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Assessing Korean children's comprehension of legal terms and roles across age groups

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This study investigates the comprehension of legal terminology among children aged 6–12, focusing on terms frequently encountered in court proceedings. By presenting 13 legal terms to 26 participants, the research aimed to assess their familiarity and understanding. Findings indicate a general awareness of terms such as “police,” “judge,” and “prison,” whereas “evidence” and “prosecution” were less understood, highlighting a gap in children’s legal vocabulary. Misconceptions regarding the roles of legal professionals, notably lawyers and statement assistants, were also observed, with comprehension varying across different age groups. These results underscore the necessity for criminal justice officials to adapt their questioning methods to accommodate the developmental stages of children, ensuring more effective communication during legal processes. Although the study’s scope was limited to children without direct legal system experiences, its insights contribute valuable knowledge to the body of research on children’s legal understanding, advocating for informed approaches in legal interactions with minors.

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Introduction

The successful prosecution of sexual violence crimes often relies heavily on the victim’s testimony, especially when lacking physical evidence like CCTV recordings or eye-witness accounts. In such cases, the testimony’s credibility is critical. In South Korea, historically, a victim’s testimony was recognized only when given before a judge (Criminal Procedure Act Article 310(2)). This, however, posed risks of secondary victimization for victims, especially minors, due to prolonged exposure to the trial process and re-experiencing of trauma. To address this, the Special Act on Punishment of Sexual Violence Crimes, enacted in 2010, allows minors under 19 to record their testimonies and have them attested by a trusted individual present during the investigation. The Act also permits these recordings as evidence (Article 30, Paragraph 1, enacted on December 18, 2012). However, the Constitutional Court declared this provision unconstitutional in 2021, citing the accused’s right to a fair trial.

A significant challenge in legal settings is the impact of unfamiliar legal vocabulary and environments on minor victims (Ahn and Choi, 2022). While it is not definitively concluded that children find legal settings more daunting than adults, specific environmental and contextual factors make adaptation difficult, particularly during cross-examinations. Defense attorneys often challenge children’s narratives, posing questions that exceed their developmental understanding, leading to less precise and consistent responses (Zajac and Cannan, 2009; Zajac et al., 2003; Carter et al., 1996; Zajac et al., 2017). Consequently, child witnesses, despite accurate testimonies, might be perceived as less credible (Bruck et al., 2002), significantly impacting verdicts in cases where evidence is scarce (Lyon, 2014).

Given these challenges, this study aims to examine children’s understanding of legal terms encountered in court hearings. Prior research indicates children’s varying grasp of terms like “judge,” “lie,” and “truth,” but terms like “evidence” and “prosecution” remain unclear to many, including 14-years olds (Louise, 2002). No such study has been conducted in the Korean context, thus highlighting the need for research in this area. The research questions guiding this study are:

- Have children heard of legal terms before?
- What is their knowledge of the actual meanings of these terms?
- How well can they apply these terms in specific circumstances?

This investigation is particularly relevant in the Korean context, where legal literacy among children can significantly impact their experience and performance in court settings.

Knowledge of legal terminology

The language used in the courtroom, known as *lawyeresse* or *legalese*, includes legal terminology that child witnesses must understand in order to communicate effectively. However, research shows that most children under 10 years old have limited knowledge of the legal lexicon and idiomatic expressions, making it difficult for them to understand and use legal terminology without preparation (Saywitz, 1995). Studies have consistently found age-related differences in children’s understanding of legal terminology, with younger children struggling more than older children (Schuman et al., 1999). Younger children often make errors in auditory discrimination, where they confuse words that sound similar, and homonym errors, where they do not recognize that words can have multiple meanings. Children often

guess the meaning of unfamiliar words based on their limited life experiences, which can lead to incorrect assumptions.

The important point is that simple recognition of legal terminology is not always an accurate indicator of understanding (Flin et al., 1989). Therefore, it is not sufficient to simply ask a child if they know the explanation. For example, in a child witness project in London, one child who was referred to the project was asked if she knew what a subpoena was. She nodded and continued to explain that it was a male private body part (Flin et al., 1989). Previous studies report that most legal terms are not accurately defined until children are 10 years old (Louise, 2002). A great analysis of the reactions that children have when asked to define legal words they do not really understand was carried out by Saywitz (1995). They found that there are typical patterns of errors made by children in response to legal terminology that they don’t understand. Children under 8 years old tend to make auditory discrimination errors, confusing the meanings of words that sound alike, and homonym errors, not recognizing that words can have two meanings.

Walker (1993, 1994) also found similar issues in her analysis of court transcripts. Many legal terms can either sound like words from children’s everyday language or have a different meaning outside of the courtroom, leading to confusion. Examples of commonly misunderstood legal terms among children include “jury” and “jewelry”, “court hearing” and “hearing someone speak”, “court” and “basketball court”, and “party in a matter” and “birthday party”. Because children have a more limited vocabulary than adults, they tend to guess at the meanings of unfamiliar words based on their own experiences. They may not realize that a word can have a different meaning in a different context, and may resist being corrected when they do not understand the intended meaning of a legal term. This is because they tend to think in a more concrete and single-minded manner, making it difficult for them to understand that a word can have multiple meanings (Louise, 2002).

Schuman et al. (1999) discuss the inappropriate use of questions when interviewing child witnesses, and provide examples of age-appropriate cognitive and language skills for different age ranges. Vocabulary and life experience are among the many factors that can influence a child’s understanding of legal terms. Table 1 summarizes research findings on legal terminology understood by children of four age groupings.

Table 1 Common legal terms and roles understood by a majority of children in different age ranges (Schuman et al., 1999).

	Preschool (3-5)	Early Primary (6-9)	Late Primary (10-12)
Judge	Yes	Yes	Yes
Court	Yes	Yes	Yes
Police	Yes	Yes	Yes
Prison	Yes	Yes	Yes
Lawyer	No	Yes	Yes
To be found guilty	Yes	Yes	Yes
Prosecution	No	Yes	Yes
Evidence	No	No	No
Statement	No	Yes	Yes
Trial	No	Yes	Yes
Prosecutor	No	No	No

Developmentally appropriate questions for child witnesses. Queen’s Law Journal, 25(1), 251-304.

Table 2 Descriptive statistics.

(Unit: number, %)

Types		Response
Gender	Male	13 (50.0%)
	Female	13 (50.0%)
Korean age (American age)	12 -year-old (11-year-old)	3 (11.6%)
	11-year-old (10-year-old)	5 (19.2%)
	10-year-old (9-year-old)	9 (34.6%)
	9-year-old (8-year-old)	8 (30.8%)
	8-year-old (7-year-old)	1 (3.8%)
Basic Academic Skills Assessment Vocabulary	2nd level	2 (7.7%)
	3rd level	22 (84.6%)
	5th level	2 (7.7%)

*The Vocabulary Test is an evaluation system that measures the current level of vocabulary performance for students in 3rd to 6th grade. It is administered starting in 3rd grade when underachievement is more pronounced (source: Kim Dong-il, BASA: V Basic Learning Function Performance Assessment System: Vocabulary).

However, the study by Schuman et al. (1999) has a limitation in that it only suggested the meanings of legal terms that each age group of children was expected to know, rather than actually testing their understanding of the terms. For instance, even a child who understands what a lawyer does may not be aware of whether the lawyer is doing something “for them in a specific legal situation”. In light of this problem, this study aims to examine not only the children’s understanding of legal terms but also whether they know what roles they can play in specific situations.

Method

Participants. A recruitment notice was posted on the internet, followed by snowball sampling, in which the sample size was gradually increased by introducing acquaintances of the parents and children who were already participating in the study. Interviews were conducted over a 2-month period from August to September 2022. A total of 26 children, with an average age of 10.03 years, were selected from the 8-year-old to 12-year-old, with equal numbers of boys and girls.

Constitutional Court rulings on unconstitutionality apply to all minors under the age of 19. Therefore, it was necessary to collect data in a way that ensures an even distribution of minors under 19. However, due to limitations in research resources and time constraints, this was not possible. Furthermore, there was a lack of research in the Korean context regarding children’s comprehension of legal terminology. Therefore, as an exploratory study that could be conducted earlier, the researcher initially recruited children in the age group corresponding to elementary school students. Additionally, the researcher aimed to measure vocabulary skills using a similar vocabulary assessment tool, and the age range for this assessment coincided with elementary school children, specifically those aged 8–12. As a result, these children were chosen as the research subjects.

All the children who participated in this study are children without known experience of abuse, victimization, or court proceedings. Interviews were conducted in convenient and easily accessible locations for the participants, such as their homes or cafes, and the entire interview lasted an average of 45–50 min. The research was reviewed and approved by the Public Institutional Review Board Designated by Ministry of Health and Welfare in South Korea (Authorization number: P01-202206-01-028, Research period: June 27th, 2022–December 31st, 2022.) before being organized and conducted. The collected data included initials to be used on the test sheet, the child’s age, and information about the child’s personal experience, which is necessary for the research. All personal information was

destroyed after processing the compensation for participation. The basic characteristics of the child subjects who participated in the interviews are shown in Table 2.

As the child’s statement ability is based on their vocabulary ability, the author conducted the “BASA:V Basic Learning Performance Assessment System: Vocabulary” test to examine the child’s overall language and vocabulary abilities. The test used was the BASA:V Basic Learning Performance Assessment System: Vocabulary Test (manufacturer: Hakjisa), which is a vocabulary ability test for elementary school students in grades 3 (10 years old) to 6 (13 years old).

The vocabulary test of the children’s basic learning function performance evaluation system is evaluated in a total of 5 stages, with Stage 1 being over 95% of the same grade level, Stage 2 being over 85% and below 95%, Stage 3 being above 15% and below 85%, Stage 4 being greater than 5% and not more than 15%, and Stage 5 being 5% or less. In the research, more than 80% of the subjects were in the 3rd stage, indicating that most of the participating children had a “normal vocabulary level.”

Research procedure. The author conducted an interview with a child who attended with their parents, following these procedures. First, to measure the child’s understanding of legal terminology [judge/ police/lawyer/prosecutor/statement assistant/court/prison/to be found guilty/prosecution/evidence/statement/trial/testimony], presented a total of 13 legal terms and measured the level of understanding by age group. The author produced the terms in cue card form and asked the child if they knew the term and, if so, to respond with the meaning. Finally, the author presented a hypothetical scenario and asked the child to determine the meaning of legal terms in that situation.

“In the scenario of imagining a situation where you have been physically assaulted or robbed, and you feel distressed and miserable, and you have told your parents about it, and have come to realize that you have to go to court to resolve the issue, let’s imagine you attend the court as a victim. Among the five figures presented (judge, police, lawyer, prosecutor, and intermediary), who do you think would be on your side?”

Prior to delving into the research purpose, it is crucial to elaborate on the hypothetical scenario utilized in this study. To assess participants’ perceptions in a constructed situation, the study presented a scenario that entailed intricate themes such as physical assault and legal proceedings. In recognition of our young audience, the scenario was specifically adapted to be age-appropriate. The author employed simplified language and

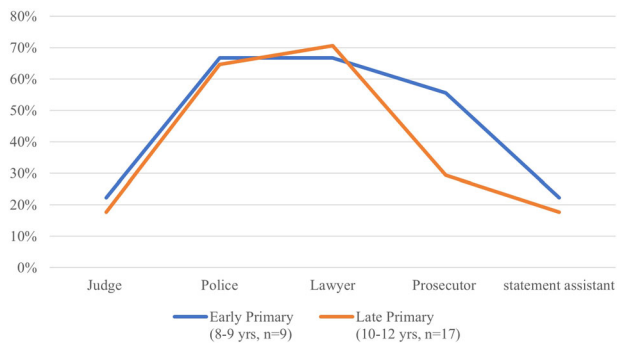


Fig. 1 The Percentage of children's knowledge which legal experts can help them in a hypothetical legal situation (correct answer should be prosecutor and statement assistant).

reliable examples to guarantee clarity and ease of comprehension for the young participants. Acknowledging the complexity of the language, the author confirms that comprehensive explanations were provided during the scenario presentation. During the experiment, the author actively addressed queries and expounded on concepts, ensuring participants had a precise understanding of the scenario before responding to the associated questions. The methodology, honed with input from child research specialists and our supporting institution, focused on making the scenario accessible and engaging for children. This meticulous process, aimed at simplifying complex concepts, underscores the author's commitment to ethical research practices and the careful consideration of the young participants' cognitive and emotional capacities.

The research purpose of this study is to investigate specific questions:

1. Whether the children ever heard of legal terms before
2. Assessing their knowledge of actual the meanings of legal terms
3. Evaluating their ability to apply the legal terms in specific circumstances.

The primary criterion for assessing the term revolved around gauging the participant's comprehension of its usage in various contexts. It wasn't solely about providing the word's definition; the emphasis lay in grasping how it is applied. When this comprehension was evident, it was regarded as a successful understanding of the term (as shown in Table 4, indicating the percentage of children's grasp of the actual meanings of legal terms).

For instance, in the case of terms like "police," the most common response was 'someone who apprehends criminals.' However, if there were specific instances where the explanation included actions related to crime prevention or efforts to curb criminal activities, these were also considered as signs of a comprehensive understanding of the term.

Results

To examine whether the children knew the legal terms, the author presented each legal term and asked if they had heard of it before. All 26 participants answered that they had heard of "police," making it a term that all children aged 6–12 had heard of. The terms "judge" and "prison" were also familiar to almost all participants, with 89% of 8–9-year-old children and 100% of 10–12-year-old children having heard of them. On the other hand, terms that the children were not familiar with included "testimony" and "prosecution," with all 8–9-year-old children saying they had

Table 3 The Percentage of children ever heard of legal terms before.

	Early Primary (8-9 yrs, n = 9)	Late Primary (10-12 yrs, n = 17)
Judge	89%	100%
Police	100%	100%
Lawyer	78%	88%
Prosecutor	33%	76%
statement assistant	11%	6%
Court	44%	100%
Prison	89%	100%
To be found guilty	67%	88%
Prosecution	0%	12%
Evidence	56%	100%
Statement	33%	88%
Trial	56%	76%
Testimony	0%	53%

Table 4 The Percentage of children's knowledge of actual meanings of legal terms.

	Early Primary (8-9 yrs, n = 9)	Late Primary (10-12 yrs, n = 17)
Judge	78%	100%
Police	89%	100%
Lawyer	11%	65%
Prosecutor	0%	53%
statement assistant	0%	12%
Court	33%	88%
Prison	89%	100%
To be found guilty	67%	76%
Prosecution	0%	12%
Evidence	11%	35%
Statement	0%	47%
Trial	33%	65%
Testimony	0%	41%

never heard of these terms before, while a few of the 10–12-year-old children answered that they had heard of these terms before (Table 3). The word with the highest percentage of responses indicating that the children had never heard of it among all the words was "statement assistant," for both age groups.

In addition to assessing whether the children had heard of the legal terms, the author also measured their understanding of the terms. If the children knew the specific roles related to the terms (e.g., "judge makes a decision in a court", "police catch law-breakers or maintain order"), or if they understood the meaning of the terms (e.g., "guilty is a legal decision and it is possible to be found guilty even if defendants are innocent"), then the author considered the children to understand the terms accurately. On the other hand, if the children understood a word with a similar pronunciation for a different word (e.g., "prosecutor is someone who examines"¹), or if they didn't understand the specific roles and meanings of the terms (e.g., "court is a place where police talk", "testimony means saying always true things", "lawyers are good people"), the author considered them not to understand the terms accurately (Table 4). In this case, given the clue to think of another word with a different meaning, and if they still can't come up with one, researcher assume that they don't understand.

It was found that the percentage of children who understood the words "police" and "prison" was high across all age groups, and similarly, the percentage of children who understood the actual meaning of these words was also high. In particular,

children in the Late Primary age group, which includes 10–12-year-olds, all accurately understood the meanings of “judge,” “police,” and “prison.” However, some words, such as “lawyer” and “evidence,” were frequently heard but often misunderstood by 10–12-year-olds children. Children of 10–12-year-olds who responded that they had heard the word “lawyer” had the following misunderstandings: for example, they thought that lawyers only represented “good people (or innocent people)” or, conversely, that lawyers only represented “bad people.” Another misunderstanding was that a lawyer could decide a convict’s punishment along with a judge and prosecutor. Among 8–9-year-old children, not a single child knew the meaning of the word’s prosecutor, testimony, prosecution, or testimony. On the other hand, 8 children, or 89% of the children in this age group, knew the meaning of the words police and prison, indicating that not only have young children heard of these words, but they also understand their meaning.

Finally, the author examined whether children could correctly recognize the roles of each legal professional even when presented with a hypothetical legal situation. The child participants were asked to predict who would represent them if they were in a situation where they had been harmed. According to the scenario provided by the author, judges have a neutral fact-finding role, police have a neutral role in initial investigations, and lawyers can represent victims as well as defendants. Therefore, the correct answer is that a prosecutor, a witness, and a statement assistant will represent the victim. Results reveal that only 56% of 8–9-year-olds and 29% of 10–12-year-olds thought that a prosecutor would represent them, and only 22% of 8–9-year-olds and 18% of 10–12-year-olds thought that a statement assistant would represent them, showing very low percentages. These figures were very different from the response values in Table 4, which show the percentages of children who accurately understand legal terms. Although 53% of 10–12-year-olds correctly understood the meaning of a prosecutor, only 29% of 10–12-year-olds thought that a prosecutor would represent them as a victim in a hypothetical criminal situation. It is noteworthy that 67% of 8–9-year-olds and 71% of 10–12-year-olds thought that a lawyer would represent victims’ side. While some participants responded that a prosecutor would listen to their side, most child participants thought that a lawyer could represent their opinions, which is not necessarily true (Fig. 1).

The problem is that such interpretations may be somewhat confusing in actual courtrooms. While lawyers can represent victims, they can also represent defendants under South Korea’s Criminal Procedure Law. However, most of the participants who responded that a lawyer would be on their side believed that a lawyer could not represent the defendant and thought that lawyers could not advocate for them. This result indicates that even if children understand the meaning of actual legal terms, they may not be able to understand the roles of each figure in specific legal situations.

Discussion

The 2021 decision by the Constitutional Court of Korea declaring the unconstitutionality of video testimony by minor victims is significant. It upholds the defendant’s right to cross-examination but also introduces challenges related to minors testifying in court. To mitigate this, Korean criminal justice has adopted early evidence preservation and minimized court summonses for witnesses. Additionally, through support systems and alternative methods like closed hearings and video relay interrogations, secondary harm to minors is being addressed.

However, there has been insufficient research on how well children can understand and interpret unfamiliar legal terms in legal environments. For this reason, social scientists conducting child research need to study what measures should be taken to help child witnesses better understand court proceedings. In this regard, this study seems to have the potential to provide more information about the 2021 declaration of the Constitutional Court. To address this, this study aims to examine children’s understanding of legal terms they hear when attending court hearings. To do this, a total of 13 legal terms [judge/police/lawyer/prosecutor/statement assistant/court/prison/to be found guilty/prosecution/evidence/statement/trial/testimony] are examined to determine if children 1) have heard them, 2) understand their meaning, and 3) understand the role of legal experts. Children of all ages have heard the words police and prison for each legal term, and their understanding of the actual meaning of these words is high. However, words such as “lawyer” and “evidence” are often heard but frequently misunderstood. For instance, in practice, a lawyer is a person who represents clients and usually represents the accused in criminal cases. However, participating children believed that lawyers could only defend innocent or bad people. This can lead to misunderstandings and confusion about the role of lawyers in children’s participation in the trial. For example, if they believe that lawyers always represent good people, victimized children who appear in court may be confused and fearful of the appearance of a ‘lawyer representing the accused.’

Similarly, participating children demonstrated a misunderstanding that only material evidence was considered evidence. However, testimonies are often the only evidence at actual trial sites, especially in cases of sexual violence against children. If only material evidence is considered evidence, children may misunderstand that their testimony will not be accepted as evidence, which may lead to inconsistent answers.

The court testimony of minor victims participating in the trial is crucial and significant data related to the case. Because minors go through developmental stages and are different from ordinary adults, the specificity of their statements must be taken into account. However, the absence of studies related to the characteristics of developmental stages and their understanding of legal terms is significant. In this study, the author examined children’s understanding of legal terminology, albeit in a limited way. This study suggests that criminal justice officials should ask accurate and meticulous questions, understand the basic principles of child development, and effectively question children. Furthermore, it is suggested that it is necessary to confirm whether children understand legal words in a practical way beyond conveying various legal terms and the role of legal professionals.

In addition, it is necessary to inform them of the role of legal experts in virtual legal situations and to sufficiently understand that the experts attending the court do not always represent the interests of the child. Otherwise, children may be confused and asked developmentally inappropriate questions, making it difficult for them to accurately convey what happened and what they observed (Schuman et al., 1999).

In cases involving children in court proceedings, judges and lawyers can communicate using simplified or easier terms that the child can understand. Nonetheless, it is important for children to understand their ‘right to be heard,’ a concept enshrined in Article 12 of the United Nations Convention on the Rights of the Child. This right stipulates that in any judicial or administrative proceedings affecting a child, the child should be provided the opportunity to be heard, either directly or through a representative. The UN Committee on the Rights of the Child specifically states that when the child is a victim of sexual abuse,

violence, etc., the child must be fully protected and ensured their right to be heard, with the state having the duty to take all necessary measures (UN Committee on the Rights of the Child, 2011). Therefore, this study is significant in that it examines not only children's understanding of legal terminology but also their comprehension of the 'roles' of each actor in legal decision-making.

Meanwhile, this study primarily focuses on theories related to childhood, grounded in the traditional understanding of developmental psychology. However, to enrich the research findings from a multidimensional academic perspective, it incorporates the "new sociology of childhood" theories of the 1990s. These theories, as suggested by James and Prout (1997), James et al. (1998), and Stainton, Stainton (1989), emphasize that 'the immaturity of children is a biological fact of life but the ways in which this immaturity is understood and made meaningful is a fact of culture' (James and Prout, 1997, p.7). Particularly, as proposed by Prout (2011), it's crucial to create a space for childhood within sociological discourse. In this study's context, we reinterpret children's understanding of legal terms. Prout advocates transcending traditional, dichotomous frameworks, such as agency versus structure or nature versus culture, promoting a perspective that views children as active participants in their social worlds. This approach allows us to see that children's understanding of legal terms like "evidence" or "prosecution" is not just a reflection of their developmental stage but is significantly influenced by their diverse social and material contexts. Our analysis goes beyond cognitive understanding, delving into the social and cultural dimensions that shape children's interpretations. For example, a child's concept of "evidence" might be heavily influenced by family discussions or media portrayals. This understanding is dynamic, evolving through their daily experiences and interactions. The study aims to provide a comprehensive view of how children navigate and make sense of legal concepts, crucial for legal professionals to tailor their communication strategies with child participants in legal settings. This perspective aligns with Prout's call for a sociology of childhood that reflects the complexities and fluidities of modern childhoods, understanding children's experiences and knowledge in a more interconnected and nuanced way. Furthermore, future research should continue to reflect and incorporate the new sociology of childhood perspective, ensuring a more holistic understanding of children's experiences and interactions within their social worlds.

This study is not without limitations. One limitation of this study is that it only recruited children without known experience of abuse, victimization, or court proceedings and did not recruit victimized children. Also, due to limitations in research resources and data collection timing, we were only able to conduct the study on a sample of 26 individuals. Moreover, the inability to collect data for 8–9 individuals and 10–12 individuals with the same sample size can be considered a limitation in the analysis of this study. Follow-up studies need to examine whether actual victimized children understand the meaning of legal terms and whether they understand the role of each legal professional. Additionally, it is important to secure a larger sample size for such research. This can contribute to empirical and experiential research on children's law.

Data availability

The data are subject to confidentiality and privacy regulations and are not available for public access. Requests for data access may be considered on a case-by-case basis and will require appropriate ethical and legal approvals.

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Note

1 prosecutor and examination sound the same in Korean

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Author contributions

The author was responsible for the conception and design of the study, acquisition of data, analysis and interpretation of data, drafting of the article, and final approval of the version to be published.

Competing interests

The author declares no competing interests.

Ethical approval

In this study, the author obtained ethical approval from the Institutional Review Board (IRB) from the Public Institutional Review Board Designated by the Ministry of Health and Welfare, Korea. This approval was documented under the ethics approval number P01-202206-01-028 with an IRB file number of 2022-0622-003, following a thorough review process completed on June 27, 2022. The approval confirms strict adherence to the IRB's guidelines and regulations, ensuring ethical integrity and compliance throughout the research process.

Informed consent

Prior to their participation, informed consent was obtained from all participants involved in the study. They were provided with detailed information regarding the study objectives, procedures, potential risks and benefits, confidentiality measures, and their rights as participants. The informed consent process ensured that participants were fully aware of the nature of the study and voluntarily agreed to participate without any coercion or undue influence.

Additional information

Correspondence and requests for materials should be addressed to Jaekyung Ahn.

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