SHIN & KIM

Constitutional Litigation

Shin & Kim represents clients in a broad range of constitutional proceedings, including motions seeking referral of statutes to the Constitutional Court for constitutional review, constitutional complaints, and competence disputes, to effectively protect clients' rights and interests throughout litigation. In particular, recent legislative amendments are expected to result in a growing number of constitutional complaints challenging court judgments. Because such proceedings require well-developed constitutional arguments and persuasive substantiation grounded in constitutional principles, Shin & Kim has assembled a premier team of practitioners with extensive expertise in constitutional adjudication to provide the highest level of legal service. Tax and administrative law are often highly technical in nature and contain numerous provisions enacted to address practical needs. As a result, such provisions have, in a number of cases, been declared unconstitutional by the Constitutional Court. Shin & Kim strives to ensure the proper application of the law by seeking referral of statutes to the Constitutional Court for constitutional review and pursuing constitutional complaints where the constitutionality of statutory provisions is in question or legislative amendment is warranted.

Key Services

Our Constitutional Litigation Practice's services include:

- Petition for review of constitutionality of statutes.
- Constitutional complaints challenging court judgments.
- Constitutional complaints.
- Applications for the adjudication on impeachment and dissolution of political party.
- Applications for the adjudication on competency and authority of government entities.

Experience

- Constitutional complaint with respect to Article 36 of the former Housing Construction Promotion Act, which required Korea Electric Power Corporation to install electric arterial facilities in collective housing areas at its expense.
- Constitutional complaint with respect to Article 20(2)(3) of the former Framework Act on Management of

Government Investment Institution, which granted the Ministry of Finance and Economy discretion to set a suspension period for sanctioned bidders in relation to public auctions.

- Petition for review of constitutionality of law with respect to Article 27(1) of the Act on Contracts to Which the State is a Party, in relation to the Ministry of Construction and Transportation's authority to disqualify bidders in a public auction
- Constitutional complaint with respect to the amendments to the Enforcement Decree of the Medical Care Assistance Act which increased grade 1 medical benefit recipients' payment of medical expenses.
- Constitutional complaint with respect to Article 107(1)(iii) and Addendum 17(1) of the Local Tax Act with respect to a municipality's taxation on a trust company.
- Petition for review of constitutionality of law with respect to Article 22 of the Monopoly Regulation and Fair Trade Act on the grounds of the statute's violation of the void-for-vagueness of doctrine and the delegation doctrine.
- Constitutional complaint challenging the constitutionality of the proviso to Article 1 of the Addenda to the Public Officials Pension Act, which retroactively applied the amended reduction provisions in violation of the principle prohibiting retroactive legislation.
- Constitutional complaint challenging the constitutionality of the omission to enact a Presidential Decree delegated under Article 15-5(2) of the Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War.
- Constitutional complaint challenging the constitutionality of a provision restricting individuals convicted of adult sexual offenses from establishing or working at medical institutions for ten years after completing their sentences.
- Constitutional complaint seeking revocation of a suspension of indictment disposition issued for an alleged violation of the Medical Service Act on the grounds that the disposition was unconstitutional.
- Competence dispute concerning the delimitation of jurisdictional boundaries between local governments over public waters based on a maritime boundary established through customary practice.

Key Contacts

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Awards and Rankings

- Ranked Band 1 Law Firm for Dispute Resolution - Litigation
  Chambers Global / Chambers Asia 2014-2017, 2021-2022, 2026
- Public Interest Award of the Year – Amendment of a Supreme Court Rule on Name-Length Restrictions for Children of Korean–Foreign Parentage
  Money Today Korea Legal Awards 2025
- Ranked Tier 1 Law Firm for Dispute Resolution
  Asia Pacific Legal500 2015-2018, 2020-2026
- Litigation Law Firm of the Year
  ALB Korea Law Awards 2018

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