

Citizen Distrust of Prosecutors and Support for Citizen Reviews of Prosecutors' Decisions Not to Prosecute in South Korea

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Research Article

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CITIZEN REVIEW OF NON-PROSECUTION DECISION

Citizen Distrust of Prosecutors and Support for Citizen Reviews of Prosecutors' Decisions Not to Prosecute in South Korea

Abstract

Many Koreans demanded transparency in prosecutorial decision-making because they distrust prosecutors, citing widespread reports of abuse of power and corruption. Citizen participation in reviewing prosecutors' decisions has emerged as a mechanism to increase transparency and check abuses of prosecutorial power. Using the 2021 Korean Institute of Criminology and Justice's survey of 1,000 Korean citizens, this research investigates the factors associated with citizen support for citizen participation in reviewing prosecutors' decisions not to prosecute. Ordinal regression analysis reveals that respondents' distrust of prosecutors is closely associated with support for citizen participation in such reviews. Additionally, the belief that citizen participation would improve trust in prosecutors and transparency in criminal justice procedures is strongly associated with support for citizen review of prosecutors' decisions not to prosecute. Policymakers should thus continue utilizing citizen review of non-prosecution decisions to check prosecutors' abuse of power and increase fairness.

Keywords: citizen participation in prosecution decisions, distrust of prosecutors, prosecutor's abuse of authority, prosecutor's corruption, checking prosecutorial power

“The opposite of a fact is falsehood, but the opposite of one profound truth may very well be another profound truth.” Niels Bohr

Introduction

Prosecutors in South Korea have traditionally had much broader authority than those in many other countries (Bae, 2017; Jang, 2013; Kim, 2014; Kim, 2020; Oh, 2017). As a result, there has been criticism that prosecutors wield excessive power and operate within a rigid bureaucracy while sacrificing democratic principles (Bae, 2017; Korean Institute of Criminology and Justice [KICJ], 2021a). Furthermore, public distrust persists regarding the fairness and transparency of prosecutorial decisions in South Korea (Bae, 2017). In a 2016 survey of Korean citizens by the Korean Institute of Criminology,¹ prosecutors ranked the lowest in public trust among criminal justice professionals (Law Times, 2017). Publicized corruption cases and politically motivated prosecution and non-prosecution decisions have fueled distrust of prosecutors. Many Korean citizens believe that prosecutors serve the interests of the political regime rather than the public, although Korean law prohibits appointed public servants, such as prosecutors, from being affiliated with political parties and serving their interests (KICJ, 2021a; Kim, 2010). Therefore, citizen calls for democratizing prosecution decisions have intensified, prompting Korean legal scholars and legislators to discuss the creation of a citizen review of prosecutors’ prosecution and non-prosecution decisions (Bae, 2017; Jang, 2013).

In response to public pressure, the Korean National Prosecution Office established Citizen Advisory Boards for Prosecution Offices (CABPOs). A core CABPO function is to review prosecutors’ prosecution and non-prosecution decisions and provide recommendations upon a prosecutor’s request (Bae, 2017). Many Koreans likely endorse CABPOs because they believe that citizen participation will enhance transparency and fairness in prosecution decisions (KICJ, 2021a). However, there are some concerns that citizens who review prosecutors’ prosecution or non-prosecution decisions may lack legal expertise, feel undue psychological pressure when making charging decisions, or be influenced by public opinion and political interests (Adamson, 2017; Curley et al., 2022; Green & Burke, 2012; Kim, 2010; Oh, 2017; Schneider, 2022).

Citizen support is vital to the success of criminal justice policies (Kantorowicz-Reznichenko, 2018) because citizen demand for democratization has driven the current changes in South Korea’s criminal justice system.

¹ The Korean Institute of Criminology was a previous name before changing to the Korean Institute of Criminology and Justice in 2021.

Thus, it is essential to examine whether the current criminal justice policy aligns with citizens' demands and addresses their concerns. Specifically, the prosecution decision review program requires direct citizen participation; thus, citizens' opinions about it are critical to its successful implementation. However, empirical studies on the factors affecting citizen support for—or opposition to—citizen participation in reviews of prosecutors' charging decisions remain scarce in South Korea and elsewhere. The current research addresses this gap by exploring citizen support for reviewing prosecutors' decisions not to prosecute.² To this end, the present study utilizes KICJ's (2021b) survey results.

Before discussing factors that may be associated with support and non-support for citizen review of prosecutors' decisions not to prosecute, it is necessary to briefly outline Japan's Prosecution Review Commissions (PRCs), as they directly influenced the Korean CABPOs (KICJ, 2021a). Following this discussion, the next section reviews the current status of the Korean CABPO system. Subsequently, the focus shifts to possible factors influencing citizen support for—or opposition to—citizen participation in reviews of prosecutors' decisions not to prosecute.

The Citizen Prosecution Review Commission System in Japan

The U.S. grand jury system influenced Japan's PRCs (Kim, 2010; Goodman, 2013). Japan follows the continental European legal system, in which prosecutors historically exercised exclusive power over prosecution decisions (Fukurai, 2014). After World War II, the Supreme Commander for the Allied Powers urged the Japanese government to democratize the criminal justice system, including via the implementation of elected prosecutors and grand jury indictment systems (Fukurai, 2014; Jang, 2013; KICJ, 2021a). However, the Japanese government declined, judging that these reforms were incompatible with the Japanese legal system and that allowing lay citizens to determine prosecution was inappropriate (Bae, 2017; Kim, 2010; KICJ, 2021a). Instead, in 1948, Japan created PRCs comprising 11 randomly selected citizens aged 19 or older in each local jurisdiction, with over 200 commissions nationwide (Fukurai, 2014; Johnson & Hirayama, 2019; Kim, 2010; Oh, 2017). The PRCs retrospectively review cases only after prosecutors decide not to prosecute. Prosecuted cases are excluded based on

² The current CABPO program can review prosecution and non-prosecution decisions by prosecutors. The KICJ (2021a), however, asked the survey respondents only about the review of the non-prosecution decision. The present study thus discussed only the non-prosecution decision.

the rationale that these cases will be reviewed by the trial courts (Fukurai, 2014; Goodman, 2020; Johnson & Hirayama, 2019; Kim, 2010).

In response to strong public pressure, Japan passed a 2004 law granting the PRCs the authority to direct prosecutors to adhere to the PRC's prosecution decisions. This new system was implemented in 2009³ (Bae, 2017; Fukurai, 2014; KICJ, 2021a; Kim, 2010; Lee, 2013; Oh, 2017). PRCs initiate a review with all 11 members in attendance (KICJ, 2021a). PRCs still review only non-prosecution decisions, based on requests from victims, their family members, and other complainants (Bae, 2017; Goodman, 2013; KICJ, 2021a; Kim, 2010). PRCs may request relevant documents from government agencies, including prosecution offices, and summon witnesses via the court (Bae, 2017). PRCs may reach one of three decisions: prosecution is recommended, non-prosecution is inappropriate, or non-prosecution is appropriate. A finding that "prosecution is appropriate" (reversing a non-prosecution decision) requires at least eight of 11 votes (Bae, 2017; Fukurai, 2014; KICJ, 2021a; Kim, 2010; Lee & Lim, 2013).

PRCs conduct a second review if a prosecutor rejects a prosecution recommendation or fails to notify the PRC of their decision within three months (Fukurai, 2014; Goodman, 2013). Before making a mandatory prosecution decision, PRCs must receive assistance from an attorney who is neither a prosecutor nor a judge (Bae, 2017; Fukurai, 2014; Jang, 2013; Kim, 2010). A PRC sends a second prosecution recommendation if eight or more of the 11 members support it (Bae, 2017; Jang, 2013; Johnson & Hirayama, 2019; Kim, 2010; Lee, 2013; Oh, 2017). If a prosecutor still declines to prosecute after the PRC's second recommendation, the court appoints a private attorney (neither a prosecutor nor a judge) to prosecute the accused (Bae, 2017; Fukurai, 2014; Goodman, 2013; KICJ, 2021a; Oh, 2017). The primary focus of Japanese PRCs is protecting victims rather than the accused, as they review only non-prosecution decisions (KICJ, 2021a; Lee, 2013). Hence, Japan's PRCs differ from the U.S. grand jury system, which aims to protect the rights of the accused (Goodman, 2013, 2020).

The Citizen Prosecution Review System in South Korea

The distrust of prosecutors in South Korea is deeply rooted, in part because prosecutors are perceived as corrupt and abusing their authority (Kim, 2014). Until the 2020 amendment to the Criminal Procedure Act, Korean prosecutors had the authority to supervise police investigations from their initiation and also to conduct criminal investigations

³ In 2009, Japan also implemented a jury trial system where six lay people sit with three professional judges for serious criminal cases (Johnson & Hirayama, 2019).

independently of the police (KICJ, 2021a; Kim, 2014). Even after the 2020 reform, prosecutors retain the authority to directly investigate corruption and economic crimes, and they are the only party authorized to request arrest and search warrants from the court. Because of the concentration of power among prosecutors, Koreans have demanded that checks be implemented (Kim, 2014).

Another factor that may further contribute to citizen distrust of prosecutors is corruption within the prosecutor's office. For example, in 1999, the wife of the head of a large company offered an expensive dress as a bribe to the wife of the chief of the National Prosecutor's Office. Korean citizens requested the investigation and prosecution of the possible bribery case. The prosecutors, however, took no action. As a result of this case, Korea adopted the American system of specially appointed prosecutors in 1999.⁴ In the same year, a defense attorney in Daejeon City was arrested for regularly offering cash to judges.⁵ In another case in 2002, a prosecutor and his staff tortured organized criminals in custody, with one of them dying as a result.⁶ In 2010, the authorities arrested a prosecutor who had accepted a gift of a brand-new Mercedes-Benz from a defense attorney who had asked for a favor for his case (Jang, 2017; KICJ, 2021a; Kim, 2010; Kim, 2020; Park et al., 2016). In 2012, a prosecutor received a sexual favor in his office from an accused woman. In 2020, a senior-level prosecutor, who was drunk, chased and sexually harassed a woman in a public street.⁷

Additional criticism has been directed at the appointment system of prosecutors, as the President appoints prosecutors at the Minister of Justice's recommendation. Consequently, Koreans criticize prosecutors for allegedly serving the interests of the President and ruling party (Kim, 2014; Lee & Lim, 2013). Similarly, many Koreans accuse prosecutors of selectively prosecuting individuals who oppose the current regime while ignoring the criminal activities of regime allies (Jang, 2013; Lee, 2013). For instance, in 2009, President Myung-bak Lee reportedly ordered an investigation into his predecessor Moo-hyun Roh – a member of a rival party – for possible bribery, with many Koreans viewing this act as political retaliation.⁸ In another case, many Korean citizens urged that the former first lady of South Korea, Kun-hee Lee, be investigated for suspected bribery (receiving a luxury handbag) and stock

⁴ <https://www.cctoday.co.kr/news/articleView.html?idxno=469942>

⁵ <https://www.lawtimes.co.kr/news/articleView.html?idxno=7256>

⁶ <https://monthly.chosun.com/client/news/viw.asp?ctcd=&nNewsNumb=200212100057>

⁷ <https://www.yna.co.kr/view/AKR20121122225600004>

⁸ <https://www.yna.co.kr/view/AKR20090523072500001>

price manipulation while her husband, Seok-yeol Yoon, was in office.⁹ Prosecutors, however, ignored such citizen demands. As a result, Koreans' distrust of prosecutors has been widespread. According to SisaIN's 2023 survey of 1,000 Koreans,¹⁰ only 52% believed that prosecutors worked for the interests of the people. Moreover, only 37%, 28%, and 17% of respondents agreed that prosecutors investigate fairly according to the law, that prosecutors investigate corruption by the powerful thoroughly, and that prosecutors earnestly investigate fellow prosecutors' corruption, respectively.

Given the distrust of prosecutors, Korean citizens have called for democratic control over prosecutorial power and bureaucratism with a unified organization of the national prosecution office and top-down hierarchy. Such demands intensified after the adoption of a jury trial system in 2008¹¹ (Jang, 2013; KICJ, 2021a; Park et al., 2016). In 2025, the Korean National Assembly passed a law that will abolish the National Prosecutorial Office, effective October 2026, and separate prosecutorial from investigative functions. The prosecution function will then be under the Ministry of Justice, and the investigation function will be under the Ministry of Administration and Home Affairs.¹²

Korean government officials and legal scholars initially discussed adopting America's grand jury system. However, many suggested that this system does not fit well with the current Korean legal system, which follows the continental European system (KICJ, 2021a). Therefore, in response to citizen criticism and pressure, the Korean National Prosecution Office established CABPOs in 2010.¹³ Citizens aged 19 or older may serve on CABPOs, which consist of 11 to 60 citizens, excluding attorneys (KICJ, 2021a). CABPOs can start a review with at least nine members' attendance. CABPOs assess the appropriateness of prosecution and non-prosecution decisions, as well as the appropriateness of prosecutors' arrest warrants and sentencing recommendations (Bae, 2017; Lee & Lim, 2013;

⁹ <https://www.bbc.com/korean/articles/c88nyyjjddyo>

¹⁰ <https://www.casenews.co.kr/news/articleView.html?idxno=14671>

¹¹ A defendant can select a jury trial or a trial only by judge (s). In a jury trial, the jury recommends a verdict of guilty or not guilty, and the judge imposes a sentence if the jury recommends a guilty verdict. A judge does not have an obligation to accept the jury's recommendation. However, the judge must inform the reasons when the sentence deviates from the jury's recommendation (Kim, 2013).

¹² <https://www.bbc.com/korean/articles/cpq5d3q5lnvo>

¹³ There were 65 local prosecution offices nationwide as of 2021.

Oh, 2017; Park et al., 2016). The number of reviews of prosecutors' decisions to prosecute has significantly increased. In 2010, CABPOs reviewed 36 prosecutions and 43 non-prosecution decisions. In 2019, CABPOs reviewed 587 prosecutions and 1,341 non-prosecution decisions (KICJ, 2021a). However, data on the outcomes of CABPO reviews is not publicly available.

Factors Influencing Citizen Support for Citizen Review of Prosecution Decisions

Several factors may shape citizen support for citizen participation in reviews of prosecutors' non-prosecution decisions. First, citizens who distrust prosecutors are likely to support citizen participation in reviewing a prosecutor's decision not to prosecute. Likewise, citizens who believe that their participation in criminal procedures can increase trust in prosecutors are expected to support such a review process (KICJ, 2021a). Additionally, citizens are likely to perceive that participation in reviews of non-prosecution decisions will enhance transparency and fairness in these decisions (Gold, 2011; KICJ, 2021a; Simonson, 2019).

By contrast, some citizens' concerns may reduce support for review participation. Studies examining the factors influencing citizens' opinions regarding participation in reviews of non-prosecution decisions are scarce. Hence, this section refers to several studies on extralegal factors that affect grand jury and trial jury decisions in the United States. First, some citizens may perceive themselves as lacking the knowledge of legal and criminal investigations needed to evaluate non-prosecution decisions, which can unduly burden their psychological well-being (Kim, 2010; Oh, 2017). Others may believe that it is challenging to make an unbiased decision in a review, feeling that political and financial interests (Curley et al., 2022; Schneider, 2022) as well as public opinion (Adamson, 2017; Green & Burke, 2012; Kim, 2010) can bias such decisions. For example, political ideology can influence juror decisions; Rodriguez et al. (2018) found that politically conservative jurors were more likely than liberal jurors to convict. Additionally, pre-trial news media coverage can shape jurors' viewpoints (Curley et al., 2022; Rodriguez et al., 2018; Ruva & Coy, 2020; Ruva & Guenther, 2017). Because police officers and prosecutors are essential sources of information for news reporting, their briefings are likely to affect jurors (Adamson, 2017). Furthermore, some citizens simply may not want to interfere with a prosecutor's decision (KICJ, 2021a).

Bias related to social class may also influence juror decisions (Hunt, 2015). Jurors may favor harsher rulings when defendants are from lower social classes (Schweitzer & Nunez, 2017). However, the impact of a *victim's* social class on juror decisions remains unclear (Schweitzer & Nunez, 2017). Finally, racial bias has been well documented as a critical factor relevant to U.S. grand juries' indictment and trial juries' delivery decisions;

jurors tend to make harsher decisions toward defendants from different racial and ethnic groups (Adamson, 2017; Friedman, 2024; Hunt, 2015; Kovera & Levett, 2015). However, as South Korea is still considered an ethnically homogeneous society, racial bias may not be an essential factor influencing citizens' review decisions, though related biases (e.g., against migrants) could warrant attention in future research.

The Present Study

Research on public (non-)support for citizen participation in reviewing prosecutors' prosecution – and especially non-prosecution – decisions is rare in South Korea and elsewhere. KICJ (2021a), a research agency under the Ministry of Justice, surveyed citizens about their support for citizen participation in reviewing prosecutors' non-prosecution decisions. Using KICJ's (2021b) survey, this study examines citizen distrust of prosecutors and other factors associated with Korean citizens' support for—and opposition to—reviewing prosecutors' decisions not to prosecute.

This inquiry is timely not only for South Korea but also for other countries. Prosecutors are expected to represent the public and the state (Dias, 2013; Gold, 2011; Levenson, 2020; Simonson, 2019). However, whether prosecutors' practices align with that ideal remains contested (Simonson, 2019). Gold (2011) calls for democratizing prosecutorial decision-making in the United States. For example, plea bargaining typically occurs behind closed doors between prosecutors and defense counsel, resulting in a lack of transparency (Bibas, 2006; Green & Burke, 2012; Gold, 2011). It is known that defense attorneys often plead guilty in exchange for a prosecutor's promise of a reduced charge (Bibas, 2006). Additionally, some scholars in the United States have argued that prosecution decisions are disproportionately harsh for minority and poor offenders (Levenson, 2020; Simonson, 2019). By contrast, prosecutors in the United States tend to show favoritism towards and drop charges against law enforcement officers who mistreat citizens (Friedman, 2024; Green, 2019; Levenson, 2020). These concerns have prompted scholars to suggest that improved transparency and increased citizen participation in prosecution decisions are warranted, regardless of whether a jurisdiction employs grand juries (Bibas, 2006; Dias, 2013; Friedman, 2024; Gold, 2011; Green, 2019; Levenson, 2020; Simonson, 2019). In the United States, suggested reforms include increasing the use of community prosecutors who incorporate community input into their charging decisions (Green & Burke, 2012; Simonson, 2019) and establishing civilian oversight bodies that review prosecution decisions (Levenson, 2020).

Method

Sample

KICJ (2021a) conducted a nationwide survey of 1,000 individuals aged 19–70 residing in 17 metropolitan cities and provinces in South Korea. The survey’s primary purpose was to assess public opinions on citizen participation programs for reviewing police and prosecutors’ investigation and prosecution decisions, including the perceived need for citizen participation in reviews of prosecutors’ *non-prosecution* decisions (KICJ, 2021a). The survey was administered by a survey company, which sampled participants from June 15 to July 15, 2021. KICJ notes that sampling was based on resident registration records from the Ministry of Government Administration and Home Affairs as of May 2021. The sample was representative of metropolitan cities and provinces across gender and age groups (KICJ, 2021a). According to KICJ (2021a), the sampling error was within 3.1%, with a 95% confidence level.¹⁴ Although 2021 data may seem outdated, compiling and publishing the datasets and reports to the public took time; at present, the 2021 survey results are among the most recent information publicly available from KICJ.

Dependent Variable

The dependent variable is participants’ perceived need for citizen participation in reviewing prosecutors’ decisions not to prosecute, measured on a four-point Likert scale: 1 = strongly disagree, 2 = disagree, 3 = agree, and 4 = strongly agree. However, the survey did not include a question about citizen participation in reviewing *prosecution* decisions. Hence, this study used only citizens’ opinions of the need for reviews of *non-prosecution* decisions as the dependent variable.

Independent Variables

Independent variables were drawn from KICJ’s (2021a) questionnaire and consisted of participants’ attitudes toward citizen participation in reviewing non-prosecution decisions, as well as demographic characteristics. First, participants’ trust in prosecutors was measured using a seven-item composite scale, with each item rated on a four-point Likert scale ranging from (1) “strongly disagree” to (4) “strongly agree.” The seven items assessed whether Korean prosecutors did the following: (1) treated the accused equally regardless of socioeconomic status (SES), (2) investigated cases fairly, (3) resisted bribery offers, (4) resisted political pressure from the current regime, (5) fairly investigated cases by fully listening to the accused’s story, (6) possessed professional knowledge, and (7)

¹⁴ KICJ (2021a) does not provide more detailed information about sampling than the one explained in the current study.

demonstrated credibility in job performance. The exploratory factor analysis indicated that combining the seven items was appropriate (initial eigenvalue = 4.74, explained variance = 67.73%, factor loadings > 0.70, Bartlett's test = 4,620.90, $p < 0.001$, Cronbach's Alpha = 0.92). Next, citizens participation will improve transparency and trust in prosecutors was measured using a composite scale based on four items, measured on a four-point Likert scale. The items were citizen participation will (1) enhance transparency, (2) increase the fairness of the prosecution process, (3) protect the accused's constitutional rights, and (4) increase trust in prosecutors (initial eigenvalue = 2.47, explained variance = 61.81%, factor loadings > 0.72, Bartlett's test = 1,198.03, $p < 0.001$, Cronbach's Alpha = 0.79). Subsequently, a survey question (KICJ, 2021a) asked respondents how much they believed a sense of civic duty in a democratic society would affect their decision regarding citizen participation in reviewing prosecution decisions. Another variable assessed citizens' prior knowledge of the citizen participation programs. These variables were also measured on four-point Likert scales.

Other survey (KICJ, 2021a) questions, again measured on a four-point Likert scale, asked about factors that might make participants reluctant to participate in prosecution decision reviews: because of (1) the psychological burden of determining the guilt or innocence of the accused, (2) a lack of criminal investigation knowledge, and (3) a lack of legal knowledge. The present study created a composite scale from these three items, which is labelled "lack of knowledge of investigation and law" (initial eigenvalue = 1.82, explained variance = 60.84%, factor loadings > 0.73, Bartlett's test = 482.99, $p < 0.001$, Cronbach's Alpha = 0.67). The next variable was a single-item measure of reluctance to participate in the review of non-prosecution decisions because of unwillingness to interfere with legal professionals' decisions. These variables were also measured on a four-point Likert scale ranging from "strongly disagree" to "strongly agree."

The other four questions asked how likely certain factors would be to affect citizens' decisions when participating in a review. The present study estimated a composite scale from the two items, namely (1) influence of financial/political interests and (2) public opinion, measured on a four-point Likert scale (initial eigenvalue = 1.36, explained variance = 68.38%, factor loadings > 0.83, Bartlett's test = 144.88, $p < 0.001$, Cronbach's Alpha = 0.53). Two other variables gauged how the accused's SES and the victim's SES would affect citizens' decisions in the reviews. Finally, respondent demographic variables included age in years, gender, educational level, occupation, monthly income, residence in a metropolitan area, and prior legal experience (i.e., having been a victim or having filed a lawsuit).

Distribution of the Variables

Table 1 presents the distribution of variables measured on a four-point Likert scale. Far more participants either agreed (51.7%) or strongly agreed (36.5%) than strongly disagreed (1.2%) or disagreed (10.6%) that citizens need to participate in reviewing prosecutors' decisions not to prosecute. Next, most respondents either agreed (54.1%) or strongly agreed (29.5%) that a sense of civic duty would likely influence their willingness to participate in reviewing prosecution decisions. Most participants either strongly disagreed (14.3%) or disagreed (48.0%) that they would be reluctant to participate in such reviews because they do not want to interfere with legal professionals' decisions. The majority of survey participants also indicated that the accused's SES could influence their review decisions (47.7% agreed; 16.5% strongly agreed), as could the victim's SES (49.3% agreed; 33.1% strongly agreed). Finally, most respondents (75%) reported a low level of prior knowledge about the citizen participation programs.

(Insert Table 1 about here)

Table 2 presents the descriptive statistics for the interval variables, which were constructed as composite scales from multiple survey items. The mean trust in prosecutors was 14.79 (range 7.00–28.00), while the mean of improving transparency was 11.80 (range 4.00 – 16.00). The mean lack of knowledge of the law and the criminal investigation was 8.16 (range 3.00–12.00). Next, the mean expected influence of financial/political interests and public opinion on review decisions was 6.03 (range 2.00–8.00). Finally, participant ages ranged from 19 to 69 years ($M = 44.7$ years).

(Insert Table 2 about here)

Table 3 presents the distribution of respondent demographics. The sample included approximately equal numbers of men (50.9%) and women (49.1%). In terms of educational level, most participants (70.8%) had a college degree. The largest occupational group among the seven categories was office workers/public employees/military (34.4%). The most common monthly income range was 3.00–4.99 million won (29.5%), approximately USD 2,083–3,464.¹⁵ More participants resided in metropolitan areas (64.3%) than in non-metropolitan areas (35.7%). Finally, 10.6% reported having been a victim of a crime or having filed a lawsuit.

(Insert Table 3 about here)

Analytic Strategy

¹⁵ As of November 5, 2025, USD 1.00 equaled approximately 1,440.20 Korean won.

The initial ordinal regression diagnosis indicated that the proportional-odds assumption was not met, and the parallel line test showed that the p -value (0.03) was less than 0.05. Furthermore, the dependent variable displayed a highly skewed distribution; only 12 (1.2%) of 1,000 respondents strongly disagreed with the statement that citizens need to participate in reviewing prosecutors' non-prosecution decisions. The present study thus collapsed "strongly disagree" and "disagree" into one category. As a result, the dependent variable had three categories. Subsequently, the proportional-odds assumption was met, as the p -value (0.08) was greater than 0.05. Ordinal regression analyses were then performed using the Statistical Package for the Social Sciences (SPSS; version 29).

Additionally, several independent variables were measured on a four-point Likert scale. While some researchers have treated a single-item four-point Likert scale as a categorical variable, others have viewed it as a continuous variable. Treating such scales as categorical variables yields complex models; by contrast, treating them as continuous variables introduces uncertainty about equal spacing among the categories (Grace-Martin, 2025; Williams, 2020). For instance, it is not clear whether the difference between "strongly disagree" and "disagree" is equivalent to that between "disagree" and "agree." To address this issue, the optimal-scaling technique was used to treat the single-item Likert scale as a continuous variable (IBM, 2025). This procedure transformed categories into numerical values to optimize their relationships with the dependent variable (IBM, 2025). IBM (2025) indicates that optimal scaling is not subject to the equal-distance assumption. Finally, multicollinearity was not a concern, as the highest variance inflation factor (VIF) was 1.3.

Results of Ordinal Regression Analyses

Respondents' trust in prosecutors was significantly ($p < 0.001$) and negatively related to the perceived need for citizen participation in reviewing prosecutors' non-prosecution decisions. Not wanting to interfere with prosecutors' decisions ($p < 0.01$) and belief that the accused's SES would affect the respondent's decision when participating in a review ($p < 0.05$) were also negatively associated with the perceived need for citizen participation in reviewing non-prosecution decisions. The perception that citizen participation in reviews would increase transparency ($p < 0.001$) and that the respondent's review decision would be influenced by financial/political influence and public opinion ($p < 0.05$) and a victim's SES ($p < 0.001$) were all positively related to the perceived need for citizen participation in decision reviews. However, all other variables – lack of knowledge of the law and criminal investigation, prior knowledge of citizen review programs, and all demographic variables (i.e., gender, age, monthly income, education,

living in a metropolitan city, being a victim, and occupation) did not show a significant association with the dependent variable.

(Insert Table 4 about here)

Discussion and Conclusion

Interpretation of the Findings

Korean citizens' distrust of prosecutors is deeply rooted, stemming from perceived abuse of authority and publicized corruption cases (Jang, 2017; Kim, 2024). In response, citizens and scholars have demanded the democratization of prosecutorial decision-making, including via citizen participation in reviewing prosecutors' decisions (Jang, 2013; KICJ, 2021a; Park et al., 2016). The demand for democratization and citizen participation in prosecutorial decisions is not limited to South Korea. Citizens in other countries have argued for increased citizen participation in criminal justice processes, including prosecution (Bibas, 2006; Dias, 2013; Friedman, 2024; Gold, 2011; Green, 2019; Levenson, 2020; Simonson, 2019). Against this backdrop, the present study empirically examined distrust of prosecutors and other possible factors related to support for citizen participation in reviews of prosecutors' decisions not to prosecute.

There are several noticeable implications of the findings. First, citizens' distrust of prosecutors motivates their willingness to participate in reviewing prosecution decisions (Jang, 2017; KICJ, 2021a; Kim, 2010; Kim, 2014; Kim, 2020; Lee & Lim, 2013; Park et al., 2016). Likewise, many respondents view citizen review of prosecution decisions as a means of enhancing transparency, protecting the rights of the accused, and increasing trust in prosecutors (Gold, 2011; KICJ, 2021a; Simonson, 2019). These findings imply that many Korean citizens question the transparency and fairness of prosecutors' prosecution decisions, leading to their willingness to participate in reviews. Additionally, citizens in a democratic society take a broad view of their civic duty, which includes participation in criminal procedures. Some citizens, however, are hesitant to participate in reviewing non-prosecution decisions because they believe that such a decision rests with the prosecutor and it is not appropriate for citizens to interfere. However, in contrast to the findings of previous studies (Kim, 2010; Oh, 2017), a lack of knowledge of the law and criminal investigation would not discourage Korean citizens from participating in decision reviews. This finding may be related to the fact that citizens primarily review facts rather than legal matters and can receive attorney assistance regarding matters of the law.

Many citizens indicated that political interests and public opinion would affect their own decisions (Adamson, 2017; Curley et al., 2022; Green & Burke, 2012; Kim, 2010; Schneider, 2022). It appears that citizens view themselves as community representatives and attempt to reflect their community's opinion. Next, respondents indicated that the accused's SES was unlikely to influence their review decisions, but that they were likely to be influenced by the *victim's* SES. This belief may be related to the fact that the review of non-prosecution decisions is designed to protect victims' rights rather than those of the accused. Next, the non-significant relationship between prior knowledge of citizen participation programs and the perceived need to participate in reviews may be due to the low level of citizens' knowledge of such programs (30%). Finally, the non-significance of participants' demographic variables indicates that attitudinal variables, compared to citizen demographics, are more important predictors of the perceived need for citizen participation in reviewing prosecutors' decisions not to prosecute.

Limitations of the Present Study

A few limitations of the current study warrant discussion. Because this study is a secondary analysis based on KICJ's (2021b) survey design, it is constrained by the variables available in that dataset. For example, most independent variables reflect participants' attitudes toward citizen participation across a broad range of citizen participation programs, including reviews of police investigations, prosecutor investigations, and prosecution decisions. The current study, however, explored these variables' relationships only with citizens' attitudes toward reviews of non-prosecution decisions. Another limitation is that KICJ's (2021b) survey did not include a question about citizen participation in reviewing *prosecution* decisions. Consequently, the present study was unable to include citizens' attitudes towards reviewing prosecutors' decisions to prosecute. Next, because this study is cross-sectional, the ordinal regression analysis yields associations rather than causal relationships between the independent and dependent variables.

Policy and Research Implications

While the present study does not intend to propose policies, its findings can provide future policy direction, both directly and indirectly. Policymakers should actively consider using citizen reviews of prosecution and non-prosecution decisions, without worrying that citizens will be reluctant to participate due to limited knowledge of the law and criminal investigation. The current review system, however, has notable limitations. Citizen participation rests on the Prosecution Office's internal policy rather than statute (Bae, 2017; KICJ, 2021a; Jang, 2013). As a result, the Prosecution Office appoints CABPO panels and initiates the review (Bae, 2017; KICJ, 2021a; Park et al.,

2016). Furthermore, CABPO decisions serve only an advisory function, and prosecutors are not obligated to follow them (Park et al., 2016). These features raise concerns that prosecutors use CABPO proceedings to justify their legal decisions (Bae, 2017; Jang, 2013; KICJ, 2021a; Lee & Lim, 2013). Therefore, some legal scholars have proposed establishing a new citizen review body, similar to Japan's PRCs, that is independent of prosecution offices and empowered to make mandatory prosecution decisions (Bae, 2017; Jang, 2013; KICJ, 2021a; Lee & Lim, 2013). The new citizen review body would be able to summon witnesses, request necessary documents, and receive attorney (non-prosecutor) assistance regarding legal matters. Scholars and policymakers, therefore, should carefully weigh the advantages and disadvantages of creating such a review board.

Scholars in other countries advocate democratizing and increasing citizen participation in prosecutorial decision-making. However, because the current findings are based on respondents in South Korea—a country with a distinct legal, political, and social environment—they are not necessarily applicable elsewhere. Specifically, the distrust of prosecutors in South Korea may be greater than that in many other countries. Therefore, researchers in other countries should conduct similar studies using their own national samples and compare the results with those of the current work to deepen global understanding of citizens' perspectives on prosecutorial accountability.

Conclusion

The findings of this study suggest that citizens' support for participation in reviews of non-prosecution decisions is related to their distrust of prosecutors. Additionally, this support is associated with the perception that citizen participation would enhance trust in prosecutors and the criminal justice system's transparency. Further, a lack of knowledge of the law and criminal investigation would not deter citizens from participating in such reviews. Instead, citizens may want their review decisions to reflect public opinion. Hence, policymakers should consider expanding and actively using mechanisms for citizen review of both prosecution and non-prosecution decisions. Finally, scholars in other countries should continue to research public attitudes toward citizen participation in reviewing prosecution and non-prosecution decisions using samples from their own national contexts.

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Table 1. Distribution of Four-Point Likert Scale Variables

Variables	Description	Strongly disagree (1)	Disagree (2)	Agree (3)	Strongly agree (4)
The dependent variable					
Perceived need to participate in the review of a non-prosecution decision	Citizens need to participate in the review of a prosecutor's non-prosecution decision.	12 (1.2%)	106 (10.6%)	517 (51.7%)	365 (36.5%)
Independent variables					
Citizen participation as citizens' duty	Citizen participation is a fundamental duty of citizens in a democratic society.	22 (2.2%)	142 (14.2%)	541 (54.1%)	295 (29.5%)
Not wanting to interfere with legal professionals' decisions	Citizen participation is inappropriate because it interferes with police and prosecutors' decisions.	143 (14.3%)	480 (48.0%)	319 (31.9%)	58 (5.8%)
The accused SES	My review decision will be influenced by the accused's SES.	65 (6.5%)	293 (29.3%)	477 (47.7%)	165 (16.5%)
A victim SES	My review decision will be influenced by a victim's SES.	29 (2.9%)	147 (14.7%)	493 (49.3%)	331 (33.1%)
Knew the citizen review program	I have known the citizen participation programs in the review of criminal investigation and prosecution decision.	290 (29.0%)	460 (46.0%)	216 (21.6%)	34 (3.4%)

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Table 2. Descriptive Statistics of Interval Variables

Variables	Description	Min.	Max.	Mean	Std. dev.
Trust of prosecutors	A combined score of seven items measured with a four-point Likert scale: Korean prosecutors: (1) treat an accused equally regardless of their socioeconomic status, (2) investigate cases fairly, (3) resist bribery offers well, (4) resist political pressure from the regime, (5) fairly investigate cases by fully listening to the accused's side of story, (6) are knowledgeable for the profession, and (7) are credible in their job performance.	7.00	28.00	14.79	4.69
Improving transparency	A composite scale from four items measured on a four-point Likert scale: Citizen participation in the review of prosecution will improve (1) transparency, (2) fairness of the prosecution process, (3) protecting constitutional rights of the accused, and (4) trust in prosecutors.	4.00	16.00	11.80	2.27
Lack of knowledge of the law and the criminal investigation process	A composite scale from three items measured on a four-point Likert scale: Citizens are reluctant to participate in the review of prosecution because of (1) psychological burden to decide the guilt of the accused, (2) lack of knowledge of the criminal investigation process, and (3) lack of knowledge of the law.	3.00	12.00	8.16	1.92
Political interest and public opinion influence a decision on the prosecution review	A composite scale from two items measured on a four-point Likert scale: My review decision will be influenced by (1) financial and political interests and (2) public opinion.	2.00	8.00	6.03	1.28
Age		19	69	44.78	13.16

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Table 3. Distribution of Respondent Demographic

Variables	
Gender	Men: 509 (50.9%), Women: 491 (49.1%)
Education	Middle school or lower: 8 (0.8%), High school: 191 (19.1%), College: 708 (70.8%), Graduate school: 93 (9.3%)
Occupation	Managers/ professional: 128 (12.8%), office workers/ public employees/military: 344 (34.4%), sales/ service: 88 (8.8%), farmer/semi-skilled laborer: 63 (6.3%), unskilled laborers: 31 (3.1%), full-time house wives/students/ others: 246 (24.6%), and unemployed: 100 (10.0%)
Monthly income	Under 2.00 million won (USD 1,430): 118 (11.8%), between 2.00 and 2.99 million won: 170 (17.0%), between 3.00 and 4.99 million won: 295 (29.5%), between 5.00 and 6.99 million won: 223 (22.3%), between 7.00 and 9.99 million won: 134 (13.4%), and over 10.00 million won (USD 7,143): 60 (6.0%)
Live in a metropolitan city	Yes: 643 (64.3%). No: 357 (35.7%)
Being a victim	Yes: 106 (10.6%), no: 894 (89.4%)

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Table 4. Ordinal Regression Results of Perceived Need for Citizens Participation in Reviewing Prosecutors' Decisions Not To Prosecute ($N = 1,000$)

Variables		Estimate	Std. Error
Attitudes			
Trust of prosecutors		-0.049***	0.013
Citizen participation in the reviews of criminal investigation and prosecution processes:	Will increase transparency, fairness, protection of the accused's rights, and trust in prosecutors.	0.179***	0.032
	is a fundamental duty of citizens in a democratic society.	0.274***	0.073
	Give psychological burden and a lack of a law and an investigation process.	-0.009	0.037
	is inappropriate because it interferes with police and prosecutors' decisions.	-0.206**	0.071
	financial and political interests and public opinion.	0.135*	0.056
My review decision will be influenced by:	the accused's SES.	-0.168*	0.070
	a victim's SES.	0.303***	0.070
Prior knowledge of the citizen participation programs.		-0.077	0.065
Demographics			
	Gender (Men = 1)	0.143	0.140
	Age	0.004	0.005
	Monthly income	0.007	0.052
	Education	0.018	0.125
	Living in metropolitan city	-0.139	0.134
	Being a victim or sued someone before	0.046	0.208
	Occupation	Not significant	
Model fit	log likelihood/ AIC	-879.26/ 1,804.52	

Note: 1. Two-tailed test; * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.