

任朝鮮美國陸軍司令部軍政長官

法令第二十一號

- 一、法律의 存廢
- 二、市令、法令、指令의 施行
- 三、本令의 實施期日

第一條 法律의 存廢

모든 法律은 朝鮮舊政府가 發布하고 法律의 効力을 有한 規則、命令 告示 其他 文書로서 一九四五年 八月 九日 實行中인 것은 其間의 廢止 된 것을 除하고 朝鮮軍政府의 特殊命令으로 廢止할 때까지 全効力으로 此를 存廢함、地方의 諸般 法規과 慣例는 當該官廳에서 廢止할 때까지 其効力을 繼續함、法律의 規定으로서 朝鮮總督府、道廳、府、面、村의 組織과 局長、課長、府尹、郡守、警察署長、稅務署長、面長、洞長 其他 下級職員이 關한 것은 軍政長官의 命令으로 改正 또는 廢止된 것을 除하고 當該官廳에서 廢止할 때까지 此를 存廢함、上司의 指示에 從하여 從來 朝鮮總督府의 行使하는 諸般 職務는 軍政長官이 行使함을 得함

第二條 市令、法令、指令의 施行

北緯三十八度以南 朝鮮의 모든 裁判所는 朝鮮의 法令、美國 太平洋 陸軍總司令官의 布告의 諸規定及 朝鮮軍政長官의 모든 命令及 法令을 主 意 施行함等、此目的을 爲하여 如斯한 모든 裁判所는 玆에 陸軍占領地 裁判所를 構成함、本令의 條文에 依하여 如斯한 裁判所에 美國 또는 聯合 國의 軍人 또는 官吏가 對하여 裁判管轄權을 附與하는 가 又는 在 朝鮮 美國 陸軍이 設立한 軍事委員會、憲兵裁判所 其他 陸軍裁判所에 附與한 裁判管轄權을 剝奪치 못함

第三條 本令의 實施期日

本令은 一九四五年 十一月 二日 夜半에 効力을 生함  
一九四五年 十一月 二日

在朝鮮美國陸軍司令部의 指令에 依하여

朝鮮軍政長官  
美國陸軍少將 에·에·아·아·늘 드

在朝鮮美國陸軍司令部軍政令

法令第二十一號

- 一、法律ノ存續
- 二、布告、法令、指令ノ施行
- 三、本令ノ實施期日

第一條 法律ノ存續

總ベテノ法律及ビ朝鮮舊政府ガ發布シ法律的ノ効力ヲ有スル規則命令、告示其ノ他ノ文書ニテ一九四五年八月九日實行中ノモノハ其ノ間ステニ廢止サレタノヲ除ク朝鮮軍政廳ガ特殊命令ニテ廢止スル迄全効力ヲ以テ存續ス、總ベテノ地方法規ト慣例ハ當該官廳ニ於テ廢止スル迄其ノ効力ヲ繼續ス、法律ノ規定ニテ朝鮮總督府、道廳、府、面、村ノ組織及ビ局長、課長、府尹、郡守、警察署長、稅務署長、面長、村長其ノ他下級職員ニ關スルモノハ軍政長官ノ命令ニテ改正又ハ廢止シタモノヲ除ク當該官廳ニ於テ廢止スル迄此ヲ存續ス、上司ノ指示ニ從ヒ從來朝鮮總督ガ行使シタ諸般ノ職權ハ軍政長官ガ行使スルコトヲ得

第二條 布告、法令、指令ノ施行

北緯三十八度以南ノ朝鮮ニ於ケル總ベテノ裁判所ハ朝鮮ノ法令、美國太平洋陸軍總司令官ノ布告ノ規定及ビ朝鮮軍政長官ノ命令及ビ法令ヲ注意施行スベシ、此ノ目的ノ爲メ斯ル裁判所ヲ以テ茲ニ陸軍占領裁判所ヲ構成ス、本令ノ條文ニ依リ斯ル裁判所ニ美國又ハ聯合國軍人又ハ官吏ニ對シ裁判管轄權ヲ附與スルカ又ハ在朝鮮美國陸軍ガ設立シタ軍事委員會、憲兵裁判所其ノ他ノ陸軍裁判所ニ附與シタ裁判管轄權ヲ剝奪スルヲ得ズ

第三條 本令ノ實施期日

本令ハ一九四五年十一月二日夜半ニ効力ヲ生ス

一九四五年十一月二日

在朝鮮美國陸軍司令部指令ニ依リ

朝鮮軍政長官

美國陸軍少將 エ・ツイ・アーノルド

HEADQUARTERS  
UNITED STATES ARMY FORCES IN KOREA  
Office of the Military Governor  
Seoul, Korea

ORDINANCE  
NUMBER 21

2 November 1945

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SECTION I RETENTION OF LAWS

Until further ordered, and except as previously repealed or abolished, all laws which were in force, regulations, orders, notices or other documents issued by any former government of Korea having the force of law on 9 August 1945 will continue in full force and effect until repealed by express order of the Military Government of Korea. All local laws and customs will continue in force until repealed by competent authority. The provisions of law with respect to the organization of the Government General of Korea, the Provincial Governments, the cities, towns, and villages, including the directors of bureaus, cities, towns, and villages, including the directors of bureaus, the secretaries of sections of the secretariat, the mayor, county head, police station chief, tax office chief, head of town and village, and their subordinates are continued in force until abolished by competent authority, except as they have been modified or repealed by the orders of the Military Governor. Subject to directives of higher authority, any and all authority heretofore exercised by the Governor-General of Korea may be exercised by the Military Governor.

SECTION II ENFORCEMENT OF PROCLAMATIONS,

ORDINANCES AND ORDERS

All courts of Korea south of 38 degrees north latitude shall take cognizance of and enforce all laws of Korea, the provisions of the proclamations of Commander-in-Chief, United States Army Forces, Pacific, and all orders and ordinances of the Military Governor of Korea. For such purpose all such

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courts are hereby constituted Military Occupation Courts. Nothing herein contained shall confer upon such courts jurisdiction over any military personnel or official of the United States or any of the United Nations, or deprive Military Commissions, Provost Courts, or other military courts established by the United States Army Forces in Korea of the jurisdiction conferred upon them.

SECTION III EFFECTIVE DATE OF ORDINANCE

This ordinance is effective at midnight 2 November 1945.

BY DIRECTION OF THE COMMANDING GENERAL  
UNITED STATES ARMY FORCES IN KOREA

A. V. ARNOLD  
Major General United States Army  
Military Governor of Korea