Korea: Liability Implications of ESL Robots
Shubhangi Gokhale

Assistant Professor, Hankuk University of Foreign Studies, Seoul, South Korea 27066

ABSTRACT
The South Korean education system places strong emphasis on learning English as a second language. Elite Korean universities have invested in research that aims to create robots that can teach English to children at home. The research emphasis is on creating a cheaper, more effective, more personalized and long-term alternative to the current system, where children are generally sent to tuition classes, summer camps, and studies abroad. Samsung and other multinational Korean companies aim to have robots that are ready for consumer use in a two year time frame.

Unfortunately, as the Korean industry has focused on robot innovations, Korean laws have not kept pace with this change. In recent years, South Korea has in fact regressed in the areas of civil rights. At the same time, the Korean Chaebol system, the local Pali Pali culture, and the current economic downturn has created a perverse incentive, due to which academic and commercial research focuses on short-term gains, over long term implications. Also, the current Korean courts and legislators may not be able to create the necessary legal safeguards before the robots enter the market.

Germany, Japan, and the USA have each influenced the shape of Korean law today. A civil law system, it has also incorporated elements of common law, like the US jury system. It has extensive free trade agreements with most developed countries and is in the process of becoming part of multilateral trade agreements like the Regional Comprehensive Economic Partnership (RCEP) and the Trans Pacific Partnership (TPP). These trade agreements have also influenced Korea’s current legal reform.

My paper will analyze how the current Korean legal system may place liability if such robots are placed in Korean homes and cause harm to a child. I will briefly examine the current contract and tort law to analyze whether the current laws provide sufficient legal safeguards against potential violation of a child’s civil rights. Finally, I will explore whether multilateral international trade agreements like the TPP have the ability to change the Korean legal system in a manner that provides better protection for an individual’s civil rights.