

A BRIEF OVERVIEW OF THE KOREAN NATIONAL ASSEMBLY¹**Turtogtokh Janar**Chairman, Professor, Department of Political Science,
School of Arts and Sciences, National University of Mongolia***Abstract***

In this paper, the author considers the Republic of Korea's legislative institution. In order to develop the parliamentary institution in the present social conditions of Mongolia, it is required to identify and describe the Parliament's operation, functions, features, and its status in the state structure and conduct comparative study of the Parliament of Republic of Korea. In connection with the above, it is essential to emphasize theoretical and practical issues related to features of functions, electoral mechanisms, operation and status of the Republic of Korea's parliament in the political system.

Keywords: *Political system, legislatures, constitution, election*

The legislature as a political institution

On May 10, 1948, in accordance with the resolution of the U.N. General Assembly a general, democratic election, under the supervision of the temporary U.N. Korean Commission, was held in the area south of the 38th parallel, giving birth to the constituent National Assembly. This first Korean National Assembly established a democratic Constitution for the first time on July 12, 1948. During the half-century thereafter, it has been at the center of the political life and governance of the country. From the beginning of the First Republic in 1948 through the current Sixth Republic, Korea has undergone a series of political alterations. In line with this, the place of the legislative institution in the Korean political system has ever changed.

¹ This paper is partly based on previous discussions in international conferences on Korean political studies and comparative politics.

The original Constitution provided for a presidential system with elements of the parliamentary system. The 1st amendment, forced through the Assembly under an atmosphere of repression; the 2nd amendment, the so-called “rounding-off” amendment; the 3rd amendment after the April 19th Revolution of 1960; the 4th amendment for retroactive punishment of the perpetrators in the electoral corruption of March 1960; the 5th amendment, following the May 16th military coup of 1961; the 6th amendment aiming at giving the President a third term; the 7th amendment, creating the so-called Yushin (Revitalizing Reforms) Constitution; the 8th amendment following the assassination of the President; and finally the 9th amendment, won by the people rising up to demand democracy.

Here, in the National Assembly, the nine rounds of constitutional amendment marking the turning points in the modern political history of the Republic of Korea and countless laws that have shaped the life of the nation were made.

As shown in table 1, the place of the legislative institution in the Korean political life has ever fluctuated. For example, in case of the Korean National Assembly of the Fourth Republic, Mezey classified that legislature as a marginal type, a category of legislatures with modest policy-making power and a relatively low degree of support (Mezey, 1979, pp. 21-44).

Table 1. A Chronology of the Korean National Assembly

Republic	Regime Type	System of Government	Assembly	Term
First	Authoritarian	Presidential	Constituent	May 1948-May 1950
			Second	May 1950-May 1954
			Third	May 1954-May 1958
			Fourth	May 1958-May 1960 (curtailed due to the student uprising)
Second	Democratic	Parliamentary	Fifth	July 1960-May 1961 (dissolved by the military coup)

Third	Authoritarian	Presidential	Sixth	December 1963-June 1967
			Seventh	July 1967-June 1971
			Eighth	July 1971-October 1972 (dissolved due to martial law)
Fourth	Authoritarian	Presidential	Ninth	March 1973-March 1979
			Tenth	March 1979-October 1980 (dissolved by the military coup)
Fifth	Authoritarian	Presidential	Eleventh	April 1981-April 1985
			Twelfth	April 1985-May 1988 (curtailed due to pro-democracy protest)
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-May 2020
			Twenty first	May 2020-present

Source: Park, 2002, p.331

Note: last five rows were added by author

The current Sixth Republic constitution went into effect on February, 1988 when Roh Tae-Woo was inaugurated as the Republic's president. The system of governing is a presidential system based on such principles as separation of powers, and checks and balances.

The National Assembly in the first two years of the current Sixth Republic was a vulnerable legislature, having strong policy-making power but not being so well supported. It could be said to be a fairly weak form of vulnerable legislature. The legislature's strength of policy-making power has declined. More recently, the legislature has shown more vigour than at the peak of authoritarianism in terms of its policy-making power, but it still has modest policy-making power. The degree of support for the legislature has declined much further since the early years of the Sixth Republic. Presently, the legislature is just a fairly strong form of marginal legislature. (Park, 1998, p. 69).

The Constitution of the Republic of Korea is the general instrument of Korean government and the supreme law of the land. For many years, it has guided the evolution of governmental institutions and has provided the basis for political stability, individual freedom, economic growth and social progress. The Constituent Assembly had adopted not only the Constitution, but the Government Organization Law, the National Assembly Law, the Courts Organization Law, and the Election Law; it had kept busy with enacting the various statutes, and adopting bills, resolutions, and recommendations to build up the frames of a new nation.

According to contemporary constitutional theory, the unicameral system is more appropriate to democracy, bicameral systems being regarded as essentially designed to restrain and moderate the ebullience of popular sovereignty, which would operate in too ruthless a manner if there were only a single chamber. The single chamber should ideally be elected by direct universal suffrage, and that is in fact the commonest practice (Inter-Parliamentary Union, 1962, p.11.).

Korea has a unicameral Parliament (National Assembly) with 299 members, elected for a four-year term, 243 members in single-seat constituencies and 56 members by proportional representation. The Constitution provided a term of office of four years for the parliament (*The Constitution of Korea*, Ch. III, Art. 42).

In democratic countries, sovereignty rests in the people. This basic principle was stated in Article III of the Declaration of the Right of Man proclaimed at the time of the French Revolution in 1789. This principle is referred to the Constitution of Korea (The Constitution of Korea, Ch. I, Art. 1, Sec. 2). The people exercise it through direct participation in state affairs and through representative bodies of state power elected by them.

Since democratic politics means self-government, an ideal democracy would be based upon direct participation by the people. However, it is impractical to utilize direct democratic methods in modern countries with large populations and great territories. Therefore, 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.

National Assembly or Daehan Minguk Kuk Hoe is the legislative branch of the government, prescribed by the Constitution to represent the will of the people. In accordance with article 40 of the Constitution of Korea, the legislative power is vested in the National Assembly.

The legislature as a representative institution

A legislature is usually characterized as a representative institution. Representative is employed in more than one sense. One common understanding of being representative focuses on the characteristics of a population and how these are reflected in a body such as a legislature. In discussing the representativeness of legislatures, for example, Loewenberg and Patterson note: Recruiting processes ... translate into party divisions in the electorate into party divisions in the legislature; occupational patterns in the country into occupational patterns among legislators; ethnic, racial, religious, sex and age distributions among the constituents into similar distributions among the elected legislators. (1979, p.111)

Representativeness is also conceptualized as responsiveness to the wishes and expectations of the citizens. Eulau and Karps have identified four components of responsiveness, which they have named policy responsiveness, allocation responsiveness, service responsiveness, and symbolic responsiveness (1977, p.241).

Policy responsiveness refers to the relations between the policy preferences of

constituents and the behavior of elected members of a legislature. The more the activities of the elected representatives are directed toward the achievement of policy preferences of the electorate, the greater the policy responsiveness, and therefore the higher the level of representativeness achieved (Eulau and Karps, 1977, pp.182-83). This definition assumes that the policy preferences of constituents are known, which, as Wahlke has cogently argued, may not always be true (1971, p.145), but in one study some relations have in fact been found between the broad policy orientations of voters, local notables, and members of parliament (Kim et al. 1984, pp.104-8).

Service responsiveness refers to the nonlegislative services that representatives may perform for their constituents. This involves highly varied kinds of activities, the most typical being intervening with bureaucrats on behalf of constituents (Eulau and Karps, 1977, pp.243-45). By allocation responsiveness, the authors mean getting public goods and services allocated to the district that a legislator represents. The beneficiary of the allocation may be the entire district, some parts of it, or some groups or individuals in the district (Eulau and Karps, 1977, pp.245-46). In contrast to service responsiveness, allocation responsiveness is not concerned with specific service requests by constituents but rather the general expectation that the representative should do things that benefit the district.

Symbolic responsiveness is a qualitatively different dimension of representativeness. It is concerned more with the attitudes of constituents toward legislators and the legislature, than with the behavior of the legislators per se (Eulau and Karps, 1977, pp.246-47). It refers to meeting the psychological needs of citizens, such as having confidence in government, feeling proud of their nation and its institutions, and believing that their interests are given favorable consideration and their problems are addressed by the government in general and by the legislature in particular (Loewenberg and Patterson, 1979, p.190).

The conceptualization of representativeness alternatively as replication in a legislature of the politically significant attributes of a population and as the multidimensional responsiveness of a legislature and legislators to the demands and the expectations of citizens are not rival ways of looking at the same phenomena. Rather, they are complimentary. A legislature in which the major characteristics of a population are not reflected in some adequate way is unlikely to be representative. To cite an example, a body comprised exclusively of property owners is not likely to pay close attention to the problems of those who do not own property or those who are tenants or renters. Similarly, the attention an assembly of whites would devote to the concerns of

blacks would be limited (Ilter Turan, 1997, p.107).

Legal rules, i.e. regulations on the rights and duties of the people and the tasks of public authorities, assume the form of laws and other statutes. The most important legal rules are found in laws. In principle, legal rules imposing obligations on people are supposed to assume the form of laws. Among the main tasks of Parliament is to pass laws.

Another major task of Parliament is to decide about central government income and expenditures. The Korean Constitution and the National Assembly Law provide the legal framework for prescribing the ways in which the state's annual budget is deliberated in the national legislature. The Constitution (Article 54, clause 1) grants to the National Assembly the power of deliberating and deciding upon the state's budget. The budgetary process in the National Assembly sets in once the government submits its budget proposal to the legislature. According to the legal frameworks, the budgetary process in the National Assembly can be divided into four continuous stages: formal introduction, each standing committee's preliminary review, comprehensive review by the Special Committee on Budget and Accounts, and final approval in the plenary session. Overall, the formal procedures reveal an essentially reactive and passive role for the National Assembly. (Park, 2003, pp.495)

References

- Eulau, Heinz, and Paul D. Karps (1977): The puzzle of Representation: Specifying Components of Responsiveness, in *Legislative Studies Quarterly* 11:233-54.
- Ilter, Turan (1997): The Turkish Legislature: From Symbolic to Substantive Representation, in Gary W. Copeland and Samuel C. Patterson, ed. (1997): *Parliaments in the Modern World: Changing Institutions*, Ann Arbor: The University of Michigan Press.
- Inter-Parliamentary Union (1962): *Parliaments: A Comparative Study on the Structure and Functioning of Representative Institutions in Forty-One Countries*, Cassell and Company Ltd.

- Kim, Chong Lim, Joel D. Barkan, Ilter Turan, and Malcolm E. Jewell. (1984): *The Legislative Connection: The Politics of Representation in Kenya, Korea, and Turkey*, Durham, NC: Duke University Press.
- Korean National Assembly (1948): *The Constitution of Korea*.
- Loewenberg, Gerhard, ed. (1971): *Modern Parliaments: Change or Decline?* Chicago: Aldine Atherton.
- Loewenberg, Gerhard, and Samuel C. Patterson (1979): *Comparing Legislatures*, Boston: Little, Brown.
- Mezey M. L. (1979): *Comparative Legislatures*, Durham, NC: Duke University Press.
- Pak, Chan Hyun (1976): *A Comparative Study of the Congress of the United States and the Korean National Assembly*, Seoul: Kwang Myung Printing Company.
- Park, Chan Wook (1998): The National Assembly of the Republic of Korea, in *the Journal of Legislative Studies*, 4(4): Frank Cass.
- Park, Chan Wook (2002): “Change Is Short but Continuity Is Long: Policy Influence of the National Assembly in Newly Democratized Korea” in Gerhard Loewenberg, Peverill Squire and D. Roderick Kiewiet, ed. (2002): *Legislatures: Comparative Perspectives on Representative Assemblies*, University of Michigan Press.
- Park, Chan Wook (2003): Budget Review in the National Assembly of Democratic Korea, in *Journal of East Asian Studies* 3 (2003).
- Wahlke, John C. (1971): Policy Demands and Systems Support: The Role of the Represented, in *Modern Parliaments: Change or Decline?* See Loewenberg 1971.