

## Legal Dynamics in Asia During the Covid-19 Era: Focus on Korean Experience

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### Abstrak:

The COVID-19 pandemic has had a significant impact on various aspects of human life. One of them is the change of law in many countries including South Korea. This article aims to describe the legal dynamics that occur in South Korea in handling the COVID-19 pandemic. This article is the result of doctrinal law research with a statutory and conceptual approach. The primary legal material of this study is various regulations that emerged during the pandemic. The results of this study indicate that the COVID-19 pandemic is an emergency condition that results in legal changes in South Korea. This change has been supported by the community. One of them is through an intensive communication process and information transparency.

**Keywords:** Law; COVID-19; Asia; Republic of Korea.

### Preliminary

COVID-19 began with an outbreak that occurred in Wuhan, Hubei Province, China in December 2019.<sup>1</sup> COVID-19 significantly increased the mortality rate in the countries to which it infected a large portion of the population, including the U.S.A, Italy, and India. Policies for handling COVID-19 have brought changes in various sectors of life. For example, the lockdown and social distancing policies have an effect on decreasing people's income<sup>2</sup>. The public is not allowed to conduct social interactions in public spaces in order to suppress the spread of COVID-19<sup>3</sup>. Policies for handling COVID-19 also affect the psychological condition of the community.

<sup>1</sup> Marco Ciotti et al., "The COVID-19 Pandemic," *Critical Reviews in Clinical Laboratory Sciences* 57, no. 6 (August 17, 2020): 365–88, <https://doi.org/10.1080/10408363.2020.1783198>.

<sup>2</sup> Dave Altig et al., "Economic Uncertainty before and during the COVID-19 Pandemic," *Journal of Public Economics* 191 (November 1, 2020): 104274, <https://doi.org/10.1016/j.jpubeco.2020.104274>.

<sup>3</sup> Sudirman Sudirman et al., "The Family Corner for the Post-COVID 19 Revitalization of Family Function," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 88–107, <https://doi.org/10.22373/sjhk.v5i1.9122>.

Lockdown causes fear, stress, depression, even suicide.<sup>4</sup> In the field of education, there is a transformation of face-to-face education into online learning. Ironically, online learning can only be enjoyed by families with upper middle income. Meanwhile, families with low incomes cannot enjoy the facilities due to limited access.

At the beginning of 2020, COVID-19 had spread to all countries without exception. In South Korea (Korea) the first confirmed case of COVID-19 was on January 20, 2020. In mid-February 2020, there was an increase in the spread of the COVID-19 virus in Korea. Until mid-January 2021, there have been 70,000 people infected with COVID-19.<sup>5</sup> The Korean government has taken fast and proactive policies in handling the COVID-19 pandemic, for example carrying out non-lockdown policies such as social distancing.<sup>6</sup> The Korean government has also actively conducted testing, tracing, and treatment to suppress the spread of COVID-19.<sup>7</sup> The Korean government used smart city technology to increase the effectiveness and efficiency of contact tracing for COVID-19 survivors.<sup>8</sup> Ryu and Chung's research shows that Korea is one of the countries that has managed to effectively deal with the COVID-19 pandemic at a low cost.<sup>9</sup>

The success of handling the COVID-19 pandemic and its impact in Korea cannot be separated from the role of government policy. A number of regulations were issued during the COVID-19 pandemic. Information dissemination and data transparency by the government are the main keys to getting the trust of the citizen. The Korean government has set the Korea Centers for Disease Control and Prevention (KCDC) as a control tower. Uniquely, the Korean government has succeeded in putting aside political interests in handling the COVID-19 pandemic. Policies are taken based on recommendations from health experts and involve the

<sup>4</sup> A. K. M. Israfil Bhuiyan et al., "COVID-19-Related Suicides in Bangladesh Due to Lockdown and Economic Factors: Case Study Evidence from Media Reports," *International Journal of Mental Health and Addiction*, May 15, 2020, 1–6, <https://doi.org/10.1007/s11469-020-00307-y>; Amir H. Pakpour, Mark D. Griffiths, and Chung-Ying Lin, "Assessing Psychological Response to the COVID-19: The Fear of COVID-19 Scale and the COVID Stress Scales," *International Journal of Mental Health and Addiction*, May 29, 2020, <https://doi.org/10.1007/s11469-020-00334-9>; Irwan Abdullah, "COVID-19: Threat and Fear in Indonesia," *Psychological Trauma: Theory, Research, Practice, and Policy* 12, no. 5 (July 2020): 488–90, <https://doi.org/10.1037/tra0000878>.

<sup>5</sup> Ministry of Health and Welfare disease 19(COVID-19) Coronavirus, "Coronavirus Disease 19 (COVID-19), Republic of Korea," Coronavirus disease 19(COVID-19), accessed January 4, 2022, <http://ncov.mohw.go.kr/en/>.

<sup>6</sup> Yi-Hsuan Chen, Chi-Tai Fang, and Yu-Ling Huang, "Effect of Non-Lockdown Social Distancing and Testing-Contact Tracing During a COVID-19 Outbreak in Daegu, South Korea, February to April 2020: A Modeling Study," *International Journal of Infectious Diseases: IJID: Official Publication of the International Society for Infectious Diseases* 110 (September 2021): 213–21, <https://doi.org/10.1016/j.ijid.2021.07.058>.

<sup>7</sup> M. Jae Moon et al., "A Comparative Study of COVID-19 Responses in South Korea and Japan: Political Nexus Triad and Policy Responses," *International Review of Administrative Sciences* 87, no. 3 (September 1, 2021): 651–71, <https://doi.org/10.1177/0020852321997552>.

<sup>8</sup> Jung Won Sonn, Myounggu Kang, and Yeol Choi, "Smart City Technologies for Pandemic Control without Lockdown," *International Journal of Urban Sciences* 24, no. 2 (April 2, 2020): 149–51, <https://doi.org/10.1080/12265934.2020.1764207>.

<sup>9</sup> Shin-Kue Ryu and Soon-Gwan Chung, "Korea's Early COVID-19 Response: Findings and Implications," *International Journal of Environmental Research and Public Health* 18, no. 16 (August 5, 2021): 8316, <https://doi.org/10.3390/ijerph18168316>.

community actively.<sup>10</sup> By November 2021, the cumulative population of fully vaccinated Koreans increased to 78%. The Korean government enforces a policy called "Gradual Return to New Normal" which promotes the gradual recovery of daily life back to normal. The Korean government has announced official guidelines every 2 to 3 weeks with the changed condition of the covid infection and hospital capacity. As Roscoe Pound's opinion states law is a tool of social engineering.<sup>11</sup> Not only that, the use of technology plays a main role in dealing with COVID-19. Based on the above issues, this article aims to describe the legal dynamics that have occurred in South Korea in handling the COVID-19 pandemic. This article is the result of doctrinal law research with a statutory and conceptual approach. The primary legal material from this study is various regulations that emerged during the pandemic.

## Results and Discussion

### Legal Dynamics in Health in South Korea

The government's handling of the COVID-19 pandemic in Korea is carried out in accordance with domestic law and the International Health Regulations (IHR). The IHR provides an overarching legal framework that defines the rights and obligations of states in dealing with public health events and emergencies that have the potential to cross borders.<sup>12</sup> Currently 196 member countries have been authorized to adopt regulations for IHR. Article 21 of the IHR states that "The Health Assembly has the authority to adopt regulations concerning: (a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease...". Also, Article 12 of the IHR reads on the issue of 'Determination of a public health emergency of international concern', "The Director-General shall determine, on the basis of information received, in particular from the State Party in whose territory an event occurred, whether an event constitutes a public health emergency involving come to international attention in accordance with the criteria and procedures set out in this Regulation. Based on Article 12 of the IHR, WHO has assessed and characterized COVID-19 as a pandemic on March 11, 2020.

WHO provides four main areas. First, be prepared and ready. Second, detect, protect and treat. Third, reduce transmission. Fourth, innovate and learn. These four areas of concern also come with the authority given to them through Article 15 (temporary recommendations) of the IHR. It reads "... 2. Provisional recommendations may include health measures to be implemented by a State Party experiencing a public health emergency of international concern, or by another State

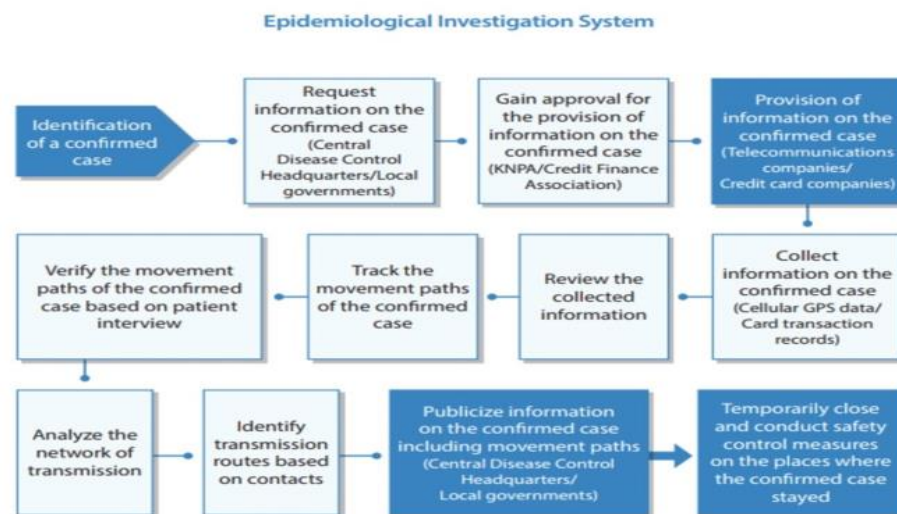
<sup>10</sup> Jae Moon et al., "A Comparative Study of COVID-19 Responses in South Korea and Japan."

<sup>11</sup> Suad Fikriawan, Syamsul Anwar, and Misnen Ardiansyah, "The Paradigm of Progressive Judge's Decision and Its Contribution to Islamic Legal Reform in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 2 (December 1, 2021): 249–62, <https://doi.org/10.24090/mnh.v15i2.4730>.

<sup>12</sup> LAWRENCE O. GOSTIN and REBECCA KATZ, "The International Health Regulations: The Governing Framework for Global Health Security," *The Milbank Quarterly* 94, no. 2 (June 2016): 264–313, <https://doi.org/10.1111/1468-0009.12186>; Annelies Wilder-Smith and Sarah Osman, "Public Health Emergencies of International Concern: A Historic Overview," *Journal of Travel Medicine* 27, no. 8 (December 23, 2020): taaa227, <https://doi.org/10.1093/jtm/taaa227>; Takuma Kayo, "Global Solidarity Is Necessary to End the COVID-19 Pandemic," *Asia-Pacific Review* 27, no. 2 (July 2, 2020): 46–56, <https://doi.org/10.1080/13439006.2020.1841949>.

Party, regarding persons, baggage, cargo, containers, conveyances , goods, and/or postal parcels to prevent or reduce the international spread of disease and avoid unnecessary interference with international traffic. Following WHO guidelines, the Korean government began to amend laws such as "THE INFECTIOUS DISEASE CONTROL AND PREVENTION ACT", " THE QUARANTINE ACT", THE MEDICAL SERVICE ACT" etc.

Not only is control of the health system a priority one, controlling anti-epidemic social measures is important. Right after the COVID-19 outbreak, the Korean government started holding press conferences twice a day, by the Minister/Vice Minister of Health in the morning and by the Director of KDCC and Director of the Korean National Institute of Health (KNH) in the afternoon. Transparent information has been provided to all citizens through official channels, and this has prevented the spread of much possible fake news. Testing, tracking and treatment are the 3 pillars that the government needs to take care of to prevent the further spread of COVID-19. COVID-19 screening stations are set up in the emergency room and outside to quickly collect and test samples. Drive-through screening stations and walk-through screening stations are open across the country to have effective testing and see the possible transmission. These ideas were brought to attention by doctors who had passed MERS-coV (Middle East respiratory syndrome coronavirus) in 2015 and were adopted.



Data collected through testing is shared with the public via emergency alerts. Alerts are given to all citizens about information about the traces of places visited by infected people to stop others from visiting the place. For tracing purposes, an epidemiological investigation is required. Laws also need to be amended to support and authorize emergency measures on data collection. Epidemiological investigation refers to the act of identifying the causes and characteristics of an infectious disease to establish appropriate measures for its prevention and control. Accurate investigations require tracing the point of contact.

New opportunities in the field of Health were also carried out during COVID-19. Korea conducts a remote health care system using Information technology. This



system is known as telemedicine.<sup>13</sup> Telemedicine has been introduced in many countries. However, this innovation raises concerns such as patient data protection, patient capacity to differentiate effective and valid applications. There is no comprehensive regulation related to telemedicine.<sup>14</sup> Limited remote health care services are permitted in December 2020 in Korea. The remote health care system is expected to provide better health access for people living in remote areas. As different variants of COVID emerge, remote healthcare systems have been applied to improve patient care and healing at home. Speeding up the remote healthcare system will also ease the COVID situation internationally. Within a year, an app called DrNow (drnow.co.kr) in Korea has more than 900,000 members domestically after launching and is growing very fast.<sup>15</sup> Having home-delivered drugs or having a doctor's advice over the phone provides a great amount of convenience to patients but the battle over the market among interest groups is still an ongoing issue over medicine delivery.

### **Economic Handling Policy During the Pandemic in Korea**

Social distancing and containment measures are enforced by closing schools, limiting personnel at workplaces, putting mandatory measure of wearing masks at public transportation and restricting international travel and internal movement. The agreement on the tracking system eliminates the possibility of a complete lockdown. Subsidies supporting schools, workplaces even individuals including students are all distributed to support individuals as well as businesses. Different subsidies are also given to teachers who contract out after-school activities. Financial rescue packages for businesses were put in place during the pandemic 5th times until now. Income support, debt relief/contracts for households are other necessary measures using the main terms of strength. Fiscal measures such as lowering the base interest rate, raising the limits on future Forex trading, currency exchange agreements with the United States were taken to ease the burden on businesses. \$47.5 billion for financial support for businesses and \$16 billion for bond market stabilization funds set up was provided in 2020 and funds in 2021 and 2022 got bigger. Some of the policies in detail are 1) Individual businesses selling under \$72,072 get VAT deduction in 2020 2) Owner deducting rental fees: 50% tax credit 3) Credit card income tax deduction percentage doubled for use March to June 2020 4) Job retention subsidy up to 90% of business deferment allowance regardless of the industry from April to June 2020.

All residents are provided with disaster subsidies. This subsidy is based on the Subsidy Management Act. This Act has the objective of appropriate management of subsidy budgets. Although it was recommended, THE FRAMEWORK ACT ON THE MANAGEMENT OF DISASTERS AND SAFETY has not applied to the COVID-19 pandemic due to the different governmental authority structures in charge. The government had decided that the Ministry of Health and welfare should be in charge for COVID-19 although it is also within the frame of the definition of disaster. The revised laws related to COVID-19 reached more than 20 Laws during the pandemic. In particular, legal changes were made to support social change. Rightly

<sup>13</sup> Yong Sauk Hau et al., "How about Actively Using Telemedicine during the COVID-19 Pandemic?," *Journal of Medical Systems* 44, no. 6 (2020): 108, <https://doi.org/10.1007/s10916-020-01580-z>.

<sup>14</sup> Chiara Crico et al., "MHealth and Telemedicine Apps: In Search of a Common Regulation," *Ecancermedicalscience* 12 (July 11, 2018): 853, <https://doi.org/10.3332/ecancer.2018.853>.

<sup>15</sup> "'Remote Medicine No. 1' Dr. Now... Over 900,000 Users in 1 Year of Launch," accessed January 30, 2022, <https://view.asiae.co.kr/article/2022011210303152867>.

based on the rule of law provides a solid basis for action when we face challenges.

### **Dynamics of Personal Data Protection Law in South Korea**

Information technology is one of the efforts to control the spread of COVID-19 in various countries.<sup>16</sup> However, tracking individuals suspected of contracting the COVID-19 virus poses a paradox. Disclosure of personal data of COVID-19 survivors triggers acts of humiliation and exclusion. Restaurants, shops, and other places of business that have been visited by infected people often experience sudden loss of business. In Korea, the tracking strategy is hindered by the Personal Information Protection Act (PIPA) of 2011. This regulation prohibits the collection, use and disclosure of personal data without the prior consent of the individual whose data is involved. However, in 2015, the spread of the MERS virus caused the Korean government to amend the Infectious Disease Prevention and Control Act (CDPCA). This regulation overrides certain provisions of PIPA and other privacy laws.

In the 2020 revision, CDPCA included inclusive management system setup and management provision at Art.33-4 even connecting the education information system. The Ministry of Health and Welfare (MOHW) and the Korea Centers for Disease Control and Prevention (KCDC) may at times collect and profile infected individuals or those suspected of being infected. In particular, the data that may be collected includes location data (including location data collected from mobile devices); personally identifiable information; medical records and prescriptions; immigration records; card transaction data for credit, debit, and prepaid cards; transit permit records for public transport; and closed-circuit television (CCTV) recordings.<sup>17</sup> Article 34-2 (Disclosure of Information during Infectious Disease Emergencies)"states (1) Where the spread of an infectious disease that is harmful to the health of citizens results in the issuance of a crisis warning of a precautionary level or higher specified in Article 38(2) of the Framework Act concerning Disaster Management and Safety. The Minister of Health and Welfare must immediately disclose information with which citizens of the country are required to become acquainted to prevent infectious diseases, such as movement routes, means of transportation, medical care institutions, and contacts of infectious disease patients, by posting such information on the network. information and communication, distributing press releases, etc. (2) Where any information disclosed under paragraph (1) falls under one of the following sub-paragraphs, the relevant person may file an objection with the Minister of Health and Welfare, in writing, verbally, or using information and communication networks: 1. If the information disclosed is different

<sup>16</sup> Isobel Braithwaite et al., "Automated and Partly Automated Contact Tracing: A Systematic Review to Inform the Control of COVID-19," *The Lancet. Digital Health* 2, no. 11 (November 2020): e607–21, [https://doi.org/10.1016/S2589-7500\(20\)30184-9](https://doi.org/10.1016/S2589-7500(20)30184-9); Aaqib Bashir Dar et al., "Applicability of Mobile Contact Tracing in Fighting Pandemic (COVID-19): Issues, Challenges and Solutions," *Computer Science Review* 38 (November 2020): 100307, <https://doi.org/10.1016/j.cosrev.2020.100307>; Rawan Jalabneh et al., "Use of Mobile Phone Apps for Contact Tracing to Control the COVID-19 Pandemic: A Literature Review," in *Applications of Artificial Intelligence in COVID-19*, ed. Sachi Nandan Mohanty et al., Medical Virology: From Pathogenesis to Disease Control (Singapore: Springer, 2021), 389–404, [https://doi.org/10.1007/978-981-15-7317-0\\_19](https://doi.org/10.1007/978-981-15-7317-0_19).

<sup>17</sup> Sangchul Park, Gina Jeehyun Choi, and Haksoo Ko, "Information Technology-Based Tracing Strategy in Response to COVID-19 in South Korea-Privacy Controversies," *JAMA* 323, no. 21 (June 2, 2020): 2129–30, <https://doi.org/10.1001/jama.2020.6602>.

from the actual facts; 2. Where he has an opinion on the information disclosed. (3) If the Minister of Health and Welfare considers that the objection raised under paragraph (2) is reasonable, he must take the necessary steps, such as correcting the information disclosed in relation to it. (4) Matters required for the scope, procedures, methods, etc. to disclose information and raise objections specified in paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Health and Welfare. This article has changed twice on March 3, 2020, and August 11, 2020, due to content conflicts with the Personal Information Act. Due to the constant changes of the same legislation leaving the provisions of the conflict of parliamentary costs twice the work. A Big data-based analysis is also needed for the government to overcome the virus, even though the interests of the two parties conflict. Sacrificing and balancing interests and getting the best results using the right system is required at this point. The Personal Information Protection Act is at the center of the seesaw balancing the two sides.

### **The Dynamics of Law in the Field of Education in South Korea**

With social distancing measures in place, many schools are closed at the beginning. Some exceptions can be open. Public schools with less than 50 students are under the sovereign decision of the principal who conducts classes. Private schools are under the sovereign decision of the principal with consideration of official government guidelines. Most of the classes and after-school activities continued at private schools unless there is a case of an infected student. Then again, students got tested and went back to normal classroom conditions with exception of self-isolated infectee at home. Many of the households took a chance of transferring to private schools during the pandemic. Most of the public schools have chosen to have online classes. With government guidelines, mixed online and offline classes has been applied. 1/2 students attend class Monday, Wednesday and 1/2 Tuesday and Thursday offline to adjust to school and stay safe.

Meanwhile, the digital resilience gap was huge at the start. Taking classes at home for those with computers and computer-related machines is easy to customize. However, those who do not have computers at home are left behind. To ease the gap, the Ministry of Education and Culture distributes tablet computers to students to take classes. The advantages of free internet during a pandemic for low-income children was one option and the advantages of free popular educational sites were also another welcome change. With all these efforts, the disparity gap in education becomes wider during the pandemic. The COVID-19 pandemic has brought significant changes to the implementation, system and procedure of education in various countries,<sup>18</sup> including Korea.<sup>19</sup> The learning model switched to online

<sup>18</sup> Tommaso Agasisti and Mara Soncin, "Higher Education in Troubled Times: On the Impact of Covid-19 in Italy," *Studies in Higher Education* 46, no. 1 (January 2, 2021): 86–95, <https://doi.org/10.1080/03075079.2020.1859689>; Maria Irene Bellini et al., "COVID-19 and Education: Restructuring after the Pandemic," *Transplant International: Official Journal of the European Society for Organ Transplantation* 34, no. 2 (February 2021): 220–23, <https://doi.org/10.1111/tri.13788>; Nina Bergdahl and Jalal Nouri, "Covid-19 and Crisis-Prompted Distance Education in Sweden," *Technology, Knowledge and Learning* 26, no. 3 (September 1, 2021): 443–59, <https://doi.org/10.1007/s10758-020-09470-6>; Shawna J. Lee et al., "Parenting Activities and the Transition to Home-Based Education during the COVID-19 Pandemic," *Children and Youth Services Review* 122 (March 1, 2021): 105585, <https://doi.org/10.1016/j.childyouth.2020.105585>.

<sup>19</sup> William H. Stewart and Patrick R. Lowenthal, "Distance Education under Duress: A Case Study

mostly.<sup>20</sup> At the beginning of the COVID-19 pandemic, the Korean government completely lockdown schools and universities. Therefore, the regulation relating to the general university must be amended. The Ministry of Education proposed an amendment of 100% online class attendance at the general university compared to cyber university to be recognized. This proposal must be accepted due to unforeseen disastrous situations. The surge of COVID-19 cases has caused the Korean government to change its learning model policy to 100% online from elementary school to general university. Otherwise, only cyber-universities were allowed to have 100% online classes.

Adoption of an online class policy is considered effective in preventing the spread of the COVID-19 virus. However, policy changes bring up sentiment in society,<sup>21</sup> and inequalities in access to educational facilities. Students who come from high-income families are able to provide maximum support for learning activities, such as new IT gadgets, adequate internet access, and online courses. Meanwhile, students who come from families with low incomes cannot perform online learning activities optimally.<sup>22</sup> Considering this, exceptions are also allowed. Schools with less than 50 students are under the sovereign decision of the principal who conducts classes since most of the rural area schools have a small number of students in Korea. Still, 2 years of the experiment under COVID-19 shows a big discrepancy between those who have had all the possible excess to the educational service in full and those who are limited to public education service.

One of the important issues in the education sector during the COVID-19 pandemic was the revision of the private tutoring or hagwon rules. Korea is one of the countries with the largest private tutoring industry in the world.<sup>23</sup> Korean households spent an average of 291,000 won (USD359.38) per month per child on hagwons in 2019. This expenditure continues to grow while those looking for work, applying to become civil servants, the selection at companies cost an average of 2.08 million won (USD1,747) in 2019.<sup>24</sup> Local education departments, such as the

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of Exchange Students' Experience with Online Learning during the COVID-19 Pandemic in the Republic of Korea," *Journal of Research on Technology in Education* 0, no. 0 (May 27, 2021): 1–15, <https://doi.org/10.1080/15391523.2021.1891996>.

<sup>20</sup> Wei Bao, "COVID-19 and Online Teaching in Higher Education: A Case Study of Peking University," *Human Behavior and Emerging Technologies* 2, no. 2 (2020): 113–15, <https://doi.org/10.1002/hbe2.191>; Shivangi Dhawan, "Online Learning: A Panacea in the Time of COVID-19 Crisis," *Journal of Educational Technology Systems* 49, no. 1 (September 1, 2020): 5–22, <https://doi.org/10.1177/0047239520934018>; Eric Liguori and Christoph Winkler, "From Offline to Online: Challenges and Opportunities for Entrepreneurship Education Following the COVID-19 Pandemic," *Entrepreneurship Education and Pedagogy* 3, no. 4 (October 1, 2020): 346–51, <https://doi.org/10.1177/2515127420916738>.

<sup>21</sup> Imatitkua D. Aiyanyo, Hamman Samuel, and Heuseok Lim, "Effects of the COVID-19 Pandemic on Classrooms: A Case Study on Foreigners in South Korea Using Applied Machine Learning," *Sustainability* 13, no. 9 (January 2021): 4986, <https://doi.org/10.3390/su13094986>.

<sup>22</sup> Sooyeon Byun and Robert Slavin, "Educational Responses to the COVID-19 Outbreak in South Korea," *Best Evidence of Chinese Education* 5 (July 16, 2020): 665–80, <https://doi.org/10.15354/bece.20.or030>.

<sup>23</sup> Hoon Choi and Álvaro Choi, "Regulating Private Tutoring Consumption in Korea: Lessons from Another Failure," *International Journal of Educational Development* 49 (July 1, 2016): 144–56, <https://doi.org/10.1016/j.ijedudev.2016.03.002>.

<sup>24</sup> Patrik Hultberg, David Calonge, and Ty Choi, "Costs and Benefits of After-School Tutoring Programs: The South Korean Case," *International Journal of Social Economics* 48 (February 20, 2021),



Gyeongsangnam-do Changwon Office of Education, have classified shadow education providers into three categories: hagwons, training centers (Gyo Seup So), and private tutors. Hagwons can tutor hundreds of students in unlimited subjects, training centers tutor a limited number of students in only one subject, while private tutors are typically college and graduate students who provide private tutelage as a part-time job.<sup>25</sup>

**Table 1. Three Types of Tutoring Providers**

Types of tutoring providers	Hagwons	Training centers (Gyo Seup So)	Private Tutors
Number of students per class	>10	≤ 9	≤ 9
Subjects	Unlimited	Single	Unlimited
Establishment of branches	Allowed	Not allowed	No standard
Average area per student	>1 m <sup>2</sup> per student	>3.33m <sup>2</sup> per student	No standard
Facilities	Having standards	Having standards	No standard
Set up in a basement	Not allowed	Not allowed	No standard
Education background of lecturers	College degree or above	College degree or above	No standard

Hagwon is an educational facility that has been developed since 1885.<sup>26</sup> At first, hagwon was used as a means of learning English for children in Korea<sup>27</sup>. In its development, hagwon was used by parents to improve their children's academic and non-academic abilities. Parents want their children to go to well-known educational institutions or colleges. Or in other cases, parents want their children to have non-academic abilities such as music or sports. Hagwon caused controversy and tension in society. This condition makes the Korean government consistently implement the policy of closing the hagwon.<sup>28</sup> At first the hagwon was forbidden to exist. The goal is to provide equal and fair education for all levels of society. In addition, in order to avoid competition in the quality of education provided by formal and hagwon schools. However, competition between students and efforts to obtain an education at well-known schools/universities make the demand for private lessons increase every year. Once, the Korean government enacted law by making private tutoring an illegal business in 1980 August. It lasted 20 years until the constitutional court decides illegalization of private tutoring restriction is an excessive restriction on the right to have private tutoring by limiting parents' right to educate children as well as children's

<https://doi.org/10.1108/IJSE-12-2019-0722>.

<sup>25</sup> Huiyan Piao, Hyuna Hwang, "Shadow Education Policy in Korea During the COVID-19 Pandemic", *ECNU Review of Education*, (2021): 652-666, <https://doi.org/10.1177%2F20965311211013825>.

<sup>26</sup> Deutsche welle, "South Korea's struggle to clamp down on 'cram schools' as the private tutoring industry remains lucrative", *Frontline*, 2021, August, 07. <https://frontline.thehindu.com/dispatches/south-korea-struggles-to-clamp-down-on-cram-schools-as-the-private-tutoring-industry-remains-lucrative/article35789513.ece>

<sup>27</sup> *Ibid.*

<sup>28</sup> Young Chun Kim, "History of Shadow Education in Korea," *Shadow Education and the Curriculum and Culture of Schooling in South Korea*, 2016, 15–32, [https://doi.org/10.1057/978-1-137-51324-3\\_2](https://doi.org/10.1057/978-1-137-51324-3_2).

right to express personality<sup>29</sup>. Back in 1980, only people with the highest socioeconomic level can get tutoring services and this sparked illegalization of private tutoring.

Since then, the Korean government has exercised control over the Hagwon, Training center, private tutoring together by a number of regulations. For Hagwon, there is a limitation of operating hours although it differs depending on the local regulation, controlling and opening course fees to the public, and prohibiting the involvement of formal school teachers in hagwon teaching. For training centers and private tutoring, there are conditions on the place, time, maximum enrollment and registration requirements.

Since 2019, the government implemented physical and social distancing policies and revised accordingly depending on the COVID-19 situation. The pandemic has caused hagwon in city areas with heavy infection rates to be closed to prevent the spread of COVID-19. However, the latest revision of the decision made by the administrative court on hagwon closure suspended the execution of administrative order of having vaccine pass to be applied to Hagwon making age 12~18 students get vaccination mandatory in practice. Although the government can give a recommendation for getting the vaccination, enforcing vaccination to a teenager is a measure of direct invasion to the teenager's self-determination of one's body.<sup>30</sup> With this administrative court decision, applying vaccine pass to ①Hagwon ② study café, library ④ museum/art museum/science museum ⑤ department store and large mart<sup>31</sup> ⑥ movie theatre and performance arena have been lifted. The administrative order of closing the hagwon depends on determining and monitoring population density. Social distancing rules and prohibition of gathering orders. In the Hagwon Law Enforcement Decree, several new regulations were added to respond to changes in the learning system during the COVID-19 period. Examples are student isolation; operational hours; meeting reimbursement standards for students who choose not to attend class; and the appropriate standard of punishment if the student does not receive tuition reimbursement on time.

In addition, policies regarding Korean hagwon during the pandemic focus on adjusting course fees. On April 2, 2020, the Korean Ministry of Education issued a policy guideline that the cost of online courses be 30% lower than face-to-face tutoring.<sup>32</sup> Local education offices—such as the Seoul Nambu District Education Office and the Gyeonggi-do Hwaseong Osan Education Office issue guidelines for online tuition fees. These measures are part of the tuition advice and control guidelines for online education developed during the COVID-19 pandemic. This policy has received different responses, such as the permission to open online classes is temporary so that the price reduction has no legal legitimacy. Under the Hagwon

<sup>29</sup> Constitutional Court 2000. 4. 27 sentence 98HunKa429.

<sup>30</sup> "[Decision] Court Puts a Brake on the Application of the 'Quarantine Pass' for Educational Facilities," accessed January 30, 2022, <https://www.lawtimes.co.kr/Legal-News/Legal-News-View?serial=175544>.

<sup>31</sup> "Seoul Administrative Court Opposes Quarantine Pass for Supermarkets and Department Stores on the Same Day," accessed January 30, 2022, [https://imnews.imbc.com/news/2022/society/article/6333089\\_35673.html](https://imnews.imbc.com/news/2022/society/article/6333089_35673.html).

<sup>32</sup> Deutsche Welle, "South Korea's Struggle to Clamp down on 'Cram Schools' as the Private Tutoring Industry Remains Lucrative," Frontline, accessed January 30, 2022, <https://frontline.thehindu.com/dispatches/south-korea-struggles-to-clamp-down-on-cram-schools-as-the-private-tutoring-industry-remains-lucrative/article35789513.ece>.

Act, if an offline hagwon wants to provide online tutoring, he or she must re-register as an online hagwon. During the COVID-19 pandemic, the government has temporarily simplified the complex procedures involved in this process and lowered institutional thresholds, allowing off-line hagwons to take online tutoring. For example, in February 2020, the government suggested that hagwon be closed and that online tutoring be allowed to temporarily comply with reduced tuition fees. As a financially motivated institution, the hagwons do not consider these actions or price cuts reasonable. Some students believe that online hagwon tutoring is neither convenient nor effective. So, it is necessary to reduce the cost of the course. On the other hand, the large workload of Hagwon tutors makes cost reductions irrational. Changes in the learning system in the era of the COVID-19 pandemic resulted in difficulties guaranteeing the minimum public education. The flexibility of the online platform makes supervising tutoring time much more difficult and complicated compared to offline tutoring providers. Some hagwons have taken advantage of the lack of online tutoring times during the pandemic, providing online tutoring services during school hours. This condition will result in formal schools losing their central role in providing education in Korea. According to Chang and Bray, the legislation and revisions to the hagwon closure guideline are intended to protect schools as dominant providers of public education and maintain the subordinate position of shadow education.<sup>33</sup>

## Conclusion

Changes in the domestic regulations and putting administrative orders reflecting urgent emergency changes on a global scale are needed. The Korean government has chosen transparency as a means of communication. Testing, tracing, treatment were possible due to urgent changes in existing laws. Nearly two years have passed, and the vaccination rate is high enough to achieve a normal life in Korea. Confidence in the government was based on transparent information as well as the application of advanced IT technology. However, Korean citizens also used the court system of interpreting laws to lift administrative government orders. To clear the risk, differences among countries in distributing vaccines are another important issue. We now live on a global scale. The solution must also come on a global scale.

## Bibliography:

- 19(COVID-19), Ministry of Health and Welfare disease, Coronavirus. "Coronavirus Disease 19 (COVID-19), Republic of Korea." Coronavirus disease 19(COVID-19). Accessed January 4, 2022. <http://ncov.mohw.go.kr/en/>.
- Abdullah, Irwan. "COVID-19: Threat and Fear in Indonesia." *Psychological Trauma: Theory, Research, Practice, and Policy* 12, no. 5 (July 2020): 488–90. <https://doi.org/10.1037/tra0000878>.
- Agasisti, Tommaso, and Mara Soncin. "Higher Education in Troubled Times: On the Impact of Covid-19 in Italy." *Studies in Higher Education* 46, no. 1 (January 2, 2021): 86–95. <https://doi.org/10.1080/03075079.2020.1859689>.
- Aiyanyo, Imatitikua D., Hamman Samuel, and Heuseok Lim. "Effects of the

<sup>33</sup> Wei Zhang and Mark Bray, "Comparative Research on Shadow Education: Achievements, Challenges, and the Agenda Ahead," *European Journal of Education* 55, no. 3 (2020): 322–41, <https://doi.org/10.1111/ejed.12413>.

- COVID-19 Pandemic on Classrooms: A Case Study on Foreigners in South Korea Using Applied Machine Learning.” *Sustainability* 13, no. 9 (January 2021): 4986. <https://doi.org/10.3390/su13094986>.
- Altig, Dave, Scott Baker, Jose Maria Barrero, Nicholas Bloom, Philip Bunn, Scarlet Chen, Steven J. Davis, et al. “Economic Uncertainty before and during the COVID-19 Pandemic.” *Journal of Public Economics* 191 (November 1, 2020): 104274. <https://doi.org/10.1016/j.jpubeco.2020.104274>.
- Bao, Wei. “COVID-19 and Online Teaching in Higher Education: A Case Study of Peking University.” *Human Behavior and Emerging Technologies* 2, no. 2 (2020): 113–15. <https://doi.org/10.1002/hbe2.191>.
- Bellini, Maria Irene, Liset Pengel, Luciano Potena, Luca Segantini, and ESOT COVID-19 Working Group. “COVID-19 and Education: Restructuring after the Pandemic.” *Transplant International: Official Journal of the European Society for Organ Transplantation* 34, no. 2 (February 2021): 220–23. <https://doi.org/10.1111/tri.13788>.
- Bergdahl, Nina, and Jalal Nouri. “Covid-19 and Crisis-Prompted Distance Education in Sweden.” *Technology, Knowledge and Learning* 26, no. 3 (September 1, 2021): 443–59. <https://doi.org/10.1007/s10758-020-09470-6>.
- Bhuiyan, A. K. M. Israfil, Najmuj Sakib, Amir H. Pakpour, Mark D. Griffiths, and Mohammed A. Mamun. “COVID-19-Related Suicides in Bangladesh Due to Lockdown and Economic Factors: Case Study Evidence from Media Reports.” *International Journal of Mental Health and Addiction*, May 15, 2020, 1–6. <https://doi.org/10.1007/s11469-020-00307-y>.
- Braithwaite, Isobel, Thomas Callender, Miriam Bullock, and Robert W. Aldridge. “Automated and Partly Automated Contact Tracing: A Systematic Review to Inform the Control of COVID-19.” *The Lancet. Digital Health* 2, no. 11 (November 2020): e607–21. [https://doi.org/10.1016/S2589-7500\(20\)30184-9](https://doi.org/10.1016/S2589-7500(20)30184-9).
- Byun, Sooyeon, and Robert Slavin. “Educational Responses to the COVID-19 Outbreak in South Korea.” *Best Evidence of Chinese Education* 5 (July 16, 2020): 665–80. <https://doi.org/10.15354/bece.20.or030>.
- Chen, Yi-Hsuan, Chi-Tai Fang, and Yu-Ling Huang. “Effect of Non-Lockdown Social Distancing and Testing-Contact Tracing During a COVID-19 Outbreak in Daegu, South Korea, February to April 2020: A Modeling Study.” *International Journal of Infectious Diseases: IJID: Official Publication of the International Society for Infectious Diseases* 110 (September 2021): 213–21. <https://doi.org/10.1016/j.ijid.2021.07.058>.
- Choi, Hoon, and Álvaro Choi. “Regulating Private Tutoring Consumption in Korea: Lessons from Another Failure.” *International Journal of Educational Development* 49 (July 1, 2016): 144–56. <https://doi.org/10.1016/j.ijedudev.2016.03.002>.
- Ciotti, Marco, Massimo Ciccozzi, Alessandro Terrinoni, Wen-Can Jiang, Cheng-Bin Wang, and Sergio Bernardini. “The COVID-19 Pandemic.” *Critical Reviews in Clinical Laboratory Sciences* 57, no. 6 (August 17, 2020): 365–88. <https://doi.org/10.1080/10408363.2020.1783198>.
- Crico, Chiara, Chiara Renzi, Norbert Graf, Alena Buyx, Haridimos Kondylakis, Lefteris Koumakis, and Gabriella Pravettoni. “MHealth and Telemedicine Apps: In Search of a Common Regulation.” *Ecancermedicalscience* 12 (July 11,



- 2018): 853. <https://doi.org/10.3332/ecancer.2018.853>.
- Dar, Aaqib Bashir, Auqib Hamid Lone, Saniya Zahoor, Afshan Amin Khan, and Roohie Naaz. "Applicability of Mobile Contact Tracing in Fighting Pandemic (COVID-19): Issues, Challenges and Solutions." *Computer Science Review* 38 (November 2020): 100307. <https://doi.org/10.1016/j.cosrev.2020.100307>.
- "[Decision] Court Puts a Brake on the Application of the 'Quarantine Pass' for Educational Facilities." Accessed January 30, 2022. <https://www.lawtimes.co.kr/Legal-News/Legal-News-View?serial=175544>.
- Dhawan, Shivangi. "Online Learning: A Panacea in the Time of COVID-19 Crisis." *Journal of Educational Technology Systems* 49, no. 1 (September 1, 2020): 5–22. <https://doi.org/10.1177/0047239520934018>.
- Fikriawan, Suad, Syamsul Anwar, and Misnen Ardiansyah. "The Paradigm of Progressive Judge's Decision and Its Contribution to Islamic Legal Reform in Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 2 (December 1, 2021): 249–62. <https://doi.org/10.24090/mnh.v15i2.4730>.
- GOSTIN, LAWRENCE O., and REBECCA KATZ. "The International Health Regulations: The Governing Framework for Global Health Security." *The Milbank Quarterly* 94, no. 2 (June 2016): 264–313. <https://doi.org/10.1111/1468-0009.12186>.
- Hau, Yong Sauk, Jeoung Kun Kim, Jian Hur, and Min Cheol Chang. "How about Actively Using Telemedicine during the COVID-19 Pandemic?" *Journal of Medical Systems* 44, no. 6 (2020): 108. <https://doi.org/10.1007/s10916-020-01580-z>.
- Hultberg, Patrik, David Calonge, and Ty Choi. "Costs and Benefits of After-School Tutoring Programs: The South Korean Case." *International Journal of Social Economics* 48 (February 20, 2021). <https://doi.org/10.1108/IJSE-12-2019-0722>.
- Jae Moon, M., Kohei Suzuki, Tae In Park, and Kentaro Sakuwa. "A Comparative Study of COVID-19 Responses in South Korea and Japan: Political Nexus Triad and Policy Responses." *International Review of Administrative Sciences* 87, no. 3 (September 1, 2021): 651–71. <https://doi.org/10.1177/0020852321997552>.
- Jalabneh, Rawan, Haniya Zehra Syed, Sunitha Pillai, Ehsanul Hoque Apu, Molla Rashied Hussein, Russell Kabir, S. M. Yasir Arafat, Md. Anwarul Azim Majumder, and Shailendra K. Saxena. "Use of Mobile Phone Apps for Contact Tracing to Control the COVID-19 Pandemic: A Literature Review." In *Applications of Artificial Intelligence in COVID-19*, edited by Sachi Nandan Mohanty, Shailendra K. Saxena, Suneeta Satpathy, and Jyotir Moy Chatterjee, 389–404. Medical Virology: From Pathogenesis to Disease Control. Singapore: Springer, 2021. [https://doi.org/10.1007/978-981-15-7317-0\\_19](https://doi.org/10.1007/978-981-15-7317-0_19).
- Kayo, Takuma. "Global Solidarity Is Necessary to End the COVID-19 Pandemic." *Asia-Pacific Review* 27, no. 2 (July 2, 2020): 46–56. <https://doi.org/10.1080/13439006.2020.1841949>.
- Kim, Young Chun. "History of Shadow Education in Korea." *Shadow Education and the Curriculum and Culture of Schooling in South Korea*, 2016, 15–32. [https://doi.org/10.1057/978-1-137-51324-3\\_2](https://doi.org/10.1057/978-1-137-51324-3_2).
- Lee, Shawna J., Kaitlin P. Ward, Olivia D. Chang, and Kasey M. Downing. "Parenting Activities and the Transition to Home-Based Education during the

- COVID-19 Pandemic.” *Children and Youth Services Review* 122 (March 1, 2021): 105585. <https://doi.org/10.1016/j.childyouth.2020.105585>.
- Liguori, Eric, and Christoph Winkler. “From Offline to Online: Challenges and Opportunities for Entrepreneurship Education Following the COVID-19 Pandemic.” *Entrepreneurship Education and Pedagogy* 3, no. 4 (October 1, 2020): 346–51. <https://doi.org/10.1177/2515127420916738>.
- Pakpour, Amir H., Mark D. Griffiths, and Chung-Ying Lin. “Assessing Psychological Response to the COVID-19: The Fear of COVID-19 Scale and the COVID Stress Scales.” *International Journal of Mental Health and Addiction*, May 29, 2020. <https://doi.org/10.1007/s11469-020-00334-9>.
- Park, Sangchul, Gina Jeehyun Choi, and Haksoo Ko. “Information Technology-Based Tracing Strategy in Response to COVID-19 in South Korea-Privacy Controversies.” *JAMA* 323, no. 21 (June 2, 2020): 2129–30. <https://doi.org/10.1001/jama.2020.6602>.
- “Remote Medicine No. 1’ Dr. Now... Over 900,000 Users in 1 Year of Launch.” Accessed January 30, 2022. <https://view.asiae.co.kr/article/2022011210303152867>.
- Ryu, Shin-Kue, and Soon-Gwan Chung. “Korea’s Early COVID-19 Response: Findings and Implications.” *International Journal of Environmental Research and Public Health* 18, no. 16 (August 5, 2021): 8316. <https://doi.org/10.3390/ijerph18168316>.
- “Seoul Administrative Court Opposes Quarantine Pass for Supermarkets and Department Stores on the Same Day.” Accessed January 30, 2022. [https://imnews.imbc.com/news/2022/society/article/6333089\\_35673.html](https://imnews.imbc.com/news/2022/society/article/6333089_35673.html).
- Sonn, Jung Won, Myounggu Kang, and Yeol Choi. “Smart City Technologies for Pandemic Control without Lockdown.” *International Journal of Urban Sciences* 24, no. 2 (April 2, 2020): 149–51. <https://doi.org/10.1080/12265934.2020.1764207>.
- Stewart, William H., and Patrick R. Lowenthal. “Distance Education under Duress: A Case Study of Exchange Students’ Experience with Online Learning during the COVID-19 Pandemic in the Republic of Korea.” *Journal of Research on Technology in Education* 0, no. 0 (May 27, 2021): 1–15. <https://doi.org/10.1080/15391523.2021.1891996>.
- Sudirman, Sudirman, Ramadhita Ramadhita, Syabbul Bachri, Erfaniah Zuhriah, and Zaenul Mahmudi. “The Family Corner for the Post-COVID 19 Revitalization of Family Function.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 88–107. <https://doi.org/10.22373/sjkh.v5i1.9122>.
- Welle, Deutsche. “South Korea’s Struggle to Clamp down on ‘Cram Schools’ as the Private Tutoring Industry Remains Lucrative.” Frontline. Accessed January 30, 2022. <https://frontline.thehindu.com/dispatches/south-korea-struggles-to-clamp-down-on-cram-schools-as-the-private-tutoring-industry-remains-lucrative/article35789513.ece>.
- Wilder-Smith, Annelies, and Sarah Osman. “Public Health Emergencies of International Concern: A Historic Overview.” *Journal of Travel Medicine* 27, no. 8 (December 23, 2020): taaa227. <https://doi.org/10.1093/jtm/taaa227>.
- Zhang, Wei, and Mark Bray. “Comparative Research on Shadow Education: Achievements, Challenges, and the Agenda Ahead.” *European Journal of*



The 4<sup>th</sup> International Conference on Law, Technology, Spirituality and Society (ICOLESS). Thursday, August 12, 2021  
Sharia Faculty UIN Maulana Malik Ibrahim Malang, Indonesia

*Education* 55, no. 3 (2020): 322–41. <https://doi.org/10.1111/ejed.12413>.