

## **The Sources of Law in the Korean Civil Code**

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### **Abstract**

The Korean Civil Code recognizes customary law as an official source of law. It is unique that in Korea, a country of the civilian tradition where all laws are written and judicial precedent is not law, custom not only occupies a prominent place in the Civil Code but remains at the center of jurisprudential and doctrinal discussion. Custom in Korea is the product of colonial and postcolonial exigencies: the notion of custom and its jurisprudential framework derived from colonial law while the recognition of custom with binding force next to written law marked a clear expression of nationalistic legislative will. The insistence on the discovery and establishment of “true custom” in recent jurisprudence attests to the continuing importance of customary law in Korea as a crucial nexus between the traditional cultural heritage and the demands of a modern democratic society in Korea.