Abstract

Recently the characteristics of those who committed serious terrorist crimes are not directly related to the direct command system of a specific terrorist organization (ex. IS) but are influenced by the political propaganda of terrorist organizations online. Terrorist crime under the loose form of the terrorist organization. Therefore, this study suggests ways to improve countermeasures against terrorism in metropolitansubways. Although it is important for the prevention of terrorism in the subway, it is important for the police officers of the subway police and the special police officers of the railway to have a physical limit to take charge of them, and after confirming that improvement measures are necessary, And pointed out the possibility of establishing independent security departments where judicial and administrative control is not feasible to grant police rights. In addition, I pointed out how to improve the safety of subways in the metropolitan area through the recruitment of core job candidates and the identity survey during the subway operation. Furthermore, it was confirmed that a special council on terrorism, which can take into consideration the characteristics of subway terrorism, such as airports and ports, is required to be established in charge of terrorism prevention under the current Anti-Terrorism Act. Finally, it is once again emphasized that the strengthening of the powers of the counterparts to terrorism must inevitably limit the basic rights of the people, so the principle of proportionality must be observed in their activities.

[Keywords] Terror Crime, Subway Terrorism, Act on Anti-Terrorism for the Protection of Citizen and Public Security, France 2016 Transportation Terrorism Prevention Act, Principle of Proportionality

1. Introduction

The characteristic of those who have committed significant terrorist crimes recently is that those who are not directly in the chain of command of a particular terrorist organization (ex. IS), but who are self-emotional to the organization's propaganda, or who have not adapted to the existing society, have committed terrorist crimes under the loose leadership of IS and other international terrorist organizations [1].

Korea cannot be free from this either, as seen in the case of Kim entering Syria in 2015 to join IS. It is also well known that vulnerable soft targets can be too easily accessed when attempting to commit a terrorist crime. Korea is no exception, so it is time for institutional readjustment. In this study, we would like to discuss counterterrorism on subways in the Seoul metropolitan area. Every year, the number of subway users is increasing steeply, and many citizens perceive subways as the most reliable means of transportation. On the other hand, what about our ability to respond to crimes on the subway? Police and related agencies operate subway police units and subway sheriffs for safety and crime prevention in the subway, but the current system is
naturally expected to be limited if actual terrorist crimes are assumed to be imminent or terrorist crimes occur.

To this end, a good precedent is the French response law enacted in 2016. France sought to respond to terrorist crimes by creating four new special laws after successive terrorist crimes in 2015 and 2016, particularly noteworthy being the "Act on the Prevention and Response of Public Passenger Traffic Fraud, Attack on Public Safety and the Prevention of Terrorism in Transportation Institutions" (hereinafter referred to as the 2016 Act on the Prevention of Terrorism in Traffic Institutions"). The existing special law for counterterrorism was to strengthen the authority of intelligence and investigation agencies in the wake of a specific incident, although it was to establish various criminal procedures, the Act is to be reviewed in this paper because it is characterized by attempts to strengthen the authority of employees inside public transportation agencies, not intelligence and investigation agencies, to prevent terrorism in certain means of transportation.

Therefore, the government will review ways to prevent terrorist crimes in a special space called the subway. That is, we will review the rationale for the prevention of terrorist crimes in a special space called the subway, the organization and policies responsible for the safety of transportation institutions in France, and the main contents of the Traffic Authority Terrorism Prevention Act 2016. Based on these discussions, we would like to draw out the limitations of security measures and improvement measures under the current law.

2. Considerations for Prevention of Terrorism in Public Transport Institutions

The subway has positive and negative factors, such as the two sides of a coin, in that it utilizes underground space. The positive factor is directly related to the efficient utilization of space, but the negative factor is mainly a matter of safety. In other words, since buildings and vehicles are operated underground, it is difficult to evacuate to the ground in the event of a terrorist attack, and because the entrance is limited, rescue operations are difficult. iii) The subway and buildings have narrow passageways and are more labyrinthine than the ground, evacuation is extremely difficult in the event of a terrorist crime, and secondary damage is expected due to increased evacuation density.

In addition, there is a limitation that due to openness and speed of use, proactive safety measures such as aircraft security checks are impossible. Therefore, it is necessary to maintain effective and continuously enforceable anti-terrorism measures against terrorist crimes on the subway.

2.1. Considering the characteristics of railway transportation

The subway, which is freely accessible to an unspecified majority, is in a far-reaching relationship with crime prevention because it is inherently open. In addition, the subway can be an efficient target of terrorist attacks because it is a closed space that cannot be avoided from crime and other dangers once the operation begins. It is impossible to introduce security checks or gate-type detectors carried out at airports to railway stations, given the number of passengers and stations used by rail and air traffic, and the accompanying budget. Therefore, a response is needed to enhance the safety measures already in place, either human, legal or technically.

2.2. Infringing individuals' basic rights and enhancing their balance

In a modern society where the importance of personal information is widely known and awareness of the people's right to informational self-determination is high, the infringement
and restriction of the people's basic rights by state public power requires special attention. In particular, the importance of digitized personal information, including personal video information, is doubled. Therefore, measures such as identification of identity and belongings, filming and transmitting surveillance cameras, and sharing personal information for investigation should be balanced with the freedom of individuals whose legitimacy or constraints are legally guaranteed even if they are terrorist measures.

2.3. Increase efficiency and speed

In the case of subway traffic, prompt and efficient preventive measures are required to overcome the geographical constraints of jurisdiction and authority. In Korea, the activities for preventing subway crimes vary depending on the subway operating system[5]. France, which we are interested in, has been undergoing close cooperation between intelligence and investigative agencies due to its long colonial rule experience and various terrorist crimes experienced since the 1980s. In other words, it has pursued effective terrorist measures in close cooperation with the existing National Territory Watch and Preliminary Appeals[6]. But while such a counterterrorism system may be a valid response in the event of an influx of terrorist criminals from abroad, there is a limit to the recent trend of the spread of home-grown terrorists. Therefore, the establishment of a flexible chain of command among administrative, judicial and related organizations, simplification of procedures, information delivery and sharing are required in public transportation institutions.

2.4. Suppression of internal crime

Although the majority of recently internationally controversial offenders of terrorist crimes were born in the country and grew up in the region, they have often radicalized themselves and carried out terrorist crimes for various reasons. On the surface, they have the same social life as ordinary people, so there is a need to assume that they are hired or assigned to public transportation institutions. In addition, it is also possible that internal personnel of the transport agency are affected by the radical ideas of these radical figures. Therefore, there is a need to strengthen the system to verify such a person in the recruitment and distribution of employees of public transportation institutions.

3. Measures to Prevent Terrorism in Transportation Institutions in France

3.1. Overview of safety measures in railway traffic

Almost all of France's railways, except for some small-scale routes such as tourism, belong to the French Nationale de Chemin de Fer(SNCF), and the high-speed TGV and the high-speed international railway are also operated by SNCF. In addition, in Paris and its suburbs where the population is concentrated, the Régi Autonome des Transports Parisiens(RATP) operates 14 Paris subway lines, RER(Réseau express régional), a railway network linking Paris to the suburbs, Transylien, and RNCP for road battleground vehicles operating near Paris or near Paris.

3.1.1. Police

The police activities in France are carried out by the Police Nationale in charge of urban areas and other areas on a general basis with a population of 20,000 or more, and by the National Police Agency(DGPN; Direction Générale de la Police Nationale) and the General Bureau of the National Military Police(DGGN; Direction Générale de la Gendarmerie Nationale) in the Ministry of the Interior[7]. However, the jurisdiction of the Seoul metropolitan area, Ile-de-France, is the Préfecture Depolis, which is under the direct control of the interior minister.
Among the national police, the National Railroad Police Agency (SNPF), which belongs to the Central Bureau of the Border Patrol (DCPAF), targets public railway traffic across the country, including international trains. In addition, in the Paris metropolitan area, the traffic police bureau (SDRPT), an internal organization of Paris police, is in charge of traffic safety measures in cooperation with SNCF and RATP.

3.1.2. National military police

The National Military Police formed a part of the French army and originally belonged to the Ministry of National Defense, but in 2009, the entire organization was transferred to the Ministry of the Interior and placed under the command of the Interior Minister, just like the National Police. In other words, under the revision of the Code de la Défense in 2009, the National Military Police had the Minister of the Interior take charge of organizing, managing, and operating, creating synergy in terms of technology and operation, and the Minister of National Defense was allowed to work only on limited areas such as military, personnel and disciplinary work.

The National Military Police do not have an organization specialized in railway traffic, but the Gendarmerie départementale, which is organized in different regions and carries out general police activities, targets policing in local traffic. In addition, the Gendarmerie Mobile will be deployed in necessary areas throughout France, including railway stations, in an emergency.

3.1.3. Military

The French regular army also has no organization specialized in railway transportation, but in case of an emergency such as a terrorist incident, army soldiers are deployed where necessary, including railway stations, to reinforce the security posture of police and national military police. In particular, it is well known that the standing forces have been mobilized to carry out security operations in downtown Paris since the Paris attacks in November 2015.

3.1.4. Mass transit authority

SNCF and RATP, respectively, are authorized to set up a safety task force on the inside and therefore have the authority to conduct certain security and investigation activities. The SNCF’s Safety Countermeasures Bureau has about 2,800 employees from an organization called the Sûreté générale (SU GE) to perform a wide range of duties related to ensuring safety, including patrol and accident prevention. Security features approximately 33,000 surveillance cameras (approximately 12,000 in station premises and 21,000 in vehicles)[8]. SU GE is also responding to the operation and reporting of the emergency notification system for passengers. This system allows passengers to make emergency notifications by phone or text message free of charge. In RATP, there is a traffic network protection and security group (GPRS) and there are about 1,000 employees. RATP also operates surveillance cameras (approximately 10,000 in the station area and 30,000 in the vehicle).

3.2. Strengthening terrorism and security systems in France

Western countries have already experienced several large-scale terrorist incidents, including public transportation, and recently the majority of countries have reinforced existing measures in preparation for terrorist acts by Islamic radical groups. Nevertheless, various terrorist incidents have occurred in France since 2015. This section only introduces the areas related to strengthening security measures for public transportation.

3.2.1. Assault on charlie Epdo

On January 7, 2015, the editor of the satirical magazine "Charlie Epdo" in Paris was attacked by the brothers Said Kouachi and Cherif Kouachi. A total of 12 employees were killed in the incident, and immediately after the incident, the criminals fled to Porte de Fantin Station on
Paris Subway Line 5, using a vehicle prepared by their accomplice, before transferring to another vehicle and fleeing. Later on January 9, he was killed by GIGN, who was dispatched to the scene during a hostage crisis in the suburbs of Paris.

### 3.2.2. High-speed train Tallis' attempted terror

On August 21, 2015, there was an attempted terrorist attack by a lone offender in the vehicle of Tallis, a high-speed train that was driving from Amsterdam to Paris. The suspect was registered in a summary of police figures belonging to an Islamic extremist group. It was also an incident in which the limit of preventing terrorist acts was highlighted again in railway traffic, where it was difficult to inspect passengers and their belongings as they were found to have been carrying automatic rifles.

### 3.2.3. Simultaneous terrorism in Paris

On the night of November 13, 2015, terrorists loosely linked to Islamic extremist groups stormed theaters, stadiums and restaurants, killing more than 130 people. The incident was a terrorist crime that resulted in very severe emergency measures, such as the declaration of an emergency by the French president, the revision of the emergency law in parliament (extending emergency conditions and strengthening existing regulations), and the temporary revival of border management (a temporary suspension of the Schengen agreement). The conventional terror alert system by the police and the national military police was reinforced nationwide, and about 1,000 troops were deployed to guard public transportation in the Paris metropolitan area under the Vizipirat plan.

### 3.2.4. Nice terrorism

On the night of July 14, 2016, there was a terrorist incident in Nice that caused trucks to flood the coastal streets where fireworks for the Revolutionary Day were held. The French government was not planning to extend the case further as the emergency situation declared right after the simultaneous terrorist attacks in Paris was due on July 26, 2016, after the enactment of the three-time extension law. In addition, the number of military personnel mobilized by the Vizipirat plan was to be reduced from up to 10,000 after the end of the EURO 2016 in France from June to July 2016. However, the Nice terrorist incident has led to the passage of the fourth extension of the state of emergency and the passage of the 2016 Terrorism Countermeasures Act, and the 10,000-strong "Boss Operation" system.

### 3.3. Main contents of the traffic authority terrorism prevention act 2016 in France

The general public's anxiety over the security of railway traffic in Europe is as severe as the weight of railway traffic. The French Parliament requires that railway traffic, which is used by an unspecified number of people, be subject to efficient terrorist attacks, ii) the need for rapid prevention, investigation and suppression beyond geographical limitations, and iii) a system to prevent the infiltration of transport organ organizations by homegrown terrorists. However, iv) Nevertheless, it raised the need to enact special laws on the grounds that civil liberties and human rights cannot be excessively violated[9].

Thus, on March 22, 2016, the Traffic Authority Terrorism Prevention Act was enacted. In the original bill phase submitted in October 2015, the main focus was to prevent attacks on public safety, such as i) terrorist acts, and to strengthen crackdowns on ii) cheating (especially free rides), but it was enacted by adding regulations on overseas territories as well as preventing sex crimes against women.

#### 3.3.1. Strengthening the authority of employees of the railway traffic safety countermeasures bureau
Personnel of the Safety and Countermeasures Bureau of the SNCF and RATP were given the authority to carry out baggage and physical examinations (Article 1). In this case, the contents of the baggage need the consent of the owner. Physical examination is also possible only if there is a significant threat to public safety with your consent. It stipulates that duties may be carried out in plain clothes to ensure the effectiveness of the right to prevent such criminal acts (Article 4).

### 3.3.2. Video and video utilization

Staff of the SNCF and RATP’s Safety Countermeasure Bureau may record the situation or subject with a portable video camera in the event of an attack, etc. on public order within the vehicle or property of the competent transportation agency. In other words, the staff of the Safety and Security Countermeasures Bureau may only shoot videos when there is a possibility of an attack on the public order, including a terrorist crime, rather than on a regular basis, and shall notify the subject of whether the video has been filmed or not. The measure is also a pilot and requires that the period of implementation be three years from now and that it should be assessed whether it continues within two years (Article 2).

Staff of the SNCF and RATP’s Safety Countermeasures Bureau may, if deemed imminent, transmit video and video acquired during the expenses in real time to the National Police and the National Military Police Agency, otherwise, delete it within six months. Furthermore, the specific use of video information collected by employees of the SNCF and RATP’s Safety Countermeasures Bureau is considered to ensure the right to self-determination of personal information by requiring the review of the Kongseyu Detta through CNIL’s advice.

### 3.3.3. Coordinating the chain of command

The National Police or the National Military Police may direct the Safety Countermeasure Bureau of the SNCF and RATP if ordered by the Interior Minister or the Metropolitan Governor to verify the crime (Article 3). In this case, the National Police or the National Military Police are allowed to enter the place of business from 08:00 to 20:00 with the presence of the occupant and agent of the place of business, and can investigate the register of employees under command, work status, compliance with work ethics, criminal facts, etc., as well as punish those who obstructed the command of the National Police and the National Military Police for up to one year in prison or a fine of 15,000 euros.

However, for ex post facto control of judicial police authority, if the national police or military police enter the place of business, they will not only prepare a report and submit it to the person in charge of SNCF or RATP to verify its validity, but ii) externally, the report is reviewed by the Defense Department des Droits and later disclosed to the public (Article 3).

### 3.3.4. Preventing Internal cooperation in crime

A public transportation agency may request an administrative agency to conduct background checks on the subject before hiring or distributing them to positions directly related to safety (Article 5). In such cases, the fact that the administrative investigation is requested shall be notified to the subject. An administrative investigation is conducted to determine whether an act of grave attack on public order or a person of concern may be referred to a criminal record or certain personal information files owned by an administrative agency.

### 3.3.5. Authority of judicial police officers

For criminal investigation and prosecution, judicial police officers may not only inspect identification cards and accompanying baggage within public transportation vehicles and sites on the basis of written permission from republic prosecutors, but may also restrict the owner’s physical freedom for the time required for such inspections (Article 9). In addition, the judicial
police officer and his judicial police officer may inspect identification cards and baggage within vehicles and sites of public transportation institutions based on the permission of the republic's inspection without obtaining their consent to prevent serious attacks on people and goods. In this case, the owner can be restrained for up to 30 minutes while waiting for instructions from the republic's prosecutor. This is an administrative police activity, but it seems to be intended to give the judicial police the right to prevent a crime before it occurs.

4. Problems and Improvement Measures of Subway Security Measures Under the Current Law

4.1. Problems with current subway security measures

4.1.1. Lack of proactive precautions against terrorist sources

Due to the functional nature of the high transport sharing rate of the subway and the geographical nature of operating underground, the prevention of terrorist crimes in the subway is particularly required. Since January 2016, "Act on Counter-Terrorism for the Protection of Citizens and Public Security" has been in effect, but the law not only focuses on post-action rather than on the prevention of terrorism, but also does not propose a proactive prevention in the space of the subway, so existing legislation should take action to prevent terrorist crimes.

For this purpose, it is the security check prescribed in Article 48-2 of the Railroad Safety Act that can be reviewed first. According to this provision, the special railway police can conduct security checks on the body, portable goods and luggage of passengers on passenger trains if necessary for the safe operation of railway vehicles and the protection of railway facilities. In addition, the special railway police can ask job questions under Article 3 of the Police Officers' Duty Execution Act.

However, it is practically impossible to search people’s bodies, belongings and luggage to prevent crimes in the Seoul metropolitan area, and since job inquiries are a clue to the investigation, there is a limit that only a certain amount of tangible force is allowed to avoid coercion considering the urgency of the situation, the extent of the charges, the need for questions and the considerable means of means[10].

In addition, since security checks stipulated in Article 48-2 of the Railroad Safety Act are large-scale equipment such as X-ray search equipment and metal detection equipment, it is impossible to conduct such security checks on subways with relatively limited number of people, such as KTX, in which the transportation population is flexible. Therefore, in the subway, anti-terrorism measures are the only countermeasures at the moment, focusing on human prevention centered on random questioning by law enforcement officers(including special railway police officers). The problem is that currently, the subway police force and the special railway police have limited personnel and budget to take charge of security measures for subways in the Seoul metropolitan area.

4.1.2. Blocking suspected terrorist crimes

The latest terrorist crime can be explained by the emergence of self-sustaining terrorists to the extent that it is expressed by the expression of the lone wolf’s sign. This means that passive blocking measures such as border control, immigration control of foreigners, restrictions on visits to terrorist organizations and returning to Korea are impossible to prevent terrorist crimes in advance. In addition, it is also necessary to prepare for cases where a homegrown terrorist is hired and deployed at a national infrastructure and sympathizes with external terrorists.
In Korea, which relies heavily on public transportation agencies, the risk of insider involvement in terrorist crimes cannot be ruled out. However, it is necessary to continue to review France’s operation, as no action exists at the moment to suggest that employees of public transportation organizations, such as railways and airports, are involved in crimes that undermine public safety, such as terrorism. Currently, the railroad safety law stipulates that the control of internal personnel consists only of regulations related to safe operation, and the identification of security service regulations is also silent on subway operators. Therefore, it is necessary to "carefully" consider establishing a new background check procedure in which not only terrorist risk figures but also those suspected of links with North Korea are hired and assigned to key locations in the safety operation of subways.

4.1.3. Authority of the organization for the security of subway

The organizations in charge of public safety in the metropolitan subway system are largely composed of the Seoul Metropolitan Police Agency(or Gyeonggi Provincial Police Agency), the special railway police officer of the Ministry of Land, Infrastructure and Transport, and subway security officers who have the authority to direct their duties under Article 49 of the Railroad Safety Act. The subway police force and the special railway police officer who have jurisdiction over the judicial police may conduct random inspection and a weapon prosecution investigation under Article 3 of the Police Officers’ Duty Execution Act. However, there is a limit to the suspension, questions, and accompanying requests that constitute an unsuspecting inquiry under the "Act on the Execution of Police Officers’ Duty" are all arbitrary in nature, so if the subject does not comply with them, they cannot be forced. In addition, the subway sheriff, who is currently operating on the Seoul subway, has no judicial police authority, so one can point out the problem that if it is not the principle of emergency evacuation in an urgent situation such as finding suspected terrorist crimes at the scene, it cannot respond.

4.2. A Study on the improvement of the subway security measures for counterterrorism

4.2.1. Improvement of pre-prevention measures

What should be noted in France’s 2016 Act on the Prevention of Traffic Authority Terrorism is the strengthening of proactive precautions against terrorism before it occurs. This precautionary measure includes administrative as well as judicial police action. However, as seen earlier, the limited budget and manpower of the subway police force and the special railway police force alone are limited, so it is necessary to consider setting up its own security department within the subway operator in the long run. France, which recently experienced serious terrorist crimes, enacted the Traffic Authority Terrorism Prevention Act 2016 to strengthen the authority of not only law enforcement officials but also security personnel of railway operating institutions to prevent terrorism within various railway traffic. Through this, SNCF and RATP security personnel can complete related security training and arm themselves in plain clothes with the permission of the police and local governments, and search passengers at subway entrances and subways. In such a case, the safety officer of railway traffic can read France’s current desire for "safety" in that, with the consent of the owner, it can restrict not only the inspection of belongings but also the accompanying physical freedom.

So what can be learned from these French examples? In Korea’s reality, granting judicial police power to employees of subway operators like France and giving them the right to search their bodies right away is likely to violate the principle of proportionality even if the current law is revised, and most of all, it is highly likely that the public’s legal sentiment will not tolerate it. In the long run, however, the government should consider establishing and operating an internal security department for subway operators in Korea in order to prevent terrorist crimes in advance, taking into account the physical shortage of subway police units and special railway police officers.
I think a good attempt to do this is the subway sheriff who is currently operating. In particular, some argue that the subway sheriff should be assigned a judicial police officer from this perspective[11]. However, the main purpose of the amendment is to report to the police at crime scenes because there is no judicial police authority, and ii) to the subway sheriff to respond to disorderly conductors. However, in the case of i), the law of the arrest of current criminals is sufficiently overcome, and in ii), granting judicial police power to subway security officers is likely to lead to criminal punishment, and the concept of "an act of disorder" itself has a problem that goes against the principle of clarity.

Therefore, the granting of judicial police power by subway sheriffs under the amendment above is bound to be limited, and I think it is more realistic to establish independent departments in the form of French SUGE and GPSR and to impose administrative and judicial control over them, not in the form of loose subway sheriffs from a long-term perspective. In other words, in the long run, the recruitment and education training of subway security personnel are prepared to the level of police officers, and if they strive to enhance their expertise through close links with the National Police Agency, the Ministry of Land, Infrastructure and Transport, etc., they can also consider setting up security departments in subway operators and granting judicial police power to them within a limited scope.

4.2.2. Blocking terrorist dangerous persons

As we saw earlier, it is necessary to come up with measures to prevent the infiltration or spread of persons who threaten the safety of subway operations into subway operators. The reality is that safety-related verification regulations in subway operators are for the safe operation of subways itself(Article 10–23 of the Railroad Safety Act), and there is no provision for crimes committed by internal personnel.

France, which recently suffered a terrorist crime, has allowed the National Police and the National Military Police to lead the SNCF and RATP's safety measures bureau in case of emergency as well as background checks on those subject to recruitment and distribution to prevent internal cooperation.

In Korea, it is necessary to "carefully" examine the possibility of background checks not only for hiring but also for limited employees of subway operating institutions(such as train drivers and controllers) who can directly affect subway operation safety in case of emergency. However, since this is a matter of political controversy, safety measures should also be considered. Specifically, Chapter 3 of the Railroad Safety Act(Article 10–23), which provides for the management of railway drivers' driver's license and qualifications and compliance for railway control personnel, may consider establishing a new basis for certain background checks upon the employment and assignment of workers in such limited positions.

4.2.3. Lack of a proactive organisation for terrorism crimes

With the enactment and implementation of the Anti-Terrorism Act and the Enforcement Decree of the same Act in 2016, not only a proactive prevention organization for terrorist crimes but also a post-terrorism response organization has been established and operated. Various organizations can be set up or set up under the Enforcement Decree of the Anti-Terrorism Act, but the core of them can be seen as the anti-terrorism center under the Prime Minister's Office. The Counterterrorism Center established an integrated terrorist information center, a regional anti-terrorism council, and an airport and port counter-terrorism council under its wing to give authority to the integrated management of terrorist information, consultations on anti-terrorism activities among related agencies in the region, and consultations on counter-terrorism activities among related agencies at airports or ports. A permanent consultative body in charge of public transportation facilities, such as airports and ports, is established, but railway traffic used by the largest number of people cannot even
attend such consultative bodies. The fact that railway traffic authorities are not included in the exclusive organization (the Terrorism Countermeasure Council by Traffic Function) under Article 11 of the Enforcement Decree not only does it not enhance the efficiency of prevention of terror attacks on subways, but it should also be improved because it is a legislative defect that means discriminatory treatment from other transportation agencies (air and shipping). Therefore, the revision should be considered to include the agencies in charge of railway transportation, such as subways, in the Council on Counterterrorism of Airport and Port under Article 11 of the Enforcement Decree.

4.2.4. Strengthening the power of judicial organs and abiding by the principle of proportionality

The common counterterrorism measures of countries affected by recent terrorist crimes, including the United States, France and the United Kingdom, can be summed up as strong punishment for terrorist crimes and enhanced authority of intelligence and investigative agencies. However, strict requirements and follow-up controls are needed as the strengthening of investigative agencies is feared to limit the basic rights of the people. We should reconsider the principle of proportionality in the prevention of terrorism, especially since the expansion of the authority of law enforcement agencies in the name of anti-terrorism can be considered more valuable when carried out within the faithful protection of basic rights. To this end, the recent judgment of the French judiciary will be a milestone for us. In December 2015, the French Constitutional Court ruled that the designation of a residence under the Emergency Extension Act was not in violation of Article 66 of the Constitution because it was an exceptional measure taken in the state of a state of national emergency and was a restriction, not deprivation of people’s freedom. In addition, the court ruled that the maximum number of hours per day spent in designated residences was not completely violated by the freedom of residence and movement. In other words, he decided that while there is a need to prevent terrorist crimes, the people’s basic rights should be limited to a minimum.

5. Outro

The most recent French Act on the Prevention of Terrorism in Traffic Agencies in 2016 was reviewed to examine the problems and countermeasures of counterterrorism measures on subways in the Seoul metropolitan area. Although it is not possible to question the proposition of terrorism prevention from the means of transportation called subway, there can be controversy over how to set specific directions. Therefore, I thought it would be meaningful to review the case of France, which experienced terrorist crimes using public transportation such as subways and other public transportation institutions before us and responded to them in a legislative manner, so I wanted to briefly review France's latest legislation and find ways to improve our country's countermeasures.

France has long been a target of terrorism among European countries. So I have various experiences and know-how in espionage to prevent terrorism. However, as the nature and types of terrorist crimes change, the prevention of terrorism through the previously adhered to human intelligence has become a long way off, resulting in exposure to various forms of terrorism, starting with the Charley Epdo case in 2015 and the Nice Terror in July 2016. In response, France has enacted and implemented laws that restrict the basic rights of the people in various forms and degrees to fight terrorism, starting with the issuance of state emergency. In particular, it was referred to in this high school as it was necessary to keep an eye on France’s response in the future, given that it was difficult to check security at the same level as airports, especially in public transportation, especially in railway traffic.
In order to prevent terror attacks on subways in the Seoul metropolitan area, a considerable number of laws have been enacted and enforced. However, related laws such as the Anti-Terrorism Act and the Railroad Safety Act were found to have limitations not only in real terms but also in the system itself in place. In particular, despite the importance of the law of prevention in advance in the subway, there are physical limitations for only the subway police force and the special railway police to take charge of it, so institutional improvement is required. As some suggested, this school pointed out that it is not appropriate to grant judicial police power to the current subway sheriff and that an independent security department with judicial and administrative control is established. In addition, the Seoul Metropolitan Subway Management Agency pointed out a plan to enhance the safety of subways in the metropolitan area by hiring key employees and conducting background checks on them. Finally, it was emphasized once again that strengthening the authority of these institutions should comply with the principle of proportionality because it is feared to limit the basic rights of the people.

6. References

6.1. Journal articles

6.2. Additional references
7. Contribution

7.1. Authors contribution

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