

IMPICHMENT PROCESS IN THE REPUBLIC OF KOREA: POLITICAL AND LEGAL ANALYSIS

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Abstract

This article analyzes the legal and political foundations of the impeachment institute in the Republic of Korea. In particular, the impeachment process against former presidents Park Geun-hye and Yoon Suk-yeol will be discussed in detail. The article analyzes the stages of impeachment proceedings, court decisions, the struggle between political forces, and the socio-political consequences of this process. Also, based on Korean experience, a conclusion is drawn about the influence of the impeachment institute on the principles of stability and accountability in democratic systems.

Key words

Republic of Korea, impeachment, Park Geun-hye, political process, Constitutional Court, democracy, legal system

Introduction

In a time of rising geopolitical conflict, the Republic of Korea stands out as one of the most stable democracies in Asia. Here, the balance of power between government bodies and the law is essential for democratic institutions. The impeachment process is an important way to hold the head of state accountable. The impeachment of Park Geun-hye in 2016 and 2017 marked a major political event in Korean history. It sparked widespread discussion both in Korea and internationally. The fact that this process has taken place with both Ms. Park and former president Yoon Suk Yeol shows the vital role of political institutions in Korean society.

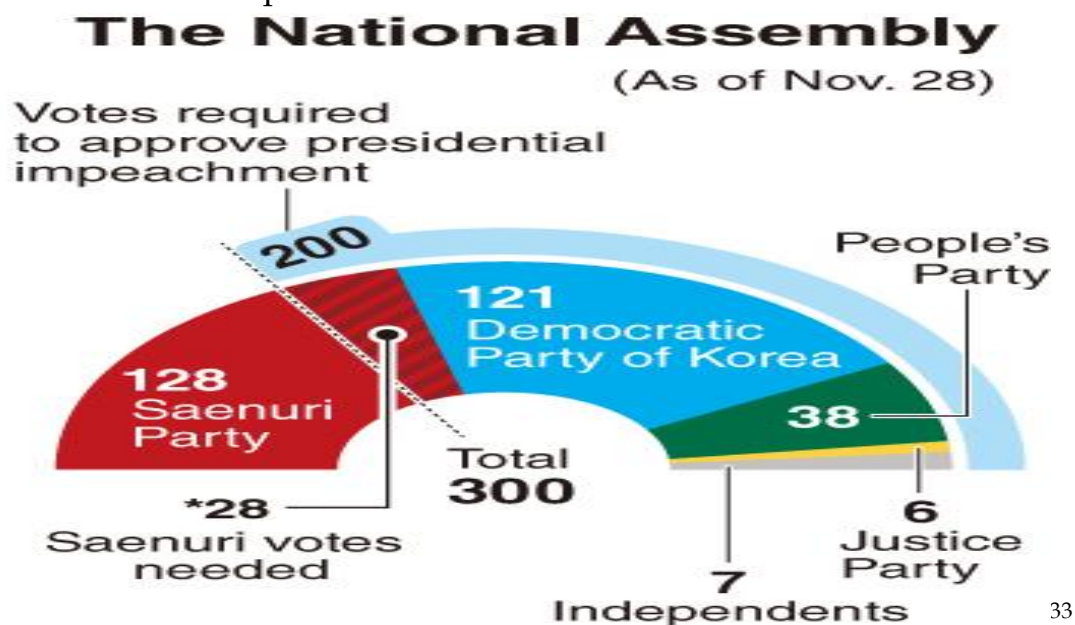
Before analysing the two impeachment processes that have occurred in the Republic of Korea over the past decade, it is helpful to consider the concept of impeachment itself. It is a legal process initiated by members of parliament, leading to the holding to account of the current leader or officials for unconstitutional activities, criminal offences or actions that harm society. According to Article 65 of the Republic of Korea's constitution, the fundamental law of the country, the impeachment process is initiated if the president abuses or violates their powers.

An impeachment proposal must be put forward by at least one-third of parliamentarians. If two-thirds of members vote in favour during the voting process, the impeachment is officially adopted. Once all the proceedings have been completed, the final decision is made by the country's Constitutional Court and the responsible person is impeached. This ensures that the executive branch functions within the legal framework of the country, thereby promoting democratic control in society.

The system's purpose is to guarantee that the executive branch functions within the confines of legality, playing a crucial role in democratic oversight.

Park Geun-hye, who became the first president to face impeachment in the Republic of Korea, had made history as the first woman elected as President in the Far East region in 2013. However, in 2016, impeachment proceedings were initiated based on various accusations. The main reasons were the illegal interference in state affairs by her advisor and close friend Choi Soon-sil, and corrupt connections with large corporations. These issues sparked widespread public discontent and led to intensified street demonstrations.³²

It was passed by parliament on December 9, 2016. Impeachment's legality was upheld unanimously by the 8 judges of the Constitutional Court of Korea on 10 March 2017, three months later. This became the first example of impeachment that ever occurred in the Republic of Korea.



33

It should be emphasized that based on the Constitutional Court's decision, Park Geun-hye was removed from the presidency and sentenced to 25 years in prison. The grounds for this decision included her violation of the constitution, disclosure of confidential information to unauthorized individuals, and use of

³² <https://www.nytimes.com/2016/12/09/world/asia/south-korea-president-park-geun-hye-impeached.html>

³³ <https://www.koreaherald.com/article/1161608>

collective pressure tactics. (She was later pardoned by President Moon Jae-in in 2021.)

These processes led to changes in the Korean political system, including: the growth of political awareness in civil society, increased political engagement within society, a sharp rise in voter attention and participation in political processes, and an intensification of healthy competition among existing political parties.

The experience of the Republic of Korea shows that impeachment is a complicated process. It includes legal factors along with political and social ones. This process improves democratic oversight, but it can also bring political instability. It is important for the impeachment process to follow legal guidelines and be fair to keep public trust.

The second instance of the attempt to impeach President Yoon Suk Yeol in December 2024 was the change of president in the USA, which is the main ally of the Republic of Korea, and the resignation of Joe Biden and Kamala Harris, supporters of the Yoon government, as a result of Mr. Yoon's hasty measures against his opposition, and the population and parliament's political campaigns against President Yoon. The Republic of Korea's situation refers to the fact that impeachment constitutes a complicated procedure that involves not just legal but also political and social aspects. This instrument is a form of democratic control, however, it also carries the danger of instability. It is important that the impeachment process be done lawfully and in a just way to keep the trust of the people if fair and transparent.

Conclusion

In conclusion, we can observe, using the example of Korea alone, that the political institutions of the countries of the world function perfectly, maintain constant dialogue with their citizens, ensure the rule of law, and play a very important role in the development of the state and society. The impeachment procedure that exists in the Republic of Korea stands as an evident demonstration of democratic institutions in operation. The situation presents a powerful demonstration of the duty that presidential leaders have toward legal standards and public opinion. The principle of law observance gained strength through the significant contributions of independent judiciary and mass media and civil society. Democratic nations will be able to take this experience to develop stronger systems which will hold political leaders accountable while preserving legal standards.

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