

The Legislature and Political Development: A Comparison between Korea and Mongolia⁷⁰

Turtogtokh Janar, Ph.D

Chairman, Professor, Department of Political Science

National University of Mongolia

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INTRODUCTION

In a democratic system, parliament is, on one hand, a representative institution of the people and, on the other hand, exists with a status of a political institution as a policy-making and law-making body. It is guaranteed by the Constitution. In addition legislature serves for political systems actively and becomes its dynamic expression. Parliamentary institution plays a tremendous role in and influences heavily on the political development.

Although there is a difference between the government systems of two comparing countries (Republic of Korea and Mongolia), it could be compared, observed and analyzed through the legislatures and the political developments caused by parliamentary election results at the similar level in terms of particular cases, samples or highlights and time factors. For both countries which democratic process took place effectively in almost at the same period (if we reckon as democracy is since 1988 for the ROK and since 1989 for Mongolia), a comparative observation and analysis are significant to mutually identify and, exchange information and knowledge on the issues such as experiences, obstacles and tendency of political development, political democracy and political culture on the political research arena. Both legislatures are more active political institutions which their policy, activity and decisions are open and transparent to the public compared to the executive branch institutions (President and Government). Some coincidental dimensions such as single-house structure of parliamentary institution based on the unitary form of the state structure, parliamentary terms of office and election frequency (since 1992 the parliamentary elections of two countries have been held the same year) become a basic background to “have a look at” both legislatures comparing them “stable” on a same flat. On the basis of those backgrounds, this paper concerns the influence of the legislature on political development, election procedure, results, post-election changes of political relations and some similar highlights and comparisons among them.

In this work, first, the author will consider general overview of constitutional systems of two countries. Then the author will discuss about the role and the status of parliament in the political

⁷⁰ This paper is originally prepared for the International Convention of Asia Scholars on “Think Asia!” at the Chungnam National University, Daejeon, Korea. The author wants to share its discussion results and some findings for further readers’ references and academic reviews.

system from their historical and functional sides, providing it with some patterns of the legislative institution. Moreover, electoral system and last election results, political parties' seat ratio in parliament and the level of the voter turnout or citizen participation in the elections will be introduced here as well. Finally, it will cover the issues of the legislature's effects in the political development and the process of strengthening of democracy and, furthermore, what potentials it will contain in further democratic process.

A BRIEF INTRODUCTORY TO MONGOLIAN AND KOREAN CONSTITUTIONAL SYSTEM

This part addresses a comparative survey of contemporary Korean and Mongolian constitutional systems in general, and briefly describes government structures.

Table 1. Comparison of constitutional hardware

	Korea	Mongolia
First Constitution	1948	1924
Current Constitution	9 th amendment made in 1987	4 th Constitution in 1992
Government system	Presidential system with National Assembly	Parliamentary republic with President
State structure	Unitary	Unitary

The Constitution of the Republic of Korea is the general instrument of Korean¹ government and the supreme law of the land. On May 10, 1948, the Korean people had held successfully the general election to institute the constituent National Assembly. Thereafter, on May 31, the Assembly was created. As Pak pointed out:

Koreans had to hold a general election in the accessible area of the country to set up a constituent assembly. Ultra-leftist directed by the Communists in the north had destroyed the communication networks, attacked the police offices in the cities and country sides, and agitated the people with their deceptive propaganda so as to block the national election all over the country in the south (Pak, 1976: 116-117).

This first Korean National Assembly established a democratic Constitution for the first time on July 12, 1948. Then, the Constituent Assembly promulgated the Constitution on July 17, 1948. Koreans had confronted little difficulties in making our Constitution. About it Pak noted that “as

we were going to build a political system of liberal democracy, we took the lesson from the historical experience of the Western constitutional democratic system which had developed in the last two centuries” (Pak, 1976: 123).

The government created under the new Constitution was a republic in its basic form, with a curious mixture of both the British parliamentary system and the American presidential system. For six decades, the Constitution has guided the evolution of governmental institutions and has provided the basis for political stability, individual freedom, economic growth and social progress. The original Constitution provided for a presidential system. However, during the preparation of draft proposals of the constitution, parliamentary cabinet system and presidential government system were challenging each other. A Constitution Drafting Committeeⁱⁱ, appointed by the Constituent Assembly, had proceeded to draw a draft constitution. Whereas most members of the Committee favoured a parliamentary system of government, Dr. Syngman Rhee, then the speaker of the Constituent Assembly, opted for a strong presidential form of government (Park, 1962: 23-34). In case of Korean people opinion, at that time, they supported overwhelmingly a model of the parliamentary cabinet system (Pak, 1976: 123).

Table 2. A Chronology of political regime and government system changes in Korea

Republic	Regime Type	System of Government	Term
First	Authoritarian	Presidential	1948-1960
Second	Democratic	Parliamentary	1960-1961
Third	Authoritarian	Presidential	1963-1972
Fourth	Authoritarian	Presidential	1973-1980
Fifth	Authoritarian	Presidential	1981-1988
Sixth	Democratic	Presidential	1988-present

Since 1948, ROK’s Constitution has been amended nine times, with the October 27, 1987 amendment being the last one. The focus of the amendments has generally been on the President’s powers and method of election, and to a lesser extent, the structure of the legislature. The ninth and last amendment was made in 1987. It restored popular elections for the President, who was henceforth restricted to a single five-year term.

The current constitutional system, which started in 1987, was based on a constitutional bill that was passed by the National Assembly on October 12, 1987, and subsequently approved by 93

percent of the voters in a national referendum on October 28. This change of constitutionalism transferred power from the authoritarian Fifth Republic into the Sixth Republic or the country's present-day government system. The current Sixth Republic constitution went into effect on February, 1988 when Roh Tae-Woo was inaugurated as the President.

In case of Mongolia, in 1924, a republic type of government was installed by the first Constitution; it became a Soviet-style Republic with one-party system which lasted until 1990s. The winds of the East European socio-political changes of the late 1980s also came to the country. New democratic and freedom parties were created, and a peaceful, democratic revolution changed the country's political system. What replaced it was a parliamentary democracy. In July of 1990, the first democratic free election took place in Mongolia, and it has become, finally, a parliamentary republic with president and multi-party system.

The 4th Constitution of Mongolia from the 13th of January 1992, ratified to strengthen the new state democratic system and to provide a legal basis and guarantees to the country's development, replaced the former structure and identified political and legal standards to establish the Mongolian state's social structure and democratic principles of Constitutionalism. The new Constitution replaced the totalitarian regime in Mongolia, and provided democratic state systems directed to the principles of power separation, and defined its organizations and regimes.

The form of democracy we know is a representative democracy. The political idea of representation is based on the idea that some person or institution acts on behalf of the people, by re-presenting their beliefs, attitudes and perspectives. The Mongolian political system is one in which the people elect members of Parliament to represent them; hence we have a system of representative government. Our particular kind of representative government is a parliamentary democracy. A more complete explanation will contain details of other aspects of the representative system. For example, Mongolia has adopted a system of parliamentary democracy, whereas the Republic of Korea is a presidential republic with an elected National Assembly.

Government system of the Republic of Korea is a presidential system based on such principles as separation of powers, and checks and balances. The Constitution provides for a three-branch governing system whereby law-making functions are in the preserve of the National Assembly, administrative functions are in the preserve of the executive branch, headed by the President, and judicial functions belong to the courts. Korea's judicial system comprises a Supreme Court, appellate courts, and a Constitutional Court. Structurally, these three branches are highly independent of each other.

According to the Constitution, the President is the Head of State (*The Constitution of Korea*, Article 66:1) and executive power is vested in the Executive branch headed by the President (*The Constitution of Korea*, Article 66:4). The President appoints a Prime Minister who runs the

government as directed by him. The President has power to attend and address the National Assembly, to convene its extraordinary session, and to exercise a veto on the bill passed by it. He/she appoints high-ranking public officials, including the prime minister and chief justice, with consent by the National Assembly.

The legislature called National Assembly or Daehan Minguk Kuk Hoe is a unicameral and has 299 members who are elected to four-year terms. Legislative power is vested in the National Assembly. It can also exercise power to investigate specific matters when deemed necessary. Moreover, the legislature has power for fiscal control which provided by the Constitution and the National Assembly Law. The National Assembly members and the President are elected respectively by universal, equal, direct, and secret ballot by the citizens of the Republic of Korea (*The Constitution of Korea*, Articles 41:1 and 67:1), and the National Assembly's leaders and officers are chosen by the members themselves.

Mongolia is a republic with powers shared among the President of Mongolia, the legislature called the State Great Hural, the Government as Executive Cabinet and the Judiciary. The current Constitution contains a parliamentary system of government with some aspects of a presidential system. The president is Head of State and is elected for a term of 4 years. The 76 members of the unicameral State Great Hural are elected to 4-year terms. By its state structure Mongolia is a unitary State.

A president may be the ceremonial head of state in parliamentary-cabinet systems of government. In case of Mongolia, the president is the head of state, commander in chief of the armed forces, and head of the National Security Council. President nominated by parties in the State Great Hural and elected by popular vote for a four-year term and limited to two terms. The constitution empowers the president to appoint judges, to propose a prime minister, call for the government's dissolution, initiate legislation, veto all or parts of legislation (the Parliament can override the veto with a two-thirds majority), and issue decrees, which become effective with the prime minister's signature. Cabinet appointed by the State Great Hural in consultation with the president. In the absence, incapacity, or resignation of the president, the Speaker of Parliament exercises presidential power until inauguration of a newly elected president.

The Government, headed by the prime minister, has a four-year term and is the highest executive body of the state. Following legislative elections, the leader of the majority party or majority coalition is usually elected prime minister by the State Great Hural. The prime minister is nominated by the president after discussed with the majority party in Parliament and confirmed by the Parliament. The prime minister chooses a cabinet, subject to Parliament approval. Dissolution of the government occurs upon the prime minister's resignation, simultaneous resignation of half the cabinet, or after a Parliament vote for dissolution.

Mongolia’s judicial system comprises a Supreme Court, provincial courts, and a Constitutional Court. Supreme Court serves as appeals court for people and provincial courts but rarely overturns verdicts of lower courts; judges are nominated by the General Council of Courts for approval by the president. The Supreme Court is the highest judicial body. At the apex of the judicial system is the Constitutional Court, which consists of nine members, including a chairman, appointed for 6-year terms, whose jurisdiction extends solely over the interpretation of the constitution.

THE ROLE AND THE STATUS OF PARLIAMENT IN THE POLITICAL SYSTEM⁷¹

Democracy is nowadays practiced through indirect methods, namely the representative system. Thus, when it is stated that sovereignty is vested in the people it means that they have the right to participate indirectly in government through their elected representatives. From the idea of popular sovereignty, we have to cope with the question how the opinions and wishes of the people could be translated into the policies and behavior of politicians. Representation, therefore, is one of the key concepts of democracy (Dahl, 1956; Riker, 1982; Lijphart, 1984). A legislature is usually characterized as a representative institution.

Table 3. Sovereignty rests in the people.

Korea	Mongolia
In democratic countries, sovereignty rests in the people. This basic principle is referred to the Constitution of Korea, stating in Chapter I, Article 1, Section 2, that the sovereignty of the Republic of Korea resides in the people, and all state authority emanates from the people. The people exercise it through direct participation in state affairs and through representative bodies of state power elected by them.	In accordance with Chapter I, Article 3 of the Constitution of Mongolia, state power shall be vested in the people of Mongolia. The people shall exercise state power through their direct participation in state affairs as well as through the representative bodies of state power elected by them.

⁷¹ Note: An earlier version of this chapter was appeared in the Final Report for the field research funded by the Korea Foundation in 2008. The author is grateful to the Korea Foundation for its support for the research project.

The Constitution of the Republic of Korea embodies the principle of separation of powers; National Assembly enjoys an autonomous governmental role, operating independently on the basis of its own constitutional powers. Korean National Assembly is the legislative branch of the government, prescribed by the Constitution to represent the will of the people. Besides, the National Assembly “played a modest role in the expansion of citizen participation” (Kim and Pai, 1981: 37). Political representationⁱⁱⁱ and policy making are kinds of assemblymen main roles. As representatives of the citizens, assemblymen have the right to engage in the legislation, adoption of the budget, inspection or investigation of specific matters of state affairs, etc.

Korean National Assembly has been becoming a vivid image of an institutionalized form of representative democracy in the new history of Korean politics. Since Constituent Assembly was formed by the general and direct election in 1948, changes and development of legislative institutions during this period is entirely and inevitably connected with the political development of the country. During any democratic and non-democratic political systems, the National Assembly has been a public representative in politics and has been implementing its function successfully. On the other hand, it has been a reflection of political regime and political culture in its each authority.

Historical development and significance of the legislature has been studied by parliamentary scholars (Kim and Pai, 1981; Yoon, 1991; Park, 1998: 66-68, 2002: 330-32) and politicians (Kil, 1964: 1-12; Pak, 1976: 115-34) by various attempts. For instance, Park (1998) investigated the changes of the Korean legislature’s policy activity in the context of the historical dimension. As Park briefly emphasized, the Korean National Assembly has a relatively short but turbulent history (Park, 1998: 68). I, the author of this paper, concurred with this, however, not only in terms of parliamentary institutional changes but also development of contemporary Korean politics. From the beginning of the First Republic through the current Sixth one, Korea has experienced a series of political alterations. In line with this, the place of the legislative institution in the Korean political system has ever changed. With the heavy influence of the Constitution, the legislature became the focal point of politics and exercised a great deal of power (See more on Kim and Pai, 1981: 23).

Table 4. A Chronology of the Korean National Assembly (from the time of the Sixth Republic).

Republic	Regime Type	System of Government	Assembly	Term
Sixth	Democratic	Presidential	Thirteenth	May 1988-May 1992
			Fourteenth	June 1992-May 1996

			Fifteenth	May 1996-May 2000
			Sixteenth	May 2000-May 2004
			Seventeenth	May 2004-May 2008
			Eighteenth	May 2008-May 2012
			Nineteenth	May 2012-May 2016
			Twentieth	May 2016-present

As shown in table 4, Sixth Republic has started since May 1988 and the National Assemblies in the current Republic has still been moving forward. Although Republic of Korea is a country of presidential system of government^{iv}, its National Assembly is the most competitive^v, open and democratic materialization of political life, and its role is a lot in Korean political system. The parliamentary institute of this country has overcome plenty of obstacles and hierarchy of political formation and development during the period of authoritarian and democratic political regime, presidential and parliamentary system of government.

During its history, the Korean National Assembly has experienced the both of unicameral and bicameral structures of legislature. For example, first National Assembly was a unicameral, however then, by the first amendment to the original Constitution, made in 1952, provided for a bicameral legislature. Furthermore, the fifth amendment to the Constitution (which corresponds to the first rewriting of the Constitution) was made in 1962 put the presidential system and the single-house legislature back in place. Currently, Korea has a unicameral National Assembly. The organizational components of the National Assembly are the individual members, the presiding officers, the plenary, the committees, the negotiation groups, and the administrative organs for legislative assistance.

Mongolia's Constitution of 1992 established new legal grounds for the status, the functions, and the operation of its permanent parliamentary institution within the state and government structure. State Great Hural of Mongolia is the legislative branch of the government, prescribed by the Constitution to represent the will of the people. It is a unicameral parliament and consists of 76 members in single-seat constituencies, elected by popular vote. Parliamentary elections have been hold five times in confirmity with our first new democratic constitution ratified in 1992. Table 5 shows a chronology of the State Great Hural of Mongolia, from the time of New Constitution.

Table 5. A Chronology of the State Great Hural of Mongolia (1992-up to present).

Regime Type	System of Government	Parliament	Term
Democratic	Parliamentary Republic	Constituent	June 1992-June 1996
		Second	June 1996-June 2000
		Third	June 2000-June 2004
		Fourth	June 2004-June 2008
		Fifth	June 2008-June 2012
		Sixth	June 2012-June 2016
		Seventh	June 2016-present

The functioning of the National Parliament is based on the principles to defend the independence and sovereignty of Mongolia, to form a law-governing power, to ensure the will, aspirations, interests and unity of the Mongolian people and to secure the guarantee and implementation of democracy, justice, human rights and freedom. Nowadays, the Mongolian Parliament has been operating according to the powers as provided for in the Constitution. However, there is a need to perfect the operations of the parliamentary institution to a more upgraded level in accordance with modern conditions and requirements of a political democracy.

As the supreme government organ, the Parliament is empowered to enact and amend laws, determine domestic and foreign policy, ratify international agreements, and declare a state of emergency. The Parliament meets semiannually. Parliament members elect a chairman and vice chairman who serve 4-year terms.

In the country, Parliament decides who will govern. This is an issue of the formation of the government. In parliamentary types of government the political chief executive is selected by majority vote in the parliament. In other words, the strongest party in the parliament provides the necessary political support for its leader to emerge as prime minister, and to select the majority of the members of his government from his party represented in the parliament. In Mongolia's case, to form a government and choose a prime minister, a party needs a simple majority of 39 seats in the Parliament, a legislative body of 76 nation-wide representatives.

The Constitution of Mongolia provides that the State Great Hural may consider, at its initiative, any issue pertaining to domestic and foreign policies of the country. They make representations

on behalf of their constituents to the government and the public service. The passage of legislation by majority vote of the Parliament.

Table 6. Comparison of the legislative structures

#		Korea	Mongolia
1.	House	Unicameral	Unicameral
2.	Individual members	299	76
3.	The presiding officers	Speaker and two vice speakers, elected to two-year terms	Chairman and two vice chairmen, elected to four-year terms
4.	Speaker	Represents the National Assembly; presides over the parliamentary proceedings, maintains order in the house, and oversees its administration	Represents the State Great Hural; co-ordinates as a whole the implementation of the powers of the house
5.	Types of sessions	<p>Two types of legislative sessions are provided, regular and extraordinary.</p> <ul style="list-style-type: none"> - A regular session is convened once every year, on September. The period of a regular session is limited to 100 days; - Extraordinary sessions may be convened upon the request of the President or a quarter or more of the members of the Assembly. The period of an extraordinary session is limited to 30 days. If the President requests the convening of an extraordinary session, he must clearly specify the period of the session and the reasons for the request. 	<p>Three main types of sessions: regular, irregular and extraordinary.</p> <ul style="list-style-type: none"> - A regular session is held once in six months, on October and April, and last not less than 50 working days on each occasion; - Irregular sessions may be convoked in the interim of regular sessions. The irregular sessions are convened at the demand of more than one-thirds of entire members of the State Great Hural or/and at the initiative of the President and the Chairman of the State Great Hural. - In the interim period of the

			regular session, in case of proclamation by the President of a state of emergency or war, the State Great Hural is convened for an Extraordinary session within 72 hours without prior announcement.
6.	The committees	<p>Two types of the committees:</p> <ul style="list-style-type: none"> - Standing committees - Special committees <p>An assemblyman shall become a member of two or more Standing Committees.</p>	<p>Three types of the committees:</p> <ul style="list-style-type: none"> - Standing committees - Subcommittees - Ad hoc committees <p>A member of the State Great Hural shall become a member of not more than two Standing Committees.</p>
7.	Intra-Parliamentary groups	<p>Each political group having 20 or more assemblymen may form a negotiating group which acts as a unit in inter party negotiations within the Assembly. Assemblymen without party affiliation can form separate negotiations groups if their number is 20 or more. Each negotiating group names floor leader and whip, which are responsible for negotiating with other groups.</p>	<p>Party (coalition) group having not less than 8 seats in the State Great Hural may set up a party and coalition group. Members representing several parties, having less than 8 seats in parliament are not set up together one party group. But they may join any of the party and coalition groups. Each group elects its head from amongst its members.</p>

Mezey classified the activities of legislatures and their members into three general headings: policy-making activities, system-maintenance activities, and representational activities (Mezey, 1979: 7-11). Two legislatures are vested with a number of functions under each Constitution, the foremost of which is making laws. Lawmaking process is one of main policy-making activities of the legislatures. Therefore, of the functional activities, that of legitimation is most closely identified in a democracy with a specific institution - the legislature (Jones, 1970: 73). Law-

making function of legislatures is almost universally less important than constitutional doctrine or popular opinion would suggest (Loewenberg, 1971: 177-200; Packenham, 1970: 521-82).

Table 7. Comparison of the legislatures as law-making bodies

#		Korea	Mongolia
1.	Constitutional status	In accordance with article 40 of the Constitution of Korea, the legislative power is vested in the National Assembly.	In accordance with article 20 of the Constitution of Mongolia, the State Great Hural is the highest organ of state power and the supreme legislative power shall be vested only in the State Great Hural.
2.	Constitutional power	The most essential power of the National Assembly is to enact, amend, and abolish laws. The National Assembly deliberates bills, including legislative bills, the government's budget bill, and proposals for ratification of international treaties. It also carries out inspection and audit of the administration, as well as engages in inter parliamentary activities. In short, National Assembly has a large and independent capacity to make the laws of the country, and it performs a constituent function which enhances its political endurance.	The Constitution defines the State Great Hural as the supreme legislative power, providing it with wide-ranging authority to enact and amend laws, to determine domestic and foreign policies, fiscal and monetary policies, and to approve the state budget. The parliament has the power to approve and amend the country's administrative and territorial divisions and the power to determine the legal basis for local self-governing authorities.
3.	Initiative	Bills may be introduced by members of the National Assembly or by the Executive.	The President, MPs, and the Government have the right to legislative initiative. Citizens and other organizations may forward their suggestions on draft laws to those entitled to initiate a law.
4.	Law-taking	A law takes effect 20 days after the	A law is subject to official promulgation through publication

	effect	date of promulgation.	and, enter into force 10 days after the day of publication.
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The legislative process involves many different actors such as legislative members, parties and factions, the executive, interest groups, and constituents in the district (Kim and Pai, 1981: 26). The initiation of legislation sets in motion the whole process of law-making. Blondel argued that private member bills are a measure of the power of initiation of the legislature (Blondel et al., 1970: 79).

Currently, the Korean Constitution provides that the Executive and individual legislators may initiate legislative proposals, whereas The President, members of the National Parliament, and the Government have the right to legislative initiative in Mongolia. Legislative proposal by the administration or executive branch is called a government bill. As formally prescribed by the law, a bill may be introduced by an assemblyman with the concurrence of 20 or more Assembly members^{vi}, or by the administration. An Act is promulgated by listing it in the official gazette, and an Act shall take effect twenty days after the date of promulgation.^{vii} In case of Mongolia, a law takes effect 10 days after the day of publication.

ELECTORAL SYSTEM AND LAST ELECTION RESULTS

This part of paper sets out to provide a peculiarity of election system of Korean National Assembly and effects on political relations, and, indeed, to expose those significant which are considered to be useful experiences for the parliamentary election of our country.

Elections are connections running from the citizens to government (Boynton and Kim, 1975: 21). Free and fair elections are essential to confer legitimacy on governments, translate the will of the people into viable, accountable parliaments and governments that broaden consensus, facilitate participation in political processes, and promote confidence between communities (Molutsi and Singh, 2003). Legislatures legitimized by popular election. It is, of course, a process in which a vote is held to elect candidates to an office. It is the mechanism by which a democracy fills elective offices in the legislature. Generally, democratic elections are viewed as possibilities through which voters influence political leaders. But even in free democracies they can also be seemed from the top down, as institutions which expand the authority of the rulers over the ruled. For some authors such as Ginsberg (1982), this is the major function of elections - competitive elections as well as elections without choice.

Table. 8. Principles

	Korea	Mongolia
As in the <i>Universal Declaration of Human Rights</i> ^{viii} claims that “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” ^{ix} This proclamation has a very large scope on political life and a deep meaning especially for the level of political development in given country.	In accordance with Article 41 of the Constitution of Korea, the members of the National Assembly are elected by universal, equal, direct, and secret ballot by the citizens.	In accordance with article 21 of the Constitution of Mongolia, the members of the State Great Hural are elected by citizens qualified to vote, based on universal, free, direct suffrage by secret ballot.
To be eligible for election	a candidate must be at least 25 years of age	
The right to vote	20 or older	18 or older

In case of Korean National Assembly

Under the revised electoral system for the Korean National Assembly, out of the 299 members, 245 members are elected by popular vote in single-seat constituencies, while the remaining 54 seats, proportionally, are allocated to political parties that get five or more district seats or 3 percent or more of all valid party votes. The proportional representation system is aimed at appointing Assembly members who will represent national interests rather than local interests. Each voter casts two votes, one for an individual, and one for a closed party list in the proportional representation tier.

In the proportionally representative National Assembly election, parties make a list of candidates and submit it to the election commission (Ka, 2008: 200). For the seats of assemblymen at large, each party listed its candidates at large in their ranking orders. One candidate from each electoral district is selected by a plurality of votes. Seats in both tiers are allocated separately; each party is allocated its parallel share of the proportional or at-large seats plus the district seats won by its candidates. As Park notes that in this ostensibly mixed system, the plurality component is dominant. A voter casts a single ballot in choosing his or her district representative. This vote is counted again as the vote for the candidate’s party list for proportional representation. The at-large seats are divided in proportion to each party’s nationwide vote share among the parties with at least five district seats, or with five per cent or more of the total valid votes (Park, 1998: 75).

However, majoritarian and proportional, which are the most general two electoral systems, are being used for the election of the National Assembly as they are simplest and plainest variation for the election. Voters mostly tend to express dual opinion depending on the peculiarity of the electoral system. It is a requirement to elect a specific one party on the basis of party's election program and a candidate according to his/her order of list order in the party. Due to this "tiny" problem of the mixed system the voters' participation is seen to drop. The reason is that if a voter decides to vote in the election, he/she needs to make a dual vote for the election.

This peculiarity of the electoral system, which can be "problem" for the voters, tends them to vote for the main parties which have long years of experience and are well-known among the public. Although a proportional system helps a lot of parties to be represented in the legislative institution, it is difficult for the small parties to obtain seats to compose legislative majority. Moreover, setting an electoral threshold limits the minimum amount of necessary votes to obtain seats in the parliament. It is, as well, becomes an obstacle for the small parties.

In case of State Great Hural of Mongolia

The majority system is known as plurality system under which the winning candidate is one who bags the highest number of votes. It may then be found that although a party may get a majority of the votes cast in the election, it may not get majority of the seats. Among 199 democratic countries, 91 countries exercise this election where as 72 exercise proportional election system while 30 exercise mixed election system. Among five branches of majority system (First past the post, Two-round system, Party block vote, Block vote, Alternative vote), Mongolia has been exercising first-past-the post system.

In Mongolia, parties or coalition of parties, which officially registered before the day of election, are ensured with the right to nominate to the membership of the State Great Hural. In addition, each party draws up a statement of its position on various issues, called a platform. Voters thus make their decisions on the basis of the individuals running for office, and the political platform of the parties they represent. It is possible for a candidate to run for office in a general election without the backing of a political party. To run as an independent, a person must present a petition, signed by a specified number of voters who support his or her candidacy. Parliamentary electoral law requires that citizens of Mongolia who has obtained not less than 801 of vote cast in the electoral constituency shall be eligible for independent candidacy for the election as member of the State Great Hural.^x

LEGISLATURE'S EFFECTS IN THE POLITICAL DEVELOPMENT AND THE PROCESS OF STRENGTHENING OF DEMOCRACY

According to some researchers' point of view, political trust and evaluation influence on and guide people's behaviour. Therefore, composition of political culture is trust, an evaluation and a perception are the basis of strengthening democracy (Eckstein, 1988: 789-804; Putnam, 1993).

As seen in the research surveys (for instance, see Shin, 2005: 58-60; Park, 2007: 105-109) undertaken under various timelines, methods and samples by international and domestic scholars and research institutes, the reputation of the Korean National Assembly, its members or legislatures and the level of public political trust in them is seen to be decreased in comparison to other political and civil society institutions. It depends on structural factors such as political system and peculiarity of governance, and some political cultural factors such as elected politicians or assemblymen's political behaviour and reputation. Somehow, the National Assembly has been and will be a reflection of political relation on society, a voters' expression of political vote and a vital channel between voter and elected politician and communication between the states.

Currently, parliamentary election system of Korea is can be considered mixed type of system including both of majority and proportional election system. However, mixed electoral system, on one hand, is a lever to enter representatives from those many parties. On the other hand it tends to effect on the drop of electoral participation as ordinary voters face challenges to vote in the election.

A development tendency of our country and its strategic purpose are declared in the Preamble of the Constitution of Mongolia. In the Constitution "We, the people of Mongolia, aspire toward the supreme objective of building a humane, civil and democratic society in the country" (*The Constitution of Mongolia*, 1992, Preamble) which tells us that philosophy of social, political and economic development is inseparably linked with democracy and its values. Therefore, development of our nation should be based on the constitutionalism and democracy in future.

Democratic institutions in Mongolia are being formed and Mongolians are learning democracy and democratic political culture. Nevertheless, we face the biggest challenge of how to use and make those newly formed democratic institutions our own in terms of political development. We have right and wrong. But most importantly, democracy is being successfully developed which is considered to be the basis of Mongolian development sustainability in this changing world. In comparison with other countries of the third wave of democracy, Mongolia, however multiple parties have taken seats in the parliament, has a peculiarity of the political formation of dominant two-party system. The lever to it is majority system of parliamentary election. Generally, there are still two main players in parliament arena such as MPRP and DP which established during the democratic period. Compared to Lijphart's comparison (Lijphart, 1999) legislative regulation in Mongolia builds favorable environment to support winner-take-all or dominant two-party system, generally. This system is expressed by the fact that the party which has more votes with a few percent constitutes its government unilaterally and operates as well.

Dominant two-party system and majority election system might bring adverse outcome which divides Mongolians into two in terms of their political attitudes. One way to prevent it is a precise variant of election system. Election system reform can be one way to form political pluralism. Although, political parties show initiatives of election system reform before every selection, unfortunately, political parties and its authorities in their ruling period care more about whether their initiative can influence positively on strengthening their authority in the next election.

In future, it is required to change our election system and carry out mixed or list proportional election system in order to support political development in Mongolia. This issue is still being in search of the best solution for Mongolian future political development by politicians and researchers. Thus, it is necessary to learn experiences from other countries on implementing mechanism and how to estimate election results clearly and accurately for the public. As a criterium of the mixed election system, we consider National Assembly of ROK, which is one of the broadest relationship with our country in the field of economics, culture, education and politics.

CONCLUDING REMARKS

The role of the Constitution is tremendous in politics of two countries. One fundament for constitutionalism is a principle to regard the rule of law as a superior. Safeguarding and implementing the principle to regard the rule of law as a superior becomes a basis for the development of politics and the country.

Mongolia is a new democracy, which is implementing political and economic transition reforms simultaneously. Political multiple parties, interest groups, non-government organizations, representative institutions established by election and public media instruments which can be said as free and independent are formed according to the Constitution. However, their principle to be democratic and open to society is just at a starting point in some aspects.

Mongolia is a country which is strongly sensitive to democracy and reflective to the advantages of foreign culture and values. However, the risk can affect democratic strengthening that politicians are not potential enough to hold political responsibilities and their function is carrying on in a far distance to public interests, wishes and necessities. Importantly, it is praiseworthy that Mongolia in terms of its political development is staunch for its democratic principle which was chosen two decades ago. National development policy is about to be discussed soon in the Parliament of Mongolia with a purpose of political transparent and fair system apart from corruption is given us even a little hope.

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NOTES

¹ According to the Potsdam declaration, Korea was set free from the 36 years of colonialism, and the nation was recovered its liberty on August 15, 1945.

¹ At that time, this Special Committee on Draft Constitution consisted of 30 assemblymen, along with 10 other experts or advisory specialists as Pak said in his book (Pak, 1976: 123).

¹ This activity or function of legislatures is also described as "linkage", as some scholars have defined (See on Loewenberg and Patterson, 1979: 44; Kim and Pai, 1981: 1).

¹ The Constituent Assembly of the Republic of Korea adopted a constitution containing a basically this type of government in 1948 (Park, 1998: 65).

¹ As Kim and Pai (1981: 37) noted in advanced manner, this legislature is the most important linkage institution.

¹ See on Chapter III, Article 52 of the Constitution of Korea or The National Assembly Act, Section 2, Article 79.

¹ For legislative procedures, see section IV. The Legislative Procedures for Acts and Subordinate Statutes, in the *Statutes of the Republic of Korea*, Vol. 1 xv-xviii (1997).

¹ *The Universal Declaration of Human Rights* is a declaration adopted by the United Nations General Assembly in 10 December 1948.

¹ *The Universal Declaration of Human Rights*, 1948: Article 21-3.

¹ *State Great Hural Electoral Law*. 2005, Ch. One, Art. 7, Sec. 2.