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Summary of Research Papers 17



Direction of Support System Reorganization in Line with Family Changes and Relevant Tasks

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**Direction of Support System
Reorganization in Line with Family
Changes and Relevant Tasks**

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Direction of Support System Reorganization in Line with Family Changes and Relevant Tasks¹⁾

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I . Introduction

1. Background and Objectives

Korea's family support systems consider private support set forth in the Civil Act²⁾ to be the primary form of support, with public support considered as a supplementary measure. To address continued social issues arising from the unseen effects of poverty due to societal changes in familial structures and in attitudes toward family support systems, public systems of support have been established. Although such public family support systems have been implemented as a response to changing family structures, private family support systems have not been revised since the Civil Act was first enacted in 1958, with the exception of the obligation of the family head to support their families having been abolished. Thus, private family support systems, which had been created

¹⁾ This paper is an English summary of the research report (Hyo Jean Song, So Young Kim, Bo Young Sun, and Yun Seon Hong) released by Korea Women's Development Institute in 2022 under the title of 「Direction of Support System Reorganization in Line with Family Changes and Relevant Tasks」 .

²⁾ <https://www.law.go.kr/> (Accessed August 30, 2022).

based on extended family structures of an agrarian society, are yet to be revised.

Korean society is characterized by increasing individualization, the diversification of family structures, and rapid changes in the perception of family support obligations. To react effectively to such changes in family structures, and to address the incongruities between the support systems set forth in the Civil Act and the realities of family support needs, the current systems of family support must be reconsidered.

Therefore, this paper aims to examine varying family structures, and the changing perception of family support obligations, and to investigate related issues in the present family support systems to identify ways to improve upon them.

2. Content

This paper is organized as follows:

Chapter I presents the research background, objectives, and content, as well as the applied research methods. Chapter II statistically reviews changes in family structures and perceptions of family support obligations. Chapter III examines the current state of support systems prescribed in the Civil Act, investigating the current issues in family support systems and their implications in relation to changing family structures via the analysis of precedents and cases. Chapter IV looks into support-related legal systems in other countries, considering their potential implementation to Korean laws. And Chapter V seeks ways to enhance Korea's support systems, proposing relevant improvement programs based on the presented research results.

The research scope of this study limits itself to seeking ways to

improve economic support systems, concentrating on private support systems specified in the Civil Act.

3. Methods

1) Literature Review

Prior studies and various data regarding changes in family structures and family support systems were reviewed and analyzed, and family support-related laws, data, and precedents were surveyed and analyzed.

2) Statistics Analysis

Prior research statistics concerning the diversification of family structures and attitudes toward familial support were analyzed for this study. Then, changes in support-related lawsuits were analyzed using statistics regarding claims for support payment from the Yearbook of Judicature.

3) Foreign Legislation Case Studies

Local and foreign literature on family support, as well as relevant legal data gathered in major countries, were reviewed and analyzed for this research study.

4) Expert Advisory Meetings and Workshops

While conducting this research, expert opinions were collected via advisory meetings, which are reflected in this report. Expert and researcher workshops were held six times to gather opinions concerning changes in family structures, their implications for family support, private

support-related cases/ legal issues, the significance of family support, the revision of family support systems, and policy issues. The results were reflected in the direction and content of this report.

II. Changes in Family Structures and Attitudes toward Family Support identified through Statistics

Based on statistics regarding changes in population and households and results from previous research on attitudes toward families and family support systems, this chapter reviews family changes in terms of ‘increased diversity of family structures’ and ‘fluctuations in the perception of and attitudes toward familial relationships’. The results are as follows:

First, the increased diversity of family structures could be identified due to the observed increase in the number of individuals deciding not to start families and increased flexibility in the construction of families.

The most notable change in family structures is a rise in the number of people deciding not to start families (singles and single-person households). Considering a drop in the number of marriages³⁾ and the increasing social acceptance of singlehood,⁴⁾ marriages are hardly expected to function as a universal norm, making partnerships (marital status) more unstable. Moreover, the share of households consisting of

³⁾ Statistics Korea (1980-2020, Year). Changes in Vital Statistics. Population Trend Survey. https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1B8000F&conn_path=I (Accessed June 03, 2022).

⁴⁾ Statistics Korea (2008, 2010, 2012, 2014, 2016, 2018, and 2020). Attitudes toward Marriages (Men and Women Can Live Together without Being Married). Social Survey. https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSFA051R&conn_path=I3 (Accessed June 03, 2022).

family members such as couples and parents-children has gradually declined, while the percentage of single-person households or non-family households (consisting of members not biologically related to one another) has continuously climbed.⁵⁾

The weakening of traditional family norms is thought to increase the prevalence of non-traditional family structures. Statistical analyses show that marital stability has weakened, while the social acceptance of variable familial relationships, such as divorces, remarriages, and non-marital cohabitation, is gradually increasing⁶⁾. This suggests that family structures are not fixed but change dynamically and that individuals are highly likely to flexibly choose relationships and lifestyles throughout their lives. As such, the existing family support systems, which were founded on fixed family structures, may not be suitable for modern dynamic family relationships. In particular, as family relationships between spouses, or children and parents become more complicated due to divorces, remarriages, etc., it is necessary to examine whether the existing family support responsibilities can be applied without revisions, and whether there are any institutional oversights.

Second, a further aspect of changes in family structures could be examined in terms of the perception of the family as a concept and of responsibilities in supporting families. The results from a survey on the perception of family structures⁷⁾ show that families are still deemed to

⁵⁾ Statistics Korea (June 28, 2022). Household Projections: 2020-2050. Press Release, p.4.

⁶⁾ Statistics Korea (1980-2020, Year). Changes in Vital Statistics. Population Trend Survey. https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1B8000F&conn_path=I3 (Accessed June 03, 2022); Statistics Korea (2006, 2008, 2010, 2012, 2014, 2016, 2018, and 2020). Attitudes toward Divorce. Social Survey. https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1W2C09&conn_path=I3, https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSFA070R&conn_path=I3 (Accessed June 03, 2022.); Statistics Korea (2008, 2010, 2012, 2014, 2016, 2018, and 2020). Attitudes toward Marriages (Men and Women Can Live Together without Being Married). Social Survey. https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSFA051R&conn_path=I3 (Accessed June 03, 2022).

be based on marriages and blood ties but, in terms of scope, the term ‘family’ is considered only to include those family members close to oneself, such as spouses, parents, children, and siblings. Further, when defining families respondents showed a tendency to put an emphasis on emotionally close relationships rather than on relationships serving instrumental functions.⁸⁾ Thus, the legally and institutionally defined concepts of families are expected to become less relevant and influential, while the trend of perceiving families as based on emotionally close relationships is projected to be strengthened.

Obligations and the responsibility to support family members (especially elderly parents) have also trended toward weaker relevancy. According to the analysis of a further survey, the perception that family members (adult offspring) should be responsible for supporting their parents has gradually declined in prevalence, while the perception that governments and social systems should share the burden has steadily increased.⁹⁾ Considering such findings, the existing family support systems, which put the responsibility of supporting parents primarily on their families (offspring), are suggested to be difficult to be continuously maintained in the future.

⁷⁾ Kim Young-ran, et al. (2021). 「Analysis of Family Survey 2020」, p.52-53.

⁸⁾ Kim Young-ran, et al. (2021). 「Analysis of Family Survey 2020」, p.56.

⁹⁾ Korea Institute for Health and Social Affairs (2012, 2015, and 2018). Do You Agree that Children Should Take Care of Their Parents? Korea Welfare Panel Survey. https://kosis.kr/statHtml/statHtml.do?orgId=331&tblId=DT_33109_N291&conn_path=I3 (Accessed June 02, 2022); Ministry of Health and Welfare (2014, 2017, and 2020). Ideal Ways for the Elderly to Make a Living. National Survey of Older Koreans. https://kosis.kr/statHtml/statHtml.do?orgId=117&tblId=DT_117071_011&conn_path=I3 (Accessed May 26, 2022.); Statistics Korea (2002, 2006, 2008, 2010, 2012, 2014, 2016, 2018, and 2020). Attitudes toward Support for Parents. Social Survey. https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1W2A03&conn_path=I3, https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1W2C03&conn_path=I3, https://kosis.kr/statHtml/statHtml.do?orgId=101&tblId=DT_1SSFA040R&conn_path=I3 (Accessed June 02, 2022).

These results signify that families have evolved into relationships built and maintained based on intimacy, where the individual can choose and form such relationships; as such, the perception that one should support family members by adhering to the legally specified obligations have gradually become less prevalent. Given such changes, it is necessary to re-examine the effectiveness of existing private support systems which falsely regard families as economic communities based on fixed relationships.

III. Status of Support Systems Specified in the Civil Act and Relevant Issues regarding Changes in Family Structures

This chapter reviews Korea's private support systems set forth in the Civil Act, analyzing precedents and cases in the context of family changes¹⁰⁾ to examine incongruities between support systems and the realities of family structures, and discussing relevant issues within the field of family support.

Chapter 7 in Part 4 of Relatives of Korea's Civil Act contains six Articles (Articles 974 to 979) regarding mutual support among relatives. Excepting that the regulation regarding family heads' obligations to support family members was abolished in 1990, the Civil Act has not been amended for the past six decades since it was enacted in 1958, with family support systems, based on the extended family structures of that time, having remained the same.

¹⁰⁾ Excluding specific information on precedents and cases for want of space, this English report only contains analysis results.

Article 974 thereof stipulates that, in terms of scope, the relatives to which there are obligations to offer mutual support are limited to linear blood relatives and their spouses, and relatives¹¹⁾ with whom livelihoods are shared. Also, Article 975 prescribes that support obligors are responsible for offering support only when support recipients cannot maintain their livelihoods independently. Chapter 7 thereof contains wide-reaching support obligations that burden the individual, as support obligations apply not only to blood relatives but also to those with whom one is related to by marriage. However, duties to support minors considered to be greater than obligations to support other relatives, are interpreted as legal effects of the provision on the parental duties (Article 913) instead of being interpreted as the application of the relevant provisions. Similarly, obligations to support spouses, also seen as heavier than duties than to support other relatives, are found to be grounded on the marriage section of the Civil Act (Article 826, Paragraph 1) concerning obligations to support spouses, rather than on the section regarding obligations to support relatives with whom one shares livelihoods with.

Korea's support systems can be described as including both regulations which were based on pre-modernity (extended families and relative communities) and precedents reflecting modernity (nuclear families). The current society, characterized by a shift from extended to nuclear families, puts greater emphasis on supporting spouses and children than on supporting other relatives. As such, Article 7 of the Civil Act is not considered to be effective in the current society, wherein families are becoming smaller. Despite the contemporary social importance of

¹¹⁾ Pursuant to the Civil Act (Article 777), relatives are limited to blood relatives within the eighth degree of relationship, in-laws within the fourth degree of relationship, and spouses.

supporting children and spouses, according to existing legal principles, Chapter 7 of the Civil Act does not apply effectively to supporting minor children and spouses that is deemed to be important in modern society. Legal principles on supporting spouses and minors have been solely based on judicial precedents, and not on support-related provisions. Further, legal systems which address the issue of family support in the context of relationships built and maintained by individuals have yet to be established. Moreover, family support systems set forth in Chapter 7, in particular Article 974 of the Civil Act has been criticized for being excessive in terms of the scope of relatives to which support obligations apply to, failing to reflect societal changes, and thus ineffective in current society.

Further, private support systems prescribed in the Civil Act focus on family support needs based on an old-fashioned agrarian society. To resolve this issue, interpretation-centered legal principles have been employed to meet the needs of a society where families are becoming smaller, leading to incongruities between legal systems and their interpretations.

The fact that support systems specified in the Civil Act have become increasingly disconnected from the realities of an changed perception of family diversity and support obligations can be identified through precedents and cases. The family support issues and their implications identified by reviewing precedents and cases can be presented as follows:

First, the attitude toward family support as being taken for granted has gradually changed. In other words, the perception that adult offspring should naturally support their parents has diminished. Legal systems make it mandatory to support blood relatives but stable relationships between such relatives cannot always be expected to be firmly

established. This means that family support based on inherent blood ties is becoming more unlikely.

Family support going beyond the realm of linear blood relatives prescribed in the Civil Act appears to be ineffective and invalidated. It is hard to find cases or precedents concerning mutual support among relatives sharing livelihoods such as brothers and sisters, except for those of spouses of deceased linear blood relatives requesting support. There are only cases of relatives not having support obligations because they do not share livelihoods. Comprehensive family support specified in related laws is disconnected from realities. The perception of mutual support even among linear blood relatives has consistently weakened, making it difficult to anticipate that they can legally ask for support or bear the burden.

Second, mutual relationships in support have become more significant. It is found that the increasing diversity and flexibility of family structures and relationships make it inappropriate for relatives to comprehensively bear or reject the burden of support based on inherent relationships. This has increased the importance of issues requiring support to be handled in consideration of mutual relationships and contexts. There are cases where adult offspring have no desire to support their parents who failed to fulfill their duties in raising their children such as by committing domestic violence, etc. In the past, taking care of linear blood relatives was regarded as natural, based on morality and blood ties. However, such perceptions have evolved into the belief that even supporting linear blood relatives should be considered in terms of reciprocity.

There are also diverse cases where existing support systems do not work properly due to complicated relationships and contexts such as in remarried families. Likewise, given that there are cases where decisions

on support are made in the context of reciprocity, causing individuals to comprehensively bear the burden of support based on blood ties and relationships, as specified in the Civil Act, this may lead to incongruities with realities.

Third, increasing diversity in the organization of families has exposed children to various situations other than family environments consisting only of parents and children. The current support systems for minors are deemed to be insufficient and vulnerable to unexpected risks. Existing cases and precedents mainly relate to issues of ‘separation between parental rights and custody attributed to divorces’ and ‘the avoidance of child support.’ However, there can be other cases where parental rights and custody are separated in cases of ‘the suspension and loss of parental rights due to child abuse, etc.,’ ‘the imprisonment of a parent with parental rights,’ ‘guardians of minors other than parents and parties with parental rights,’ ‘foster homes,’ and ‘institutional care.’ Some precedents deal with issues of guardians of minors and the reimbursement of support payment. Existing support systems prescribed in the Civil Act need to be revised to effectively cope with such fluid family relationships and support for minors.

Fourth, the increasing family diversity featuring the spread of singlehood and a rising number of single-person and non-relative households has made it more difficult to receive support from family members and relatives via existing systems. However, it is also true that there are individuals willing to offer support. Demand for new partnerships and mutual support has risen but many cases studied herein show that such a desire and support relationships in real situations have been excluded from relevant systems and policies. The functionality of existing support systems based on family members and relatives has

weakened; however, they are hardly expected to be fully replaced by public support systems. In these circumstances, respecting and institutionally backing mutual support relationships selected and organized by relevant parties should be carefully examined as significant means to reduce overlooked issues in support systems.

IV. Support-Related Legal Systems in Other Countries

To examine how private support systems based on traditional ideals operate in countries that have experienced the diversification of family structures earlier than Korea and thus reflected such changes in family support systems, this chapter reviews support-related legal systems in Germany and the UK.

Before reviewing the legal systems in Germany and the UK, to evaluate which legal systems they fall under, the scope of private support obligors specified in various legal systems was examined. The results are presented in the following table.

〈Table 1〉 Scope of Private Support Obligors Prescribed in Various National Laws

Legal systems	Scope of support obligors	To note
Republic of Korea (Civil Act)	① Linear blood relatives and their spouses ② Relatives sharing livelihoods	* Blood relatives within the eighth degree of relationship and in-laws within the fourth degree of relationship: support obligors sharing livelihoods

¹²⁾ Greek Civil Act (Article 1504) (Source: <https://www.ministryofjustice.gr/wp-content/uploads/2019/10/%CE%91%CF%83%CF%84%CE%B9%CE%BA%CF%8C%CF%82-%CE%9A%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82.pdf>, Accessed August 30, 2022)

¹³⁾ Spanish Civil Act (Article 143) (Source: [https://www.mjusticia.gob.es/es/AreaTematica/DocumentacionPublicaciones/Documents/Spanish_Civil_Code_\(Codigo_Civil_Espanol\).PDF](https://www.mjusticia.gob.es/es/AreaTematica/DocumentacionPublicaciones/Documents/Spanish_Civil_Code_(Codigo_Civil_Espanol).PDF), Accessed August 30, 2022).

Legal systems	Scope of support obligors	To note
Central and Northern Europe	① Spouses ② Linear blood relatives	<ul style="list-style-type: none"> • Grandparents ⇔ grandchildren : support obligations recognized (Germany) • Parents ⇔ adult offspring: support obligations partially recognized (Germany) • Parents ⇔ adult offspring: support obligations not recognized (UK)
Southern and Eastern Europe	① Spouses ② Linear blood relatives ③ Siblings	<ul style="list-style-type: none"> • Greece¹²⁾·Spain¹³⁾·Türkiye¹⁴⁾·Russian Federation¹⁵⁾ • Italy (including the spouses of linear blood relatives)¹⁶⁾
Asia	Japan ¹⁷⁾ ① Spouses ② Linear blood relatives and siblings ③ In case special circumstances are recognized → relatives within the third degree of relationship*	*In accordance with decisions made by the Family Court
	Taiwan ¹⁸⁾ ① Spouses ② Linear blood relatives ③ Spouses' linear ascendants sharing livelihoods and linear descendants' spouses sharing livelihoods ④ Siblings	<ul style="list-style-type: none"> • Including mutual support among the family head's members

¹⁴⁾ Türkiye Civil Act (Article 364) (Source: <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.4721.pdf>, Accessed August 30, 2022).

¹⁵⁾ Family Act of the Russian Federation (Article 93) (Source: https://world.moleg.go.kr/web/wli/lgsInfoReadPage.do?A=A&searchType=all&searchPageRowCnt=10&searchNtnlCls=3&searchNtnl=RU&pageIdx=2&CTS_SEQ=4969&AST_SEQ=261, Accessed August 30, 2022).

¹⁶⁾ Italian Civil Act (Article 433) (Source: <https://www.gazzettaufficiale.it/dettaglio/codici/codiceCivile>, Accessed August 30, 2022)

¹⁷⁾ Japanese Civil Act (Articles 752 and 877) (Source: <https://elaws.e-gov.go.jp/document?lawid=129AC000000089>, Accessed August 30, 2022).

¹⁸⁾ Taiwan Civil Act (Article 1114 and Article 1116-1) (Source: Ministry of Justice, 2012:599)

The study on support systems in Germany and the UK¹⁹⁾ has the following implications for Korean systems. Private support systems in the two countries focus on spouses/partners and minors. Germany recognizes the obligation of parties subject to marriage or civil partnership (Lebenspartnerschaft) to support family members, the postmarital obligation to take care of ex-spouses, parental obligations to support minors, and the obligations of linear blood relatives to support each other. On the other hand, the UK acknowledges a narrower range of support obligations such as parties subject to marriage or civil partnership supporting each other and parental obligations to support minors. Given that parties subject not only to legal marriages but also to civil partnerships are included in the category of support obligors, and that obligations to support family members even during the separation period are recognized, the two countries can be seen having revised their support-related legal systems in response to changes in family structures. Laws in Germany specify the preferential protection of minors over adult offspring, and the parental duties to take care of them, while laws in the UK stipulate that only minors qualify for support services.

The two countries differ significantly in terms of public support systems. However, they are deemed to be very similar in that central governments are responsible for a major portion of support systems. This signifies that private support conducted by family members functions within a narrow scope, accounting for only a small part of these support systems. Moreover, compared with support systems in Korea, those in the two countries acknowledge obligors' responsibility for private support in a very limited manner. In Germany, linear blood relatives are also subject to private support systems but the government takes responsibility

¹⁹⁾ This paper only summarizes what the laws imply.

for a significant portion thereof. In the UK, private support obligations do not apply to parents and their adult offspring. Rather than putting the burden of protecting an individual's human right to life on, the two countries have set up effective social safety nets. Whilst regarding parental duties to look after minors as very important within private support systems, the two governments have also actively engaged in child protection via public support systems.

As Korean society is also experiencing changes in family organization and changing perceptions of family support, issues relating to such changes are actively being discussed. Respecting and reflecting family diversity in support systems can be understood in the same vein as incorporating concepts such as intimacy, mutual care, cohabitation, and diverse types of mutual support into formal systems. The question of to whom the responsibility of taking care of minors should fall to has developed into a certain issue regarding family policies and the protection of minors in Korea. The Korean government has already abolished the requirement that one cannot have private support obligors to be entitled to basic livelihood security and reinforced public support systems. The direction of these trends can be identified via the aforementioned legislation cases where familial and societal changes are already reflected in support-related legal systems. Support-related legal systems in Korea need to be restructured, respecting changes in family structures, focusing on the obligation of spouses and partners to support each other as a main element in private support based on individuals' intentions and choices, considering the protection of minors, and accordingly reducing the scope of family support obligations.

V. Conclusion – Support System Reorganization and Relevant Issues

1. Direction of Support System Reorganization

Based on the aforementioned analysis results, the following measures can be suggested to restructure private support systems for the purpose of properly reflecting changes in family structures. Private support systems should lessen the inherent and binding obligations of support based on blood ties and status, and provide an institutional basis for relevant parties to form relationships for mutual support in accordance with their intentions and choices, and consider support responsibilities as arising out of the willingness to provide support to those one chooses to support. In relation to revising the targets and scope of private support, essential reasons for support should be clarified, adjusting the comprehensive scope of support obligations based on the remnants of an old-fashioned agrarian society, so as to effectively reflect the realities.

As such, support systems set forth in the Civil Act can be modified based on the following principles:

First, the legal grounds and principles for private family support should lie in relationships established by related parties, and responsibilities of conduct based on their contracts. From such legal grounds, obligations of mutual support between spouses (parties subject to marriage and civil partnership) and obligations to take care of minors can also be identified.

Second, in real situations where private support systems are not fully replaced by public support systems, obligations to support linear blood relatives should be recognized based on relevant social norms, reflecting changes in family systems and values, and considering reciprocal

relationships. Moreover, by reducing and restructuring the comprehensive scope of relatives and by considering reciprocal relationships, there should be room for flexible decisions to be made.

Third, such private support systems should be restructured to strengthen public support that has actively been promoted to reduce economic reliance on family members, solidify individuals' economic foundations, and set up safety nets. Within this process, public support should be continuously reinforced.

2. Suggestions for Reforming Family Support Systems

Support systems can be reformed as follows:

1) Revision of Support Regulations for Persons Choosing Mutual Support

The main legal grounds and principles for support systems should be found in the relationships established by related parties, and the responsibilities of conduct based on their contracts.

A model case of support obligations based on relationships for mutual support chosen individually is deemed to be mutual support between spouses (parties subject to marriage) specified in the Civil Act. However, in reality, where the increasing diversity and flexibility of family organization have caused private support systems to become ineffective, there are unnoticed aspects of family relationship not fully covered by public support systems. In these circumstances, limiting chosen relationships qualifying for mutual support to legal marriages makes it difficult for current systems to reflect individuals' intentions and realities and to appropriately address rising public support costs and overlooked

issues of support systems.

Private support systems should be restructured to focus on relationships of mutual support chosen by individuals, respecting and including not only legal marriages but also alternative relationships therein, and the relevant information and regulations should also be accordingly modified. When revising support regulations, specific details relating to family support should be clarified, by laying down provisions to apply the aforementioned details to mutual support between spouses. It is also deemed to be desirable to devise regulations concerning mutual support between spouses in de facto marriages recognized by precedents. Moreover, this paper proposes that an institutional framework (civil partnerships, etc.) should be established, which respects the intentions of parties choosing relationships for mutual support, to ensure their rights and obligations, and this should be reflected in family support systems.

2) Clarification of Legal Grounds and Priorities for Supporting Minors

Duties to support minors have been recognized as the most pivotal element in private support in Korean society. As the support of minors is considered more weighty and is prioritized over mutual family support among other blood relatives, relevant legal principles of family support obligations toward minors should be founded in the responsibilities of parents' conducts. In Korea, the Act on Enforcing and Supporting Child Support Payment was established and has been implemented to support minors, signifying that the importance of such support has been fully recognized in society as a whole. However, relevant legal systems have been enforced without clear regulations, identifying legal reasons only through the interpretation of provisions regarding parental rights.

Therefore, it is necessary to clarify legal reasons for duties to support minors, one of the essential pillars of private support. There are diverse circumstances that need considering, including parties with parental rights and caregivers being separated, advance payments of childcare costs, resulting compensations, relationships between public and private support, indemnification relationships, family changes, and divorces. In this context, legal systems should be revised to clarify legal reasons in relation to relevant issues, such as which parties have support responsibilities and which parties are entitled to claim support payment. Given these situations, this paper proposes that new regulations be established in the support section in the Civil Act to clarify legal reasons and priorities in relation to obligations in supporting minors.

In cases of parties with parental rights and caregivers being separated (caregivers other than parents or parties with parental rights, guardians of minors, foster homes, institutional care, etc.), issues that are hard to resolve via compensation the support payment including reimbursement and legal ground thereof etc.) can be raised. Proper regulations should also be devised on family support of minors and responsibilities of supporting minors when caregivers and parties with parental rights are separated.

Such modifications should be connected to revising regulations in the Civil Act concerning the protection of minors and improving child welfare-related legal systems including the Child Welfare Act. As family diversity increases, the improvement of legal systems to reduce overlooked issues in child protection should be facilitated, organically and thoroughly setting up safety nets in the realms of the Civil Act and social security.

3) Reducing and Restructuring the Scope of Family Support

The excessively comprehensive scope of obligations for mutual support among relatives needs to be adjusted when considering changes in family structures.

In Korean society, families have become smaller and experienced substantial individualization, amid changes in the perception and values of family systems. Family support systems based on relatives are no longer compatible with reality of modern family structures. In situations where public support systems do not fully replace private support systems, the scope of support should be restructured and reduced, reflecting the features of contemporary society.

As mentioned in Chapter IV, in other countries, with a focus on support of partners and offspring (minors), private support is minimally recognized, with slight differences between countries. In central and northern Europe with advanced welfare systems, only support for children (linear blood relatives) is recognized or support between parents and adult offspring is acknowledged partially or in a limited way. In some cases, support between grandparents and grandchildren is also accepted. In Korea, which recognizes the most comprehensive scope of private support, blood relatives within the eighth degree of relationship including the spouses of linear blood relatives, as well as in-laws within the fourth degree of relationship, are subject to private support.

Considering this context, this study proposes that the scope of support among relatives be, in principle, reduced to include only parents and children. Moreover, given changes in family relationships and in the perception of family systems, certain exceptions need to be allowed when making decisions on the duties of support in accordance with mutual

relationships. Then, considering mutual relationships, appropriate measures can be reviewed to make decisions on restricting individuals not fulfilling their duties from exercising their rights to ask for support.

4) Strengthening Public Support Systems – Corresponding to Restructuring Private Support Systems

Public and private family support systems should be restructured and improved in a balanced way. Private support systems should be restructured in the same vein as strengthening public support that has actively been promoted in Korean society. Only when individuals' rights to live are strengthened based on the reinforcement of public support, is it possible to establish support relationships chosen freely on an equal footing. As mentioned earlier, respecting support relationships based on free choices can be understood as an element of a virtuous cycle structure for curtailing public costs accompanying the reinforcement of public support. In relation to clarifying legal reasons for obligations to support children and to take care of them in various family environments, overlooked issues of support systems should be minimized on condition that the government's responsibilities for children are strengthened, enabling minors to be more thoroughly protected institutionally via public and private support systems. Reducing the scope of private support among relatives is an issue that should be addressed along with the enhancement of public support systems. Taking into account familial and societal changes, the scope of ineffective private support should be adjusted, ensuring individuals' rights to live and solidifying economic safety nets through public support systems.

Support systems should be modified to more effectively set up personal safety nets via the reinforcement of public support and apply private

support and alliances to spheres where public support is insufficient and cannot be delivered thoroughly. Only when this happens, can public and private support systems be implemented in a complementary manner. If private support systems overburden individuals, it may be difficult for them to fulfill their duties of support or establish such relationships. Reducing economic reliance on families, individuals' economic foundations and safety nets should be solidified to enable private support systems to work in an effective and balanced way.

Thematic classification of research performance catalogue:
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Key words: support, family support, private support system, family support in civil Act

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