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## Research Article

# PARLIAMENTARY OVERSIGHT OF DEFENSE AND SECURITY IN THE REPUBLIC OF KOREA

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## ABSTRACT

The article highlights the activities of parliamentary control of the National Assembly of the Republic of Korea in the field of defense and security. Civil-military relations in society are analyzed, as well as the legal and constitutional mechanisms that ensure democratic civilian control over the army.

## KEYWORDS

National Assembly, civil society, Constitution, public relations, historical character, armed forces, security, parliament, control.

## INTRODUCTION

The issue of national defense and citizen security occupies a central place in national politics. Increasing the efficiency of management in such an important area as national security, based on legal requirements, is one of our priorities [1.B.223]. The policy must combine all the values and principles related to defense and security, and the state must protect these values and principles. It is vital that representatives elected

by the people work closely with the government on defense and security matters. This cooperation is aimed at peace in the country and the safety of citizens. For this reason, the world's parliaments are empowered to exercise control over defense and security through their national legislation. To study the experience of parliaments of developed countries in the implementation of parliamentary control in the field of defense and security, to



identify objective and subjective factors that negatively affect the application of laws in practice, in turn, will serve to enrich our national experience in the field of effective organization of relations between government authorities and defense and security authorities, parliamentary control in this area, determining measures aimed at eliminating existing shortcomings in the system.

Located in the southern part of the Korean Peninsula in East Asia, the Republic of Korea (informally known as South Korea) has a population of over 51 million people and is the 27th largest country in the world by population and 107th largest by area. The Republic of Korea was founded in 1948 and is a unitary state. The head of state in this country is the president, elected in national elections for a period of 5 years. Legislative power belongs to the unicameral National Assembly, headed by the Speaker.

The South Korean military was created in 1948 after Korea was liberated from the Japanese Empire and became a republic. If we look at the composition of the armed forces, the manpower is 25,922,417, tanks 2,331, aviation 1,602 and submarines 22. The military budget for 2023 is set at 42.1 billion US dollars [2]. In the ranking of the ten most powerful armies in the world, the military power of which is assessed by Global Firepower according to more than 50 different criteria, the South Korean army ranks 6th (2023) [3]. The Republic of Korea conducts regular exercises with both active and reserve forces. In terms of the number of military personnel per

capita, the country ranks second in the world after the DPRK with 555,000 active military personnel and 500,000 reserve forces [4].

The president of the country is the commander-in-chief, and the minister of defense is the head of the armed forces. The operational leadership and strategic planning of the armed forces is carried out by the Joint Chiefs of Staff.

South Korea is forced to maintain a relatively large army due to what it perceives as a persistent threat from its northern neighbor, the Democratic People's Republic of Korea. The South Korean military consists of the Army, Navy, Air Force and Marine Corps. Most of these forces are concentrated near the Korean demilitarized zone. All men in South Korea are constitutionally required to serve in the army, meaning military service for men remains the same [5]. Military service usually lasts 21 months. The Republic of Korea spends 15% of its budget on the military due to ongoing tensions with North Korea since the 1950s.

The armed conflict between the two Korean states in 1950-1953 had a negative impact on the development of political modernization in the Republic of Korea. The war and the long period of confrontation that followed created fertile ground for the further strengthening of the military-state mechanism in South Korean society; some elements of democracy were abandoned, and the formation of democratic values and institutions was delayed [6.B.15]. The authoritarian structure of South Korean society and the consolidation of its potential around the



head of state best meets the interests of law enforcement agencies and state security agencies; special attention is paid to the participation of the army in political life.

Traditionally, strengthening the state in the Republic of Korea has always been the main task of political, military and economic construction. In the 1950s and 1960s, the deterioration of the economic situation and the growth of authoritarian tendencies against the backdrop of socio-political unrest caused the collapse of the First and Second Republics and prompted the armed forces to take active action. As a result, they came to power on the night of May 15-16, 1961. Thus began the quarter-century era of the authoritarian military-bureaucratic regime [7].

Since the beginning of the 1960s, the role of the army in the political life of the country has steadily increased. Military circles have become capable of purposefully managing economic, social and political processes in a post-traditional society. The authoritarian regime, supported by an efficient bureaucracy, became the driving force behind Korea's extraordinary economic growth [8. B.42].

Strong governance, a clear economic program and economic modernization in accordance with the national traditions and interests of the Korean people prefigured rapid economic development during the authoritarian era of military elite rule. It was not until the 1990s that major reforms aimed at creating a new Republic of Korea and democratizing society separated the army from government and limited the military's ability to

intervene in the country's political life. The legal basis for managing the Armed Forces was created by Parliament and the highest executive authorities [9. B.177-180]. In general, the reorganization of national security agencies and the armed forces in the spring and summer of 1993 deprived the intelligence services and the army of the serious role that they had always played in domestic politics, and directed their activities only to solving issues of state security.

The 1987 Constitution of the Republic of Korea established the primacy of three branches of government, namely the legislative, executive and judicial branches of government and society.

Legislative power is exercised by a unicameral National Assembly, consisting of at least 200 people and having a four-year mandate (Articles 40, 41, 42) [10]. The meetings of the National Assembly are open to the public, but meetings necessary for reasons of national security may be closed to the public by a majority vote of the members present or by decision of the presiding officer (Article 50). The National Assembly has the power to pass laws (Article 53), consider and approve or reject the draft state budget (Article 54), and determine by law the types and rates of taxes (Article 59). Legal examination of draft laws is carried out by the Ministry of State Legislation, which checks not only the formal aspects of the bill, but also the correct use of legal terminology and legal language in it; practical necessity and general relevance of the bill; compliance with the principles of public policy; also verifies compliance with the Constitution and current legislation [11.B.26].



The National Assembly has the power to declare war, send the armed forces of the Republic of Korea to foreign countries, or station the armed forces of foreign countries in the Republic of Korea.

According to the Constitution, the National Assembly has the power to conclude and ratify agreements on mutual assistance and security, agreements concerning important international organizations, friendship, trade agreements, any documents related to the limitation of sovereignty, peace treaties, financial obligations, or legislative agreements. The National Assembly has the right to investigate the activities of state bodies or special issues of national importance, and also has the right to demand the production of documents directly related to the investigation (Article 61).

The Prime Minister, members of the Council of State or government representatives have the right to participate in meetings of the National Assembly, present reports to the Assembly or its committees and answer questions. In general, the National Assembly may require the executive to attend meetings and provide explanations and answers to questions on relevant issues. The National Assembly also has the right to recommend the dismissal of the Prime Minister or a member of the Council of State.

The Assembly has the right to impeach the President, the Prime Minister, members of the Council of State, ministers, judges of the Constitutional Court, judges, members of the National Election Commission, the chairman and

members of the Accounting Council, as well as other members of the government approved by law, officials for violating the Constitution or other laws in the exercise of their official powers.

The National Assembly has 16 standing commissions, the work of which is headed by the chairman of the committee, elected at the plenary session of the National Assembly. Each committee appoints three subcommittees to consider issues within its purview. The committee chair and committee member must serve on the same committee for 2 years. There are two types of sessions (plenary sessions) of the National Assembly - regular and extraordinary. The next plenary session of the National Assembly is held once a year from September to December.

The National Defense Commission of the National Assembly deals with issues of legislation in the field of defense and security and carries out control and analytical activities. The National Defense Commission consists of 17 deputies and 34 assistants, 34 senior secretaries and 85 secretaries attached to them[12]. Also 3 subcommittees of 19 members:

1. Legal Security Review Subcommittee (7 members),
2. Budget and Accounts Review Subcommittee (7 members),
3. Subcommittee on Petitions (5 members) composed of.

The National Defense Commission includes the Department of National Defense, the Joint Chiefs



of Staff of the Armed Forces, the Defense Acquisition Program Management Agency and 40 organizations within their system. The activities of the National Defense Commission are transparent; the commission's website publishes the texts of bills received by the commission, the conditions for discussing and adopting draft laws, as well as information on how many deputies voted in favor. For example, the bill "On partial amendments to the law on defense procurement" was submitted to the National Defense Commission on January 30, 2023 and adopted by the National Assembly on April 27, 2023 [13].

Since 2016, 862 bills have been reviewed and submitted to the National Assembly by the National Defense Commission. 337 bills considered by the National Defense Commission will wait their turn to be considered by the National Assembly from 2020. Some of these bills will be canceled due to expiration, for example, the bill "On partial amendments to the law on military service" was considered by the National Defense Commission on October 4, 2016 and submitted to the National Assembly for discussion, but was canceled because the bill expired May 29, 2020.,[14].

The National Defense Commission has the right to hold public discussions on the implementation of laws relating to this area and to hear reports from senior management of the Ministry of National Defense on relevant issues. On May 1, 2022, the Department of National Defense released a report on the implementation of the Military Service Benefits for Vietnam Veterans Act as part of a

public comment session conducted by the National Defense Commission.

The National Defense Committee of the National Assembly adopted a decision on September 8, 2021, which discussed the careless handling of government assets by the Ministry of National Defense and the Defense Procurement Authority, as well as the improper implementation of compensation allocated to the May 18 Democratic Movement. The Investigative Committee and the Military Personnel Directorate were involved to establish the facts. As a result of the audit of the accounts, the National Defense Commission accepted 89 requests for corrections, including 35 requests for corrections, 26 warnings, and 28 requests for institutional improvements.

According to the constitution, the president is considered the commander-in-chief of the armed forces and can make decisions with the force of law when it is necessary to ensure the defense of the country or maintain public order and it is not possible to convene the National Assembly. The President must immediately inform Parliament of the decision and measures taken and obtain their approval. If the adopted decision and measures do not receive the approval of Parliament, these decisions and measures lose their legal force (Article 76). If the National Assembly votes by a majority to abolish the military regime, the President is subject to this requirement (Article 77).

The candidate for the post of Prime Minister is appointed by the President with the approval of the National Assembly. A person on active



military service cannot be appointed to the post of Prime Minister or must be removed from active military service. In the Republic of Korea, executive power is exercised by the State Council. The President is the Chairman of the State Council, and the Prime Minister is the Deputy Chairman. The powers of the Council of State are to plan state activities and general government policies; declare war, make peace; Preparation of a draft law on amendments and additions to the Constitution, preparation of a proposal to hold a national referendum; economic measures in emergency situations, preparation of presidential decrees on the introduction or lifting of martial law and other important military issues.

The State Council also has the right to appoint the Prosecutor General, the Chairman of the Joint Chiefs of Staff of the Armed Forces, the chiefs of staff of each branch of the army, the rectors of state universities, ambassadors and other government officials in accordance with the law [10].

The National Assembly and its National Defense Committee participate in the development of the country's defense system not only by improving its legal framework, but also by consistently monitoring the implementation of adopted laws. Ensuring effective parliamentary control in the field of defense and security requires adherence to the following principles:

- increase the level of security of citizens and state security;
- allow parliament to monitor the defense and security sector, make changes to security

policies and procedures and ensure compliance with international standards;

- introduction of transparency and accountability mechanisms in the field of defense and security;
- Development and promotion of a democratic culture based on respect for the rule of law and human rights in defense and security institutions;
- Establishing an effective system of checks and balances to prevent violations or violations of human rights by defense and security sector actors;
- Cost-effective management of the defense and security sector, preventing misuse of resources; reduce the likelihood of corruption;
- effective management of human and financial resources, including management of professional development through effective disciplinary measures, encouraging professionalism;
- ensuring the participation of government institutions in the management of the defense and security sphere.

The experience of parliamentary control of the National Assembly of the Republic of Korea and its National Defense Committee shows that the effective organization of parliamentary control in the field of defense and security remains an important factor in the country's security, economic development and democratic governance.



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