

The political system of the Republic of Korea

SUMMARY

Following the division of the Korean peninsula into a southern and a northern part at the end of the Second World War, the Republic of Korea (South Korea) was established in its southern part in 1948. The 1950 attack by the communist regime established in the northern part provoked a three-year war, which completely devastated the peninsula.

When an armistice was signed in 1953, the Republic of Korea was one of the poorest countries in the world. Its political system was marked by a very strong attitude of anti-communism, which manifested itself in the strict application of the 1948 National Security Law. Following the military coup of 1961, two successive presidents – Park and Chun – focused on the promotion of the country's economic development, while suppressing civil liberties and political freedoms.

The end of authoritarianism in 1987 and the successful transition to a well-functioning democracy were marked by the rewriting of the Constitution and the democratic transfer of power to an opposition candidate in 1997-1998.

The Constitution of the Sixth Republic gives a very strong role to the office of the president, who not only has the right to introduce bills but also has very extensive powers in cases of an emergency. The legislative branch of government is incarnated by the unicameral Parliament, the Korean National Assembly (KNA). Among its competences is the right to launch an impeachment motion against the president, a right the KNA successfully exercised in December 2016. The judicial power is held by the Supreme Court and the Constitutional Court, both of which in March 2017 upheld the impeachment, leading to the removal of President Park and new presidential elections.

The rising importance of women in the National Assembly and the peaceful character of the 2016-2017 events are a sign of the maturity of Korea's democracy, but the role of the chaebol (industrial conglomerates) in particular remains a challenge to the smooth functioning of Korea's democratic order.



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Introduction

Korea has a difficult geostrategic location, as it is squeezed between three major powers (China, Japan and Russia). The fight for influence on the Korean peninsula led to its 1910 occupation by Japan, which only ended with the unconditional surrender of the Japanese Empire in August 1945. Following the 'abrupt close of the Pacific War' an ad-hoc [proposal](#) by Dean Rusk (who later became the US secretary of state), the country was divided along the 38th parallel, the northern part being occupied by the Soviet Union and the southern by the United States.¹

With the Cold War setting in, on 15 August 1948, the Republic of Korea (RoK) was set up in the southern part of the Korean peninsula, while on 9 September 1948, the Democratic Republic of Korea (DPRK) was set up in its northern part. The 1950 attack by the DPRK – very probably backed by Stalin – on the RoK provoked a devastating war in which the newly proclaimed People's Republic of China and a US-led international coalition supported by the United Nations intervened.

The war ended with the signing of a [cease-fire](#) on 27 July 1953 by generals from the People's Republic of China, the DPRK (North Korea) and the US (for the US-led United Nations Command), but not by the RoK itself. This armistice confirmed the 1945 border at the 38th parallel. At the end of the war, the RoK was one of the poorest countries in the world; seven years after the war, [its per capita GDP](#) had risen to no more than US\$158.2 (current US\$).

Today, the Republic of Korea covers a territory of around [100 000 km²](#), (slightly more than that of Portugal or Hungary), and its [population](#) is estimated at 51 672 000 compared to 25 887 000 in the DPRK, again according to [estimates](#). According to the [World Bank](#), its per capita GDP reached US\$31 597 in 2020. The country ranked 23rd (out of 188 countries) in the [Human Development Index](#) in 2020 and [42nd](#) out of 180 in the [World Press Freedom Index](#) (Taiwan ranked 43rd, Japan 67th and DPRK – 179th). The RoK also ranks [23rd in the EIU's Democracy Index](#) (DPRK ranks a distant 167th).

The form of government

Since the founding of the Republic of Korea in 1948 and the promulgation of the Constitution on 17 July 1948, the Constitution has been amended or (de-facto) completely rewritten [nine times](#). [Rhee Syngman](#), who had spent 35 years of his life in the US, was elected by the Korean National Assembly (KNA) as the first president of the Korean Provisional Government, established in Shanghai in 1919. Before the country's shift towards a functioning democracy at the end of the 1980s, its system was 'more a president-centred military dictatorship buttressed by various bureaucratic and security apparatuses' as characterised by the 2020 Routledge Handbook. The most recent major changes to the Constitution were introduced in October 1987, requiring the election of the president through a popular vote and limiting the presidential mandate to a single five-year term with no option for a second term. According to Article 40 of the [1987 Constitution](#) – adopted during the transition to democracy – the legislative power is exercised by the Korean National Assembly, the executive branch is headed by the president (Article 66) and the judicial powers are exercised by the courts (Article 101).

These constitutional changes are considered as marking the transition from authoritarianism to democracy, giving birth to the Sixth Republic.² However, civil liberties remain somehow restricted, due to the 1948 [National Security Law](#), which not only punishes pro-DPRK propaganda but also 'any person who joins or induces others to join an anti-government organisation'. According to the Human Rights Watch ([HRW](#)) NGO, the term 'anti-government organisation' is not well-defined and has been applied not only to North Korea (DPRK) itself but also to organisations expressing ideological views at odds with those of the government. To avoid potential future abuses of these provisions, HRW has called for the law's [abolishment](#).

The RoK's [reaction to the coronavirus pandemic](#) has also given rise to concerns by human rights organisations that civil liberties might have been restrained more than what is absolutely necessary.

According to HRW, the RoK authorities relied on data received via cell phones, ATMs and credit cards to publish a map on which people could see whether they had encountered an infected person. The authorities reacted to these complaints, but HRW remains concerned about the collection and processing of sensitive personal information.

The executive branch

The president

According to Article 66 of the Constitution, the president is the head of state, head of the executive branch of government and commander-in-chief of the armed forces (Article 74), and has the right to declare war and conclude peace (Article 73 of the Constitution). The president is in a powerful position, as Article 52 of the Constitution gives them – as head of the executive branch – the right to introduce bills. Under Article 53(2) of the Constitution, the president can return a bill to the Korean National Assembly (KNA), which then in line with Article 53(4) can overturn the presidential veto by a two-thirds majority.

The president also has extraordinary emergency powers as defined in Articles 76 and 77 of the Constitution: According to Article 76, 'in time of internal turmoil, external menace, natural calamity or a grave financial or economic crisis, the President may take in respect to them the minimum necessary financial and economic actions or issue orders having the effect of law.' Article 77 gives the president the right to proclaim martial law 'when it is required to cope with a military necessity or to maintain the public safety and order by mobilization of the military forces in time of war, armed conflict or similar national emergency'. Article 76 explains that the president should use these emergency powers when 'there is no time to await the convocation of the National Assembly' or 'when it is impossible to convene the National Assembly.' Nevertheless, the president has to ask for approval of his decisions under these articles without delay. However, since the 1987 changes to the Constitution, the president can no longer dissolve the KNA. The Constitution also gives the National Assembly right to launch an impeachment procedure against the president (see below).

The presidential elections of 9 March 2022 determined the successor to President Moon Jae-in. The nominee of Moon's ruling centre-left Democratic Party of Korea, [Lee Jae-Myung](#), lost by a very [narrow margin](#) to [Yoon Seok-Yeol](#), a former public prosecutor and the nominee of the opposition conservative People's Party. Yoon was sworn in as Korea's eighth president on 10 May.

The prime minister and the State Council

According to Article 86 of the 1987 Constitution, the prime minister is appointed by the president with the consent of the National Assembly, 'assists the president' and acts as vice-chair of the cabinet (the State Council). If the office of the presidency is vacant or the president is [unable to perform his or her duties](#) for any reason, the prime minister oversees the ministries of the government on the president's behalf.

The State Council itself is appointed by the president following a proposal by the prime minister; it 'also assists the president' – who is its official chair – and deliberates on state affairs. However, decisions taken by the State Council are not binding on the government. Article 89 of the Constitution enumerates the matters for deliberation by the State Council: on top of typical cabinet competences (such as the budget; allocation of powers within the executive; and important military affairs), these include the declaration of war and conclusion of peace, draft amendments to the Constitution and proposals for national referenda, emergency orders and the declaration and termination of martial law.

Under the Constitution, the Advisory Council of Elder Statesmen (Article 90) and the National Security Council (Article 91) also belong to the executive branch. Furthermore, a Peaceful Unification Advisory [Council](#) (Article 92) and a [National Economic Advisory Council](#) (NEAC) (Article 93) 'may be established'. The first Peaceful Unification Advisory Council was launched on 5 June 1981; the

current council is the 20th. The NEAC began its operations in November 1999; the current NEAC is the fourth.

Finally, the Constitution also dedicates a special sub-section (Articles 97 to 101) to the Board of Audit and Inspection, which under 'the direct supervision of the President', has to inspect and examine the accounts of the state and the 'job performance of the executive agencies and public officials'.

As of the end of 2020, the executive branch of [the government had](#) 23 ministries, 18 administrative authorities, two boards, four offices and seven committees.

The current prime minister – the 47th since 1948 – is [Kim Boo-kyum](#) from the Democratic Party.

Table 1 – The political leadership as of 21 May 2022

Position	Name	Date started
President	Yoon Seok-yeol	Since 10 May 2022
Prime Minister	Han Duck-soo	2022
Speaker of the National Assembly	Park Byeong-seug	2020
Chief Justice (Supreme Court)	Kim Myeong-soo	2017 (up to 2023)
Head Constitutional Court	Yoo Nam-seok	2018 (up to 2023)

Source: EPRS.

The legislative branch

The Korean National Assembly

The legislative branch, the [Korean National Assembly](#) (KNA), is a unicameral assembly with currently 300 members elected for a term of four years. Some 253 members are elected in single-member districts (first-past-the-post system) and 47 are elected through proportional representation. The [National Assembly Proceedings Hall](#) is located in Yeouido near the Hangang River that flows through Seoul.

On top of the right to propose laws (Article 52) and to enact and amend laws, the KNA can also propose amendments to the Constitution and has the right to consent to the conclusion and ratification of (international) treaties and the declaration of war (Article 60). Article 54 also confers upon the KNA the right to decide on the national budget bill, while Article 63 entitles it to make a recommendation to the president for the removal of the prime minister or a member of the State Council from office.

Finally, according to Article 65 of the 1987 Constitution, the KNA has the right to launch impeachment motions against the president, the prime minister, members of the State Council, and justices of the Constitutional Court (but not those of the Supreme Court, see below). In the case of the president, the proposal for impeachment must 'be proposed by a majority of the total members of the National Assembly' and approved by at least two thirds of the total members of the KNA. Once the motion has passed and 'until the impeachment has been adjudicated,' the president is suspended from exercising his or her powers.

More recently, the KNA has used its powers under Article 65 to launch an impeachment procedure against President Park Geun-hye, which forced her to step down from office (see box).

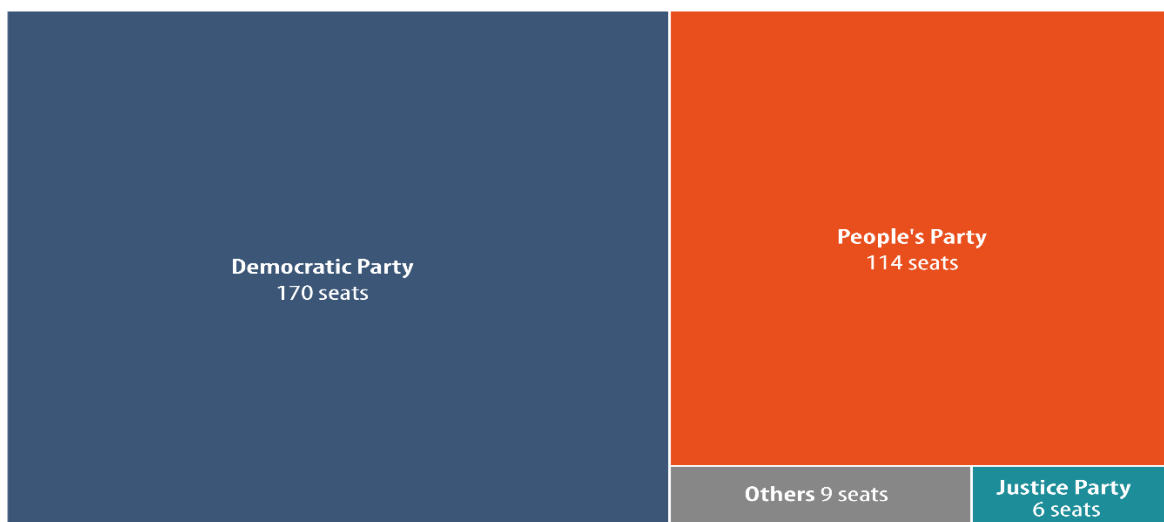
Impeachment of Park Geun-hye

On December 9, 2016, the National Assembly voted to [impeach](#) President Park by an overwhelming margin [for abuse of power, fraud and coercion](#). Her fate rested with Korea's [Constitutional](#) Court, which had up to 180 days to decide whether to allow the [impeachment](#) to proceed. On 10 March 2017, the Constitutional Court decided unanimously to uphold the KNA's decision, and Park became South Korea's first democratically elected president to be removed from office. In 2004, the Constitutional Court [rejected a KNA motion for impeachment](#) over charges of abuse of power and mismanagement, and reinstated late President Roh. The motions against Roh and Park are the only ones to have successfully passed in the KNA.

The current National Assembly, the country's 21st, was elected on 15 April 2020. With [170 members](#), the Democratic Party of Korea, close to former President Moon, has a clear majority – the main opposition party is the People Power Party with 114 seats.

The current speaker of the KNA is [PARK Byeong Seug](#), elected on 5 June 2020.

Figure 2 – Composition of the KNA as of 1 June 2022



Data source: EPRS based on information delivered by the KNA (as of 1 June 2022)

Committees

Article 36 of the [National Assembly Act](#) stipulates that 'standing committees shall perform the examination of bills and petitions falling under their respective jurisdiction', before these bills or petitions are submitted to the plenary session. In addition to the House Steering Committee, there are currently 16 standing committees.

Article 44 of the National Assembly Act also envisages the establishment of special committees and Article 45 establishes a 'standing special committee, the Special Committee on Budget and Accounts'.

The committees have the authority to amend bills, hold hearings, request information from the executive and question high-level executives, including the prime minister (Article 122 of the National Assembly Act).

Standing committees in the KNA:

- House Steering
- Legislation and Judiciary
- National Policy
- Strategy and Finance
- Education
- Science, ICT, Broadcasting and Communications
- Foreign Affairs and Unification
- National Defence
- Public Administration and Security
- Culture, Sports and Tourism
- Agriculture, Food, Rural Affairs, Oceans and Fisheries
- Trade, Industry, Energy, SMEs and Startups
- Health and Welfare
- Environment and Labour
- Land, Infrastructure and Transport
- Intelligence
- Gender Equality and Family

Source: Korean National Assembly.

The role of political parties

During the peak of authoritarian military rule from the early 1960s to the mid-1980s, political parties were marginalised, as the presidents played an almost exclusive role in policy-making, using 'a ruling party to embellish their regimes'.

This changed with the transition from authoritarianism to a well-functioning democracy at the end of 1987; since 2020, 36 different parties have taken part in (national) elections with an average span of life of four years. While these frequent changes appear somehow confusing to an outside observer, a deeper look³ reveals that these parties can largely be grouped as follows: two major parties, one of a more conservative character and the other one of a centre-left orientation, plus two smaller parties, again one conservative and the other one progressive.

The major centre/centre-left party – the [Democratic Party](#) – was founded in 1995 by Kim Dae-Jung and its original name was the National Congress for New Politics. Kim Dae-Jung was the first opposition leader to be

elected president in 1997; his successor, [Roh Moo-Hyun](#), had previously served in Kim's cabinet. President Moon (in office from 2017 to 2022) – had served as Roh's [senior secretary for civil affairs](#) before assuming the presidency. The party supports greater human rights, improved relations with North Korea, and an economic policy described as 'new progressivism'.

On the [conservative side](#), the current People's Party traces its origins back (at least) to the 1997 formation of the Grand National Party through the merger of three pre-existing parties. Its biggest electoral successes have been the 2008 presidential election of its candidate Lee Myung-bak and the presidential election in late 2012 of [Park Geun-Hye](#) (daughter of [Park Chung Hee](#), who had become president through a military coup in 1961). In general, the party advocates fiscal responsibility, a market-based economy, and caution in dealing with North Korea. President Yoon – inaugurated on 10 May 2022 – also belongs to the [conservative](#) camp.

At the latest legislative elections held on 15 April 2020, the Democratic Party garnered 49.9% in the constituency vote and the conservative United Future Party 41.5%. In [the proportional vote](#), the Democratic Party received 33.36% and the United Future Party 33.84% of the votes. [Voter turnout](#) was 66.2%, the highest since 1992.

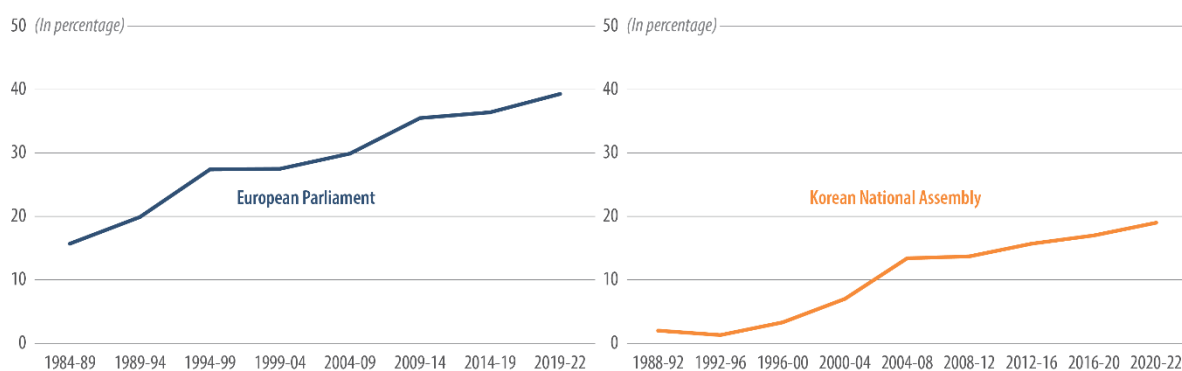
The role of women in parliament

The role of women in Korean politics has also advanced since the transition to democracy in 1987. In the early years of the democracy, women were [not strongly represented](#) in politics. Since the electoral reforms of the early 2000s, which among others recommended a gender quota of 30% for candidates on party proportional representation (PR) lists, the situation has slowly improved. In 2004, the recommended gender quotas for these lists was raised to 50% for all levels of elections. Women and men must now alternate on the party PR lists, and adherence to quotas is mandatory in regional and municipal elections.

As a consequence, the proportion of women elected through the proportional representation system has risen considerably, reaching 25 (out of a total of 47 PR seats) in the 20th National Assembly. The total number of female members of the KNA (including those in single-seat constituencies) has risen slowly but steadily, reaching 51 in the 20th National Assembly; in the current 21st National Assembly, 19% (57) of the members are women. This represents a strong increase when compared to past trends: In 1988, following the transition to full democracy, this share stood at a mere 2% (but had already risen to 13.7% by 2008).⁴ In the European Parliament, in 1988 [women represented](#) 15.7% of all members, in 2008 already 29.9% and in the current legislature 40.4%.

The proportion of seats reserved for female members in local councils was extremely low in the 1990s, but it also increased after the introduction of proportional representation seats in the early 2000s, reaching 28.3% of total local seats in 2018.

Figure 3 – A comparison of women's representation in the European Parliament and the Korean National Assembly



Data source: EPRS, author's own calculations.

The judicial branch

The judiciary consists of a [Supreme Court](#), a [Constitutional Court](#) and lesser courts; the Supreme Court is composed of a chief justice and [13 additional justices](#) serving six-year terms. According to Article 104 of the Constitution, the chief justice of the Supreme Court is appointed by the president with the consent of the National Assembly; the other members of the Supreme Court are appointed by the president on the recommendation of the chief justice and with the consent of the National Assembly. In line with Article 105, the term of office of the chief justice is six years and he or she cannot be reappointed. Article 104 also stipulates that 'judges other than the Chief Justice and the Supreme Court Justices shall be appointed by the Chief Justice with the consent of the Conference of Supreme Court Justices'.

The constitutionality of legal and administrative acts is subject to judicial control as set out in Article 107: when the constitutionality of a law is at issue in a trial, the Supreme Court must request that a decision be taken by the Constitutional Court, and must judge according to that decision. In the case of administrative acts, however, the Supreme Court has the right of a 'final review'. While the Supreme Court also has the final appellate jurisdiction over courts-martial, this does not apply for many cases under extraordinary martial law (Article 110), for which no appeal is envisaged.

The Constitution dedicates a separate chapter (Chapter 6 – Articles 111 to 113) to the Constitutional Court (CC). The competences attributed to the CC not only include the jurisdiction of the constitutionality of a law (upon the request of the courts), but also the impeachment (of the president), the dissolution of a political party and competences disputes (between state agencies, local governments).

The CC is composed of nine judges, officially appointed by the president, three of whom must have been selected by the Korean National Assembly and another three nominated by the chief justice of the Supreme Court. Their term of office is six years and they may be reappointed 'under conditions as prescribed by law'. The [Constitutional Court Act](#) in its Article 7(1) confirms these provisions and adds under Article 7(2) that 'the retirement age of a Justice shall be 70'. The CC makes decisions by a majority of at least six of its members.

Other issues

Local government

In administrative terms, the Republic of Korea [is divided](#) into nine provinces, six metropolitan cities, one special city (the capital Seoul) and a special self-governing city (Sejong). These are further subdivided into a variety of [smaller entities](#) at the local level, including cities (*si*), counties (*gun*), districts (*gu*), towns (*eup*), townships (*myeon*), neighborhoods (*dong*) and villages (*ri*).

Between 1963 and the transition to democracy in 1987, local elections could not take place, and the central government exercised strict control over local administrations. When Roh Tai-woo, the first president of the (democratic) Sixth Republic, delayed the reintroduction of local elections, opposition leader (and later president) Kim Dae-jung started a hunger strike, forcing the Roh administration to hold local elections in 1991. Local elections are now held every four years, [most recently](#) on 1 June 2022. In fiscal terms, however, local government remain highly dependent on the central government: In 2014-2015, transfers from the central government accounted for 52 % of expenditure by local governments.

The role of social movements

Social movements played a critical role in the successful transition to democracy in 1987⁵ and an important role in the democratic consolidation.⁶ These social movements are credited, for instance, with having brought about the strong decline in 'vote-buying': from 18 % of surveyed voters in the 1992 National Assembly elections to 1 % in the 2008 ones. In reaction to these 'progressive' social movements, a 'countermobilisation'⁷ took off under the Roh Moo-hyun presidency (2003-2008). This 'schism in civil society... between the progressive camp and the conservative camp' has grown over time and currently focuses primarily on issues linked to gender (in)equality. During the 2022 presidential election campaign, these issues gained such a prominence that *The New York Times* [spoke of](#) a 'gender war that has infused the... presidential race'.

The role of chaebols

[Chaebols](#) – big family-controlled conglomerates that dominate South Korea's economy – and their [federation \(KFI\)](#) have played a key role in the state's industrial policy since the military coup of 1961. However, their involvement in politics has at the same time encouraged corruption through the bribing of leading politicians, including presidents. The [bribes paid](#) to them are said to have amounted to hundreds of millions (or even billions) of US dollars.

Some sources argue that chaebols might even have increased their political influence under the democratic system, e.g., through the establishment of their own think-tanks. In 2018, President Park Geun-hye, who, as mentioned above, had been successfully impeached in 2017, was sentenced to a [prison term](#) because she had accepted more than US\$17 million in bribes from leading chaebols. Controlling their activities and their often oligopolistic or monopolistic positions in business has been a frequently declared [objective in political campaigns](#), but most reforms have not been very effective due to the successful lobbying by businesses, and to resistance from inside the bureaucracy⁸ and to the fact that they might be essential in case of a need to help [reconstruct North Korea](#).

The role of women and of minorities

[Human rights organisations](#) criticise in particular the discrimination against women and against lesbian, gay, bisexual, and transgender (LGBT) people in the RoK. The discrimination of women is most obvious in the workplace, with a [recent study](#) showing that among OECD member countries, the Republic of Korea is furthest away from reaching the UN Sustainable Development Goal 5, the global goal to gender equality. The [gender wage gap](#) at 32.5% in particular was one of the highest among OECD countries in 2019, and women accounted for a modest 5.2 percent of the [board members](#) of publicly listed businesses. A 2021 [analysis](#) on the global gender gap ranked the Republic of Korea 102nd out of the 156 countries surveyed (compared to a ranking of 107 for China and 120 for Japan). Following a [2019 decision](#) by the Constitutional Court, abortion was [decriminalised](#) as of 1 January 2021.

A [recent report](#) by HRW dealt exclusively with the discrimination of LGBT students in schools, which mirrors a [wider problem](#) also experienced e.g. in the armed forces. In December 2021, [30 organisations](#) in a letter to the Korean National Assembly asked for the adoption of a general antidiscrimination law. The letter in particular highlights that there is no legislation against discrimination based on sexual orientation, making LGBT people easy victims of harassment and mistreatment. The letter also criticises discrimination against women and girls, older people, people with disabilities, and people along the lines of their ethnicity.

Relations between the European Parliament and the Korean National Assembly

The European Parliament's [Delegation for Relations with the Korean Peninsula](#) (DKOR) was founded in 2004 and oversees relations with the Republic of Korea and the Democratic People's Republic of Korea. The delegation holds regular meetings, focusing on exchanges with diplomats and think-tankers on developments on the Korean Peninsula and between the two Koreas in particular.

Under normal (non-pandemic) circumstances, the DKOR members visit their Korean National Assembly counterparts every other year and a Korean National Assembly delegation comes to the European Parliament the following year. While there have been contacts between the Parliament and the Supreme People's Assembly of North Korea in the past, these have been much more sporadic.

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- ⁴ Own calculations.
- ⁵ Yun, S., 'Democratization in South Korea: Social Movements and their political opportunity structures' in: *Asian Perspectives*, Volume 21, number 3 (winter 1997).
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- ⁸ Routledge Handbook (2020) p. 66.

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