manual or guidelines exist concerning the cases presented. Particularly, these cases are more closely related to the defendant's life than the formal court interpreting cases are. As implied in Cases 37 and 38, the court order for the suspension of penalty execution was determined when the sentenced person became seriously ill and needed to be hospitalized. To ensure the protection of the sentenced person's human rights, the prison requested the court contact information of available interpreters. However, no court officials involved in the appointment of the interpreter, and it was unclear who would supervise the provision of interpreting services. Another issue with judicial interpretation outside the court is that the prison officers also had no guidelines in terms of protecting the human rights of foreign prisoners. For instance, the written court order for the suspension of penalty execution was not translated into the language used by the prisoner's family member who visited the prison to take him to the hospital. It was inevitable that the information was delivered through sight translation, which worried the prisoner's family. Some may claim that they could seek the assistance of their country's diplomatic offices. Unfortunately, however, those involved in Cases 37 and 38 came from a country that has no embassy or consulate in South Korea. The nearest assistance they could seek was available in China, but it was almost inaccessible under strict quarantine guidelines during the COVID-19 pandemic. It is understandable that no institution can presume all special occasions when established; still, efforts should be made to revise the system for its improvement, and this is why collecting field-focused data is important.

5. Limitations

The above sections discussed the theoretical concepts and phenomenal conditions that affected the establishment and practice of South Korea's judicial interpreting system. However, questions remain whether the country's multicultural transformation and its identity issues can be substantially addressed in a short article. This paper also worked to identify the missing blocks of complementing the judicial interpreting system, still without suggesting potential measures to fill in those missing blocks. Although the analytical review of the system's application was shared as an initiative move to provide practical guidelines for improvement, the cases demonstrated herein are solely based on the author's personal experiences as a court-appointed interpreter. Taking these limitations into account, further research needs to be conducted on the sociological and historical contexts of the system, separately from the case study of system applications. Likewise, more objective data needs to be gathered to properly analyze the system so that it can contribute to an improved assurance of foreigners' human rights.

6. Conclusions

South Korea's judicial interpreting system was introduced as a supportive institution for protecting the human rights of foreigners under criminal charges. The system was developed by the country's judiciary without legislative engagement and has continuously been improved over the past two decades. Although certain academic fields have discussed the need to add legally binding forces to the system, little attention has been paid to the sociological and historical contexts. As consensus has been achieved over the necessity of legislating the system, it is high time to identify the elements that hinder the legislating process. To improve the system and ultimately legislating a relevant act, it is important to comprehend South Korea's unique tendency toward homogeneous nationalism even under the shift to a multicultural society. Based on the theoretical and contextual

understanding of the system, a practical review needs to be attempted to identify what elements are left to be improved. Although this paper contains a yet-to-be skilled examination and review of the system, it will hopefully help diversify the discussions and contribute to securing the universal basic rights of foreigners. Truly, protecting the rights and interest of others is the best approach to demanding the protection of one's own, especially in the increasingly connected world valuing reciprocity.

References

1. Lee, J.H. Uisatotong eoryeowo hwakjinja naon geotto molla bangyeok sagakjidaeu ijumindeul. [Unaware of confirmed cases due to difficulties in communication: Migrants in blind spots of disease prevention.] *The Hankyoreh* **14 March 2021**. Available online: <https://www.hani.co.kr/arti/society/rights/986725.html> (accessed on 25 June 2023).
2. An, S; Lee, J. A Study on Measures to Improve Judiciary Interpreting in Criminal Justice Procedures. *Korean Institute of Criminology* **2012**, 1-377.
3. Lee, J; Chang, W.K. Some Recommendations for the Improvement of Legal Interpreting Services in South Korea. *Ewha Legal Science Institute* **2016**, 20(3), 251-280.
4. Hong, S. The Current State of Legal Interpreter Training in South Korea. *Interpreting and Translation Studies* **2018**, 22(2), 207-231.
5. Lee, J; Lee, Y; Choi, H. Court Interpreting Assessment Using Rating Scales. *The Journal of Translation Studies* **2019**, 20(2), 81-109.
6. Jeong, C.J; Yu, H. A Study on the Introduction of National Professional Qualification System for Legal Interpreting and Translation. *The Journal of Translation Studies* **2020**, 21(2), 285-309.
7. Park, K.D. A Study on the Establishment of Legislative Model for Judicial Interpreter. *International Law Review* **2023**, 29(1), 121-143.
8. Lee, J. Damunhwa sahweui sabeoptongyeok [Court Interpreting in Multicultural Society]. *Chimmundang* **2012**, 1-252.
9. Kang, J. Community Interpreting in Discourses of Multiculturalism. *The Journal of Translation Studies* **2013**, 14(5), 7-42.
10. Lee, J; Chang, A.L; Choi, M.S; Huh, J. A Case Study of T&I Services for Marriage Migrants and Multicultural Families. *The Journal of Translation Studies* **2014**, 15(3), 177-210.
11. Anderson, B. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Verso Books **1983**; Translated by Seo, J. Gil **2018**.
12. Baek, D. The Origin of Terminology of 'Nation' and National Consciousness in the Russo-Japanese War Period (1904-1905). *The Journal for the Studies of Korean History* **2001**, 10, 149-179.
13. Kim S.J. A Study of Formative Process in the Late Chosun Dynasty's Unity Nationalism. *The Society for Study of Korean History of Thoughts* **2008**, 30, 223-250.
14. Brubaker, R. *Citizenship and Nationhood in France and Germany*. Harvard University Press **1994**.
15. Choe, H. National Identity and Citizenship in the People's Republic of China and the Republic of Korea. *Journal of Historical Sociology* **2006**, 19(1), 84-118.
16. Torpey, J.C. *The Invention of the Passport: Surveillance, Citizenship and the State*. Cambridge University Press **1999**.
17. Ministry of Justice. Beopjeong tongyeokin pyeollam [Court Interpreter Manual]. *The Court of Korea*. Available online: <https://www.scourt.go.kr/portal/news/NewsListAction.work?gubun=713> (accessed on 25 June, 2023).
18. Koo, B. How Has 'Multicultural' Become a Derogatory Term for Immigrants and Their Families: Making 'Multicultural Family' and Categorization of Immigrants. *North-east Asian Cultural Studies* **2015**, 1(42), 5-34.
19. Ministry of Government Legislation. Beopnyeong iban simsa gijun [Legislative Manuals and Aids]. *Government Legislative Support Center* **2022**. Available online: <https://www.lawmaking.go.kr/lmKnlg/jdgStd/list> (accessed on 25 June 2023).
20. Lee, S. Beommubu beomnyeong gongmo sabeoptongyeogin jeonmunjagyeok sinseol eottaeyo chweusu [MOJ law proposal contest - 'Institutional qualification of court interpreters' win first prize]. *The Law Journal* **31 March 2020**. Available online: <http://www.lec.co.kr/news/articleView.html?idxno=717867> (accessed on 25 June 2023).
21. Supreme Court. Tongyeok beonyeok mit wegugin sageon cheori yegyu [Established Rule on the Interpretation, Translation, and Treatment of Cases Involving Foreigners]. *The Supreme Court of Korea* **2004**. Available online: <https://glaw.scourt.go.kr/wsjo/gchick/sjo330.do?yegu-ChjDesc=%EC%9E%AC%ED%8C%90%EC%98%88%EA%B7%9C%20%EC%A0%9C1432%ED%98%B8&yeguRefGbn=rul-eref#1687638600784> (accessed on 25 June 2023).
22. Kim J. Tongyeok beonyeogin jijeong gyujeong inneunde wemyeonbanneun wegugin pigoin banseongmun [Disregarded letter of apology written by foreign defendants despite rule for interpreter and translator appointment]. *The Gwangju Ilbo* **23 May 2023**. Available online: <http://www.kwangju.co.kr/read.php3?aid=1621779600721219006> (accessed on 25 June 2023).