Lee Jeong-yun, ITM, 21102052

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Motion: “This house believes that the statute of limitation on murder cases should be abolished.”

Lee Jeong-yun: Proposition side / Hong Sanghwa: Opposition side

In the Republic of Korea, only seven years ago, in 2015, a revision to the Criminal Procedure Act was passed by the National Assembly, and the statute of limitations for murder was abolished. The bill ended the statute of limitations for murder cases in which victims died after August 1, 2000. In the case of the United States, there is no statute of limitations for first-degree and second-degree murder under federal criminal law. Many countries, including the Republic of Korea and Japan, do not recognize the statute of limitations for serious crimes such as murder.

First, the statute of limitations for murder is likely to work against the victim. For example, suppose a murderer is found and no punishment is given after the statute of limitations has passed. In that case, an ironic situation can arise in which there are only victims legally and the perpetrator does not exist because police cannot find the criminals to punish. Second, scientific investigation techniques and evidence-preservation techniques are developing significantly over time. Therefore, although it could not be found with the earlier technology, it is possible to find and punish criminals even later by introducing newer techniques. According to Britannica, the latest technologies are being actively used in criminal investigations. (Britannica, n.d., Crime-scene investigation and forensic sciences, https://www.britannica.com/topic/police/Crime-scene-investigation-and-forensic-sciences) Scientific investigations are gradually expanding into various fields and are being used in trials as almost the only evidence that cannot be refuted. Third, never-ending finding and punishing criminals is effective in raising society's awareness of serious crimes and preventing crimes. This is a way to improve social stability and relieve public anxiety. Lastly, according to LibreTexts, the purpose of the legal system is to protect freedom and rights and to keep order in society. (LibreTexts, 2022, The Meaning and Purpose of Law, https://judiciallearningcenter.org/law-and-the-rule-of-law/) In addition, according to the ‘The Law of Nations or the Principles of Natural Law’, states that protecting the legal system has an obligation to protect the property and life of the people. (Emmerich De Vattel, 1758, Chapter 2 General Principles of the Duties of a Nation Towards Itself, The Law of Nations or the Principles of Natural Law). If the statute of limitations does not help protect the life and property of the victim, it is reasonable to discard it. The statute of limitations for murder hinders the purpose of this judicial system and the responsibility of the state.

Some people argue that it is better to maintain the statute of limitations. According to CFI Education, after a long time, it is impossible to preserve the crime site, and the witness's statements are the most dependable evidence, but the ability to prove the authenticity of a statement becomes insufficient due to problems such as memory. So, people worry the trial cannot be done fairly. (CFI Education Inc., 2022, Statute of Limitation, https://corporatefinanceinstitute.com/resources/wealth-management/statute-of-limitations/) Also, they assert the abolishment of the statute of limitations adds to the dispersion of administrative power and the burden police officier. However, If the Ministry of Justice ignores public resentment simply because it is time consuming and expensive, they also give up their responsibilities.

In conclusion, it is a desirable judicial system to hold the perpetrator responsible for the crime they committed for the victim. Through the development of technology, criminals can be found and correct punishment for serious crimes can contribute to the stability of society. Therefore, the statute of limitations for murder crimes should be abolished.