
SUCCESSION LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Adopted by Decree No. 2882 of the Supreme People's Assembly on March 13, 2002

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of providing strict guidelines for the succession and bequeathal affairs and execution of succession, thereby contributing to correctly handling matters related to succession.

Article 2 (Guarantee of right to inherit private property)

Protection of the private property is the consistent policy of the Democratic People's Republic of Korea.

The State shall guarantee the right to inherit the private property.

Article 3 (Guarantee of equal rights to inheritors)

The State shall guarantee the inheritors equal rights to succession. Where, however, the share to be inherited is defined in the will or the right to inheritance is limited by the law, it shall take precedence.

Article 4 (Preferential promotion of interests of persons lacking independent capacity)

The State shall ensure that in handling succession matters the interests of persons lacking independent capacity is promoted preferentially.

Article 5 (Respect for intention of parties to succession)

The State shall ensure that the intention of the parties to succession is respected and traditional beautiful traits of mutual understanding, mutual concession and cooperation are displayed among them.

Article 6 (Maintaining objectivity and impartiality)

The State shall ensure that objectivity and impartiality are maintained in handling succession matters.

Article 7 (Commencement of succession)

Succession shall start at the death of a citizen.

Succession shall also start upon certification by a notary agency of the death of a citizen.

Article 8 (Place of succession)

Succession shall be handled in the decedent's place of address.

Where the decedent's place of address is unfit for handling succession, the place of the decedent's estate or death shall do.

Article 9 (Disinheritance)

A successor shall be disinherited in case where he maltreated or abandoned the decedent when he was alive, forged or destroyed the grounds for the will, caused a will to be made under coercion or deception or deliberately created conditions for inheritance. A person disinherited according to a will shall be deprived of the right to inheritance.

Article 10 (Exercise by proxy of right to inheritance of incompetent person)

The right of an incompetent person to inheritance or legacy shall be exercised on his behalf by his proxy.

Article 11 (Inheritance of economic rights and duties of decedent)

An inheritor shall, upon start of succession, inherit the private property and economic rights and duties of the decedent.

Such moral rights as the right of the decedent to receive sustenance allowance shall not be inherited.

Article 12 (Co-ownership of estate that cannot be partitioned)

Where there are several successors, such estate that are unsuitable for partitioning as a dwelling house may be co-owned by the inheritors.

Article 13 (Inheritable estate)

The following estate shall be inherited:

1. Property derived from distribution according to work done;
2. Property derived from fringe benefits granted by the State and society;
3. Property derived from individual sideline activities;
4. Dwelling-houses, books, money, savings, household goods, articles for cultural use, articles of daily use and vehicles such as cars;
5. Claims and debts; and
6. Other lawfully acquired estate such as the one donated by an individual citizen

Article 14 (Prescription of right to inheritance)

An inheritor may, within 1 year of knowing that his right to inheritance has been infringed, lay claim to a court for the recovery of that right. However, where a provision stipulates otherwise concerning prescription, it shall prevail.

Claim for the recovery of the right to inheritance shall be invalid after the expiration of a period of 10 years from the date succession started.

Chapter 2 Statutory Succession

Article 15 (Basic requirement)

The estate of the decedent shall be inherited as provided by law.

The inheritor's identity shall be as registered with the competent authority.

Article 16 (Conditions for statutory succession)

Statutory succession shall be effected in cases where:

1. No will is left or the will left is invalid;
2. Inheritance is disclaimed by a testamentary inheritor or the legacy is renounced by a legatee;

3. A testamentary successor or legatee predeceases the testator; and
4. There is left an estate not disposed of in the will

Article 17 (Order of statutory succession)

Inheritors shall be the spouse, children, adopted children, stepchildren, unborn children, parents, adoptive parents and stepparents.

In default of the foregoing grandchildren, grandparents, maternal grandparents, siblings, adopted siblings and stepsiblings shall be inheritors.

In default of the aforementioned a blood relative as far as a cousin shall be an inheritor.

Article 18 (Order of succession in case inheritor dies)

Where children or siblings designated to be inheritors die earlier than the bequeather and before the commencement of inheritance, their children shall be entitled to take the order concerned.

Article 19 (Portion of statutory succession)

Where there are several inheritors in the same order of succession, equal portion shall be distributed to each of them. However, a person who was directly responsible for the support of the decedent while he was alive or a person who earns small income for lack of working ability may be given a larger share, and a person who had the ability and was in a condition to maintain the decedent but failed to fulfill his duty shall be given a smaller share of the estate.

Article 20 (Accepting or renunciation of statutory succession)

An inheritor may, within 6 months of knowing of the start of succession, apply to a court for acceptance or renunciation of inheritance either orally or in writing.

Where the application for acceptance or renunciation is not filed within 6 months, the inheritance shall be deemed to have been accepted.

Article 21 (Inheritance of estate, right and duty)

Upon acceptance of inheritance all of the estate and the economic rights and duties of a decedent shall be inherited. Where an inheritor renounces inheritance or inherits a limited share, he shall not inherit or inherit only a limited share of the estate and the economic rights and duties of a decedent.

Article 22 (Fulfillment of obligation and bequeathal)

An inheritor of a limited share of estate may fulfill the obligation and testamentary bequeathal of the decedent within the limit of the inherited estate.

A court may require the person who inherits a limited share of estate to produce a list of inherited estate.

Article 23 (Fulfillment of obligation and transfer of legacy)

An inheritor of a limited share of estate shall fulfill the obligation due of the decedent and transfer the legacy due to the legatee.

Article 24 (Fulfillment of obligation according to ratio of credit)

Where there are several creditors to the decedent, an inheritor of a limited share of estate shall fulfill obligation according to the ratio of their credits. However, fulfillment of the obligation to the State or a social cooperative organization shall be a priority.

Where the obligation of the decedent cannot be fully fulfilled with the inherited estate, testamentary legacy shall not be bequeathed.

Article 25 (Renunciation of statutory succession)

Renunciation of inheritance by an inheritor shall be effective from the time of the commencement of succession.

Article 26 (Transfer of share of renounced statutory succession)

The share of estate renounced by an inheritor shall be transferred to another person the same in order.

Where all the inheritors in the same order renounce inheritance, the share shall be transferred to the person next in order.

Chapter 3 Testamentary Succession and Legacy

Article 27 (Basic requirement)

A citizen may make a will concerning succession and legacy.

Upon death of a citizen his estate shall be inherited or bequeathed as legacy according to his will.

Article 28 (Testamentary succession, right of legatee)

A person appointed as an inheritor in the will shall have a right to inheritance.

A person appointed as a legatee in the will shall have a right to inherit the estate in question from the person who has the right to inheritance.

Article 29 (Testamentary succession, share of legacy)

A testator may set a different share of estate for an inheritor or a legatee.

Article 30 (Validity of testament)

A testament shall be effective upon the death of a testator.

Conditional testament shall be effective upon creation of the condition in question.

Article 31 (Condition of invalidity of testament)

Where the inheritor or legatee appointed in a testament predeceases the decedent, the testament shall be invalid.

Inheritance in subrogation shall not be permitted for testamentary succession.

Article 32 (Acceptance or renunciation of testamentary succession or legacy)

A testamentary inheritor or a legatee may accept or renounce testament or legacy.

Where acceptance or renunciation is not made known after expiration of 6 months since learning of testamentary succession or legacy, it shall be deemed to have been accepted.

The estate renounced by a testamentary inheritor or a legatee shall be disposed of according to the procedures for statutory succession.

Article 33 (Transfer of right to and obligation of bequeathal)

A legatee who has inherited the whole of the estate of the decedent according to his will shall inherit the corresponding rights and duties.

Article 34 (Capacity of testator)

A citizen with legal capacity shall qualify for a testator. A 16-year-old person with an occupation shall make a will in respect of the property that he has earned.

Article 35 (Validity of testament)

A will shall clearly manifest the genuine intention of a testator.

A will made under duress or as a result of fraud shall be void.

Article 36 (Bequeathal to person who is not inheritor)

A testator may, as provided by law, bequeath a part or whole of his estate to a person who is not an inheritor. In this case more than a half of the estate in question shall be left for the spouse, children or parents who had been supporting the decedent while he was alive and more than one third for the grandchildren, grandparents or siblings.

Article 37 (Mode of making will)

A will shall be made in the following way:

1. A testator-written will shall be written in the testator's own handwriting and signed by him, specifying the date of its making;

2. A will in oral form shall be made in the presence of two witnesses. In this case one of the witnesses shall write down what the testator says, have it confirmed and signed or stamped on by the testator and the other witness and write the date of its making;

3. A sound-recording of the nuncupative will of a testator shall also record the statements of two or more witnesses and the date of its making; and

4. A notarial will shall be made by the testator in the presence of a notary and two witnesses. In this case the notary shall write down what the testator says, have it confirmed and signed or stamped on by the testator and witnesses, notarized by notarial agency and write the date of its making.

Article 38 (Person unqualified to be witness to will)

The following persons shall not be witnesses to a will:

1. An inheritor or a legatee;
2. A relation to an inheritor or a legatee;
3. An incompetent person; and
4. A person who has an interest in inheritance or legacy.

Article 39 (Recognition of invalidity of will)

A will shall be invalidated by a court upon request by an interested person or a public prosecutor.

Article 40 (Revoking or altering of will)

A testator may revoke or alter a will previously made.

Where wills that have been made on several occasion conflict with one another in content, the last one shall prevail.

Chapter 4 Execution of Succession

Article 41 (Basic requirement)

An inheritor who has learned of the death shall promptly notify the other inheritors so that legacy may be disposed of.

Where all of the inheritors have no knowledge of the death, the population administration institution in the decedent's place of residence shall make the notification.

Article 42 (Appointment of testamentary executor of succession)

A citizen may appoint a testamentary executor in his will. Where no mention is made of a testamentary executor in a will, a successor shall be a testamentary executor.

Where there are several inheritors, they shall designate the testamentary executor by agreement and notify the matter to the population administration institution. Where no agreement is reached concerning an testamentary executor, the population administration institution shall make the designation.

A person with capacity shall qualify for a testamentary executor.

Article 43 (Custody of inheritance)

A testamentary executor of succession shall properly take care of the inheritance and may do such acts or things as are needed for the execution of succession.

An inheritor and an interested person shall not hinder the execution.

Article 44 (Lodging complaints)

A successor and an interested person may make inquiries as to the execution of succession.

Any person aggrieved at the execution may appeal to a court.

Article 45 (Notification of succession)

A testamentary executor shall, prior to partitioning the decedent's estate, separate the private property of the decedent from the property jointly acquired by his family members and their private property and make notification thereof to the successors.

Article 46 (Procedures for succession)

A decedent's estate shall not be partitioned before accepting the claims of creditors and fulfilling the obligation.

Where a decedent's estate has been partitioned without fulfilling the decedent's obligation, the obligation shall be fulfilled in proportion to the inherited portion.

Article 47 (Verification of credit)

A testamentary executor may demand that the creditor verify the credit. Where a creditor fails to verify any of his credits, fulfilling of an obligation may be refused with respect to the credit in question.

Article 48 (Inheritance by unborn child)

A testamentary executor of succession shall make reservation for the share of an unborn child, provided that a certification of a medical institution is provided.

Article 49 (Disposal of share of unborn child)

Where succession is executed without making reservation for the share of an unborn child, an inheritor shall return the child the share in question.

Where the child is stillborn, the share reserved shall be handed over to another successor.

Article 50 (Appointment of custodian of inheritance)

Where a successor does not make his appearance or is unqualified for a successor, the population administration institution shall appoint a custodian of the inheritance.

Where a custodian is appointed in a will, that shall prevail.

A citizen with capacity or an institution, enterprise or an organization shall qualify for a custodian.

Article 51 (Custody of inheritance)

A custodian shall responsibly take care of the inheritance.

A custodian shall be liable for the damage caused through his negligence.

Article 52 (Powers of custodian)

A custodian shall be entitled to do things required for the custody of the inheritance and exercise an obligatory right or fulfill an obligation. Notwithstanding the foregoing the inheritance shall not be assigned in case the creditor to the decedent or the statutory legatee has not been clearly determined.

Article 53 (Credit, acceptance of testamentary bequeathal)

Where an inheritor fails to make his appearance, a custodian shall be entitled to accept the decedent's credit or his will concerning legacy.

Where a successor does not make his appearance after the expiration of 6 months from the date of acceptance of a will concerning credit or bequeathal, obligation may be fulfilled or bequeathal effected.

Article 54 (Submission of statement on disposal of inheritance)

Upon disposal of inheritance, a custodian shall submit a statement thereon to the competent institution.

Expenses incurred in relation to the custody of the estate shall be reimbursed from inheritance.

Article 55 (Transfer of inheritance to National Treasury)

Where there is no person to inherit or receive the legacy, or all of the successors disclaimed inheritance or are unqualified for inheritance, the inheritance in question shall go to the National Treasury.

Article 56 (Distribution of inheritance upon request by related person)

Where a person who had lived with and supported or was supported by the decedent while he was alive or a person who had close connection with the decedent makes a request for a share of the decedent's estate, a court may, if the request is reasonable enough, give him a share thereof.

Article 57 (Settlement of disagreement)

Any disagreement concerning succession shall be settled through consultation.

In case of failure in consultation, the matter shall be referred to a court for settlement.