

Full Length Research

Policymaking Process in Korean National Assembly*

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One of the main functions of parliament is to debate exhaustively over a policy. It is certainly the case that modern day parliaments do not only make laws and examine whatever the government is doing, but as the supreme legislative body they may operate throughout the political system. As Korea enjoys one of the world's highest economic growth, progress has been much slower in institutionalizing the equally important principle of checks and balances, along with the legislative continuing to play a secondary role in the existing process of formulating, deliberating and implementing public policy to the fullest extent due to concentration of power in the hands of the president and the parliament to play, by and large, a perfunctory role. Yet the changing nature of political discourse and processes in Korea is such that the policymaking process is evolving and strengthening rapidly and parliament has also been playing its watchdog role. This paper discusses the Korean policymaking process from a general perspective.

Key Words: Policymaking, Promulgation, Bills, Law, National Assembly, Korea, Authoritarian, Democracy, Civil Society, Speaker, President, Public Policy

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INTRODUCTION

Legislative politics has fascinated scholars and reformers for over a century now. In today's political systems, the legislative organ as the national representative institution is considered the most important area of investigation. Over the years, parliament has also been playing its watchdog role and this has resulted, among other things, policymaking and processes that are effective,

responsive and accountable to citizens. What is policy? Perhaps there is no simple answer to the question. Harold Laswell, considered as the founding father of the public policy analysis approach, has placed great emphasis on personalities in shaping policy and in the policymaking process. His best known books *Psychopathology and Politics* (1930) and *Power and*

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Personality (1948) had explored the ideas as to why and how particular actors realistically could make better and more rational choices by virtue of their legitimate control of institutional structures. Public policy, according to Easton (1957), is the response of political system to the demands arising from the environment comprised of some identifiable and interrelated institutions and their activities in a society that make authoritative allocation of values. (Easton, 1957) Notably, Hudson and Lowe (2004) have pointed out the extent to which the parliament's impact on the legislative process affects both the executive and the legislature and that the actors work together to formulate and enact policy at the expense of one another.

Sherri Torjman (2005), for example, argues that in a democracy public policy represents a decision made by the 'publicly elected or designated body which is deemed to be the public interest. She further argues that public policy is usually a deliberate and careful decision that provides guidance for selected public needs and seeks to achieve the desired goal which is considered belonging to all the members of the society. It is not surprising that policymaking is a multi-tiered complex process, with no short-cuts, involving some charismatic personalities or great leaders, either with or without political power, who interact rationally with institutional structures and develop policy. Moreover, the chances that a policy that has been found to be successful in one country may provide a quick route of legitimacy in another are limited by many factors. Although a stable democratic political order would often cater for the promotion of the politics is a broad concept that embodies several dimensions can be seen, then, as a decision making process that helps address identified goals, problems or concerns. (Torjman 2005) One point deserves to be mentioned here is that in a democracy, it is likely that the policy agenda is unduly influenced by the private sector such as civil society, big-business and so on and presumably the policymaking is heavily dependent on the wider environment and interactions, world events, and public opinion. Yet, what we know is that the legislature is a key feature of the policymaking process, although the extent and nature varies radically from place to place. It is equally clear that the formulation of a policy involves a wide range of actions that respond to those concerns. And any given policy represents the end result of the decision of the society as to how best to achieve a specific objective (Kim, 2010).

In modern times, state policy is usually the result of an agreement among different parties, rather than the translation of a single party election manifesto the electorate had voted for. The past few years have provided a number of arguments to show that the parliament embodies the diversity of the society that steers the political process and policymaking has become a matter of paramount concern. It also is the place where

both ruling and opposition parties play their vital role in the lively floor debates that characterize it. Here again, the parliament alone is ultimately entitled to adopt laws for the country, it must be a democratic forum where people's demands may be adequately reflected and articulated. The legislature is variously known as the parliament, congress or national assembly, their most common fundamental consideration is to make public policy decisions to influence virtually every aspect of the people's lives both profoundly and pervasively. A democratically elected parliament is exclusively important because it not only represents pluralist conception that enables various segments of the society to contribute to law making, but also acts as a bridge between the government and the people.

Differences may be there in the manner various parliaments function. It would be unrealistic and even incorrect to say that the formulation of policy follows a clear and consistent route. To a large extent, independent institution with the capacity, resources entrusted with the responsibility of acting in the interest of the people is required. Another way to tell. Since democracy is based on the right of everyone to take part in the management of public affairs, it therefore requires the existence of representative institutions at all levels and a legislature, in particular, in which all components of society are represented and has the requisite powers and means to express the will of the people through appropriate legislating and also to oversee the government action. (Bouchet and Kariithi 2003) The fact that parliament often gets dislocated beyond the reach of most citizens means that they are constrained in their attempt to input their views on a daily basis. Yet, to put it very briefly, while legislature seems to have a larger role can be seen to create genuine influence to the policy process and legislators have larger role in presidential regimes such as the United States (US). In the United Kingdom (UK), on the other hand, the legislature is formally supreme and appoints the executive and are necessarily controlled by the same party. These two are possibly the two most famous role models that are imitated in most political systems. Over the years, parliament has also been playing its watchdog role, at times in alliance with civil society groups and surveillance institutions, to promote good governance.

But in a government by the people, which a democracy is, the executive branch implements policies and programs, administers the national budget and conducts national affairs; the legislative branch enacts laws and approves the budget; and the judicial branch determines whether or not the law has been infringed upon. How these policies are made is also important to enable the masses to get involved in the policymaking process. However, in a situation where the legislature has little or no control over what the executive branch does with policymaking, it is difficult to expect that the lawmakers

would consider themselves as having a great deal of influence over the policymaking process. Yet again, the legislature is a part of the system and its effectiveness depends on its ability to work with other parts in the system; it must have the capability to shape public policy. It is in this sense that it is considered as a critical body to make the system function well. Defined in this manner, the legislative process constitutes distinctive contribution to the overall development of political system or to the development of the legislature as an independent institution within the system.

The central point of interest here is that the modes of political governance vary among governments, especially the institutional norm associated with the legislative process. A broad-based representative parliament consults the public not only on the issues being addressed by it, but also for the assessment of public performance in terms of impact that contributes to the promotion of public participation in government giving all interests due expression. But a weak legislative body, whether in autocratic or democratic system, cannot serve as a counterweight to the more powerful executive body, if it is not founded on the principles of pluralist theory. We recognize that the process of political development of a country involves many actors and institutions other than the legislature, but it plays a distinctive and sometimes unique role in the political process. On the other hand, in a communist or an overwhelmingly socialist system, information is preselected, edited, and presented in a predetermined manner, which may complicate an interpretation. That said, and as already indicated, a legislature performs multiple functions; the most important of which is its legislative function through exhaustive debates. In a democratic polity, the legislature has to represent virtually all the needs and wishes of the people by identifying community problems, overseeing the implementation of laws, policies and programs, and by monitoring, reviewing and investigating government activities.

Legal and Institutional Framework

To no one's surprise, Korea is now a robust democracy allowing enclaves of Western-style political advocacy such as modern party system and practice of governance supported by sound institutional framework, that preserve a stable social order and where open parliamentary debates are encouraged and dissent exercised freely¹; in contrast to not too long ago when the country was under the perennial influence of Confucian patrimonial

sovereignty, the govern remained authoritarian and hierarchical and people were prisoners under the strict control of the state, the sovereignty of which was exercised through authoritative and dominant force that made it what Gunnar Myrdal called a 'hard state'. The 1987 constitution of Korea had declared it as a democratic republic with more legislative authority to NA and thus it is capable of representing the citizens' concern, which may be taken as a major advancement in the direction of democratization. This was a crucial step for the NA which authorized to terminate the privileged status of the military as a reserved domain of authority and to establish the supremacy of civilian rule. It is the body that represents not only those who voted for it; it remains alert for the interest of the whole nation. It plays an important role in creating policies. (Kim, Barkan, Turan and Jewell, 1984) In practice, this means that it is a venue where varieties of policy discussions may be held on any issue of public importance through learning and sharing of knowledge and experience, which in turn help formulate visionary policies and programs.

Of course, there might have been differences over how to define it, but the transformation from antidemocratic authoritarian rule to democracy was a crucial step in the constitutional history of Korea; for since then the country has changed drastically in all dimensions. To illustrate the point, a government policy formally approved by an elected body would be considered as more acceptable and legitimate than otherwise. On its face, the 1987 Constitution of Korea stipulates that all powers belong to the people, all state authority shall emanate from the people (Art. 2), and all legislative powers shall be vested in the NA (Art.40). Its power has been strengthened to be more purposeful and effective in the new constitution. The people elect their representatives for the NA, who are authorized to legislate laws that may affect the citizens' basic interests distinguishing the two branches of government at the same time, each as an integral part of the regime. That was a crucial moment for the NA which authorized the termination of the privileged status of the military as a reserved domain of authority and established the supremacy of civilian rule.

With the establishment of the Republic of Korea (hereafter Korea) in August 1948, its first constitution adopted liberal democracy as the state ideology. Since the First Republic (1948-1960) under Syngman Rhee's Presidency became increasingly dictatorial, Korea went through several stages of political evolution till it embarked on the journey toward democracy with the June 29th declaration in 1987. The point here is that owing to persistently overwhelming influence of non democratic enclaves before 1987, the legislative body had to face difficulties while being engaged in productive discussions ever since it was designated in the first place. There have been numerous difficulties in adopting constitutionalism and in 1987, it was the first ever

¹ National Assembly Act (2012). Seoul: Government of Korea Available at: <http://korea.nabo.go.kr/assets/Files/1000000160E1.PDF>.

peaceful transfer of power since independence.²This was a crucial step for the NA which authorized to terminate the privileged status of the military as a reserved domain of authority and to establish the supremacy of civilian rule. It was a momentous year for Korea and if we take a closer look that it did plant a seed for a new political order that enabled the adoption of a new constitution drafted by NA and ratified in a national referendum. But in actual fact, the political patterns of authoritarian regimes were mainly to create a very powerful state, where all decisions, be they economic or political issues, were taken by the small elite. Therefore, the role of NA as the highest policymaking body was drastically diminished both in theory and in practice.(Saxer, 2002)

We should also point out that there exist institutional constraints and differences such as between unitary and federalist political systems or unicameral and bicameral legislatures or so and at the same time, they are pressurized to adopt transparent structures and effective representation. There is a view that NA in reality is still marginalized from the decision-making process and dissuaded from conducting the scrutinizing activities. But Korea today has a multiparty system supported by sound institutional framework, where open parliamentary debates are encouraged and dissent exercised freely. It is overtly presidential system with democratically structured parliament can be viewed as similar to those in other democratic countries that have such authority as legislative, deliberative, investigative, regulatory, and budgetary functions, for a timely and thorough policymaking process. Korea is a presidential form of government, and it has national legislative body separately elected now emerging in which legislative powers in the hands of legislators. The powers of NA were strengthened to build a modern democratic state based upon different social sectors and proliferated ideologies. In recent years, NA has remained proactive, transparent and cooperative and has moved far ahead from the executive influence to begin its own program leading to effective policies. As far as the internal procedure of the NA is concerned, broadly speaking it has three functions: normal legislation, financial business enactment and deliberations. These functions are exercised by periodically elected representatives holding the ultimate controlling power. The people elect their representatives for the NA, who are authorized to legislate laws that may affect the citizens' basic interests distinguishing the two branches of government at the same time, each as an integral part of the regime. (Kim, Barkan, Turan and Jewell, 1984)

In Korea, there were occasions when the NA was used and even abused on many different contexts through harsh social and political controls; in fact, there were moments when the NA had to function around demons

under purely a top-down political process. (Kim and Pai, 1981) Essentially, when a country moves from one political regime to another, it becomes difficult for the policymakers to ignore the issues or to respond to the queries raised. To be clear, policymaking organizations do play the role of policy reformer by having proper structure and business so that they can receive inputs in the policymaking process. But, the Korean history also tells us that the NA has been a public representative body in politics and has remained the center of governance where representatives have been able to voice their concerns and provide feasible policy alternatives at all times, whether the political regime was democratic or not. There is increasing agreement that NA's debates over a policy process are not held to control the legislative functions; all what the legislative process requires is that a bill must be approved by the NA, which should be largely open to the public.

Internal Structure

If one accepts the modern state as based on constitutional foundation, the essential characteristic is that the power is legally and effectively exercised by duly elected representatives of the people, accountable to them and respectful of the rule of law and separation of powers. (Marks, 2010). This means that the legislative bodies are inevitably connected with the political development of the country. Yet again, democratic governance requires legislatures to serve three purposes: representing citizens' interests, making and shaping laws and policies, and overseeing the executive actions. It is believed that in countries with potentially democratic culture, party labels matter little to influence policymaking, but surely while exploring the kinds of incentives resorted to for key legislations, as we can often find in the British Parliamentary system, American Congressional system, or even what may loosely be termed as hybrid of the two, in France for example. Korea can be explained in a variety of ways. But we do not assume that its policymaking is effectively bottom-up and/or decentralized. (Kim, 2010) Here again, the policymaking process of Korea has some distinct features of its own.

The legislative procedure in Korea is pretty well organized and structured. However, there are no clear-cut divisions of power to fashion and influence the exercise of the legislative power, nor are there formidable obstacles to institutionalize a fair legislative process. There is increasing agreement that NA's debates over a policy process are held accountable for the outcome of their policies in the first place; all what the legislative process requires is that a bill must be approved by the NA, which should be largely open to the public. It ensures where the opposition also gets an opportunity to exert at

² Available at: <http://countrystudies.us/south-korea/58.htm>.

least some of its influence, even if it is a perpetual minority. The role and influence of Assembly members in policymaking has markedly been increasing in recent years. It also has limitations as in many other parliamentary democracies. Some notable features of the NA are:

Elections: One of the most fundamental sets of rules is election. Such roles may vary considerably from place to place, but will have a major impact on the nature of the policy process. Korea has a unicameral legislature consisting of 300 members elected for a term of four years. Of them, 246 members are elected from the electoral districts through the plurality of vote known as the First-Past-the-Post (FPTP) and remaining 54 through Proportional Representation (PR) where seats are allocated to the political parties based on the percentage of votes they have received. A separate election is held for the president which occurs once in every five years with no eligibility for re-election. The Korean parliamentary system differs from the Westminster model as the Prime Minister and the Ministers do not sit in the parliament. They are selected by the President at his/her own discretion; so NA has no power in the formation of government. This situation is bound to create frequent conflicts of interests between the President and the NA resulting in legislative deadlock.³ Since the government is detached from the legislature, although we may accept that it does play some role in the legislative process, the President carries out his/her functions with the assistance of Presidential Staff and the Council of Ministers.

Legislative Session: It is a crucial event in the exercise of legislative functions. All NA deliberations and decisions take place while it is in session. Sessions of NA are very important also because all deliberations and discussions in the house duly get recorded, which serve as a proof for the stand taken by a member for or against a proposition. Usually, two types of legislative sessions are held: regular and special. The regular session is convened once a year starting from the first day of September until December. An extraordinary or a special session may be convened in two ways: either on the request of the President or on the request of one-quarter or more of the Assembly members. Their duration is 100 and 30 days respectively. Usually, the first meeting of a newly elected NA is called an extraordinary session. After decades of authoritarian military rule that had hindered the development of political parties and NA, it seems that legislative freedom has taken the right track, which itself is a symptom of political pluralism.

³ Available at: http://en.wikipedia.org/wiki/National_Assembly_%28South_Korea%29.

Quorum: This refers to the attendance records of the legislators present during the proceedings of the sessions and while making policy decisions. One-fifth or more of the total number of members is required to continue a proceeding. Besides the attendance of more than half of all the Assembly members, the concurrent vote of more than half of the Assembly members present is necessary to make a binding decision by the NA. In the case of a tied vote, the matter is simply considered as rejected by the Assembly. Legislative meetings are open to the public, but this rule may be waived with the approval of more than one half of the members present or when the Speaker deems it necessary to do so in the interest of national security.⁴

Impeachment: An impeachment motion against a government official may come to a vote if it is approved in advance by at least a third of the Assembly members. It is deemed as passed if it receives the backing of a majority of the Assembly members. Similarly, a motion of impeachment against the President requires a majority of the Assembly members to vote for to initiate the proceedings. It is deemed passed only when approved by two-thirds or more of the entire assembly members.

How Does Korean National Assembly Work?

In the classical sense, the role of parliament elsewhere is to make laws and change or improve old ones laws. This is the reason why the parliament is also known as legislature. In any case, a democratically elected parliament represents a broad spectrum of public interests; it is the most important venue for the public where they, through their elected representatives, can lodge their demands, forward complaints, requests and aspirations. Parliament is the venue where decisions take place on the basis of public preferences which are converted into the form of policies and programs; so, public interests, preferences, or choices are normally set forth to attain enforceable instruments, called 'legislative products,' that become the national policies. Here again, although all the parliaments passes the legislation, yet democratically elected parliament derives its powers directly from the consent of the people expressed through the periodic elections is to implement the will of the people, is the only voice of the people and accountability to the people, among other functions.⁵ In Korean case, the existing political structure president still is a central

⁴Source: www.segemconsulting.com/korean-translator-birmingham-legislature-korea.

⁵ General and Public Administration Division, United Nations, The Role of Parliament in Promoting Good Governance, Available at: www.uneca.org/.../role-of-parliament-in-promoting-good-governance.p.

figure of national politics, yet thanks to the legal and constitutional reforms in the last few years in legislative process, legislation and policy which offers the assemblymen not only they can debate the legislation through democratic process, but also can interact with the people to get feedback about their policy decisions and to seek views on proposed legislation through various means. This means that there is no monopolies of wisdom by anyone, and by implication, put certain constraints on the use of executive power, and allow NA shaping state policies expressing popular sovereignty one good way to measure.

One should bear in mind the fact that Korea evolved with the help of strict controlled through executive-run monopolies and the President has granted some proactive legislative power, which can be used if there is no single party majority in NA, it will attempt to boost power through manipulation of institutions and instruments for reaching large section of people of the country as the targets of policy. The decree, order, veto and so on are indeed some of radical mechanisms so that President political interests could be preserved what Young-jee (2008) would call 'divesting power concentrated in the executive and balancing it with the legislature'. With respect to Korea, however, the Sixth Republic's Constitution provides greater formal balance than earlier constitutions among the three branches of government, what Seoul University professor have outlined 'that this kind of development and exposure would increase NA's power to the legislative sphere, notably alter and/or reject the President proposals and help keep it accountable who do not share its directives unless getting legislation closer to his or her preferences.' (Chan-Wook, 2013). Similarly, Saxer (2002) acknowledges that the fundamental premise of Korean politics still is, considered a corrupting influence on Confucianism, but ever since the emergence of democracy is to believe that NA has the ultimate authority in legislative affairs. One thing is certain, countries like Japan, UK, India, Canada, where the government likely to die if the government-initiated bills did not approve by the Parliament. Such a risk of crumbling of parliament in presidential regimes hardly expected since the Korean constitution abandoned President from dissolving the parliament. This means that the abrupt breakdown of NA is not arises here. (Chan-Wook, 2008)

The Constitution provides for a three-branch governing system whereby law-making functions are in the preserve of the NA, administrative functions are in the preserve of the executive branch, headed by the President, and judicial functions belong to the courts. Structurally, these three branches are highly independent of each other. The NA not only has the authority to legislate but also has the power of constitutional amendment and in case of misconduct of the President, and other top executive officials, the parliament can impeach. Under the current

dispensation presidents provides no tool that can effectively kill the legislation without a NA override attempt. It may be that the direct involvements of president is not possible influence and/or intervene over legislation to protect vital interests of their own or to intervene in the legislative process get it preferences approved.

Jung-hsiang Tsai who conducted study on experiences of Korea and Taiwan from 1990 to 2000 that shows the legislative patterns of both the countries who also have similar constitutional system, approximate economic scale and similar cultural backgrounds argues that even 'Korea opens the door to a separation of power is exercised, more governments bills were introduced or adopted than members bills and bills were deliberated perfunctorily and the legislature seldom rejected bills of presidential preferences symbolized that the executive is more effective in legislation'.(Tsai, 2009)It would be simple enough to dismiss that NA come up with function like the British House of Representative, which is completely attached with the executive, or American, which is completely divorced from the executive. But this does not mean that NA always accepts the President's proposals, thus need not be perceived as problem. The question here is that whether NA still to find out an adequate strategic serving actively and independently in performing the policy functions. Because of Korea still being the case fusion of the executive and legislative power in the policy process NA still to monopolize the lawmaking process, and, for that matter, separation of powers in presidential regimes is not complete. Undeniably, Korea has undergone a significant transformation in the structures, process of policymaking over the last two decades despite President may have the authority legislative affairs, yet this is highly suggestive that the NA exercises policymaking power more unequally with the President than it is often assumed. It is obvious that the formulation, adoption, and implementation of policy depend on the institutions, especially the internal structure of legislatures such as committees, norms and practices to reach decisions. (Cheibub, 2007)

Yes, President still matters, but no longer can act as barriers to legislative autonomy, from institutional perspective.(Chan-Wook, 2009) It is obvious however that during country's astonishing economic growth in which different forms of authoritarianism benefitted leaving NA more than simply dummy of executive but current's political development is a two-way street. The institutional arrangements of the Korean State following the demise of authoritarian rule that there is no concentration of power and there might be constitutional separation between the legislature, executive and judiciary and NA to play a more vital role in the policy process through difference and diversity. The point here is that there are no hidden faces of political power for the

executive. The key lesson is that 'democratically elected parliament whose members are elected geographically is the only organ of state power, where whatever form discussions it takes, because there is a general perception that functions to produce legislation representing the public interest which are then formulated into policies and programs and exercise oversight over executive power' is a crucial element of state power in a democratic political system. (Prasojo, 2009) Conceptually, however, the risk again the love-hate legislature-executives relationship, whatever the institutional arrangements in place.

National Assembly: A Prime Mover for Policymaking?

Since public policymaking is directly related to the parliament, the expectation is that it should be genuinely independent in policy formulation. Given this fact, it does require the constitution as the document effectively stipulates the way it is formed and survive in power. Yet again, democratic governance requires legislatures to serve three purposes: representing citizens' interests, making and shaping laws and policies, and overseeing the executive actions. Similarly, if a parliament enacts a law, the question—which assumed to explore in this study—is whether the constitution promulgated in 1987 confirms the NA lead the legislative process or providing a rubber-stamping body. This is not a simple question to answer. But Korea before 1987 had a disordered rule in which state's unusual strength and pervasive presence has always demonstrated a subversive and combative character. We assume that under the authoritarian rule policy decisions have been made and imposed from the top hampered by limited information and surrounded by uncertainty. Whatever the reasons here may be, but it puts us in the position saying that the 1987 constitution adequately discussed about various dimensions of governmental structures, including NA's roles and responsibilities. It is a popularly elected body, not the lame-duck, but it is the apex of power and authority to formulate policies and programs for the interest of the whole country. Its boundaries are fixed and stable. (Janar, 2008)

Norris (2008) has argued that the first peaceful civilian transfer of power occurred in 1992 when Kim Young-sam elected the president, even though the power of the executive was reduced substantially through October 1987 constitutional revision and the executive further counterbalanced by NA, which plays a major role in political decisions, which was playing anything less than supreme intervening role in the legislative affairs. The most notable difference in the Korean context is that the NA has become a potentially powerful legislature playing a critical role in setting public policy authorized by law, with no effective restriction from other organs of the state

power although there may be a gray overlapping area between institutions cannot be denied.

And, the distribution of power between the legislature and executive is a critical determinant. There are many faces in the presidential and parliamentary type regimes, not necessarily generating uniform societies and political systems. Cheibub (2007) seems to think that 'strong presidents have the institutional means to impose their will on legislature and, for this reason, will have fewer incentives to negotiate with the legislature'. But policymaking is also depending on how effectively the executive and legislature work together, because executive in Korea not progressively isolated from the legislative process. Yet Chung-Ang University political science professor (Sohn) told the author that Korea had a very bad experience with the parliamentary system which was not only ineffective, but also became endemic with internal turmoil and crisis of governability', despite the founder of Korean Constitution in 1948 have tried to bring internal checks and balances, making government more responsive.⁶ He viewed that Korea currently is a presidential form of regime with some characteristics of parliamentary system such as the institution of prime minister. He says, here the president sets the national agenda, and thereby, no equal power with the legislature.' This is confirmed by another sets of scholars and according to them 'Korea sporadically ruled by military dictatorship and technocratic elites as well as political oppression, the participatory roles of the NA, political parties, interest groups, mass media puts them no legal rights to hold and their role effectively paralyzed'. (Kim and Pai, 1981; Kim, 1991) But today, there is a common assumption that NA is more resilient and its policymaking role cannot be manipulated and it has been greatly liberalized, definite sense, act impressively, even the constitution endows president some legislative powers often hard individual legislators exerting autonomy in the lawmaking process that refers to the institutional capacity to function effectively, to reach decisions and to carry out them, according to one political scientists who study legislative politics. (Seung-ik, 2008)

Every country is not designed the same form of legislative system. On the level of political theory, both presidential and parliamentary regimes are based on the concept of representation. In a sense, Korea's current version of politics neither can be compared with the US where the executive and the legislative branches are clearly separated, or with British where executive branch are chosen from the legislature, or French version semi-presidential system. Yet Korea case serves decreasing use of presidential decree, free criticism of government, and growing interbranch relationship produces a healthy accommodation rather than confrontation under such

⁶ Interview with Professor Sohn, Byoung Kwon, Chung-Ang University Seoul on 28 April 2014.

circumstances policymaking largely routine and is therefore unlikely to result controversy. To clarify the matter, military intervention was once a norm in Korean politics, but that period has ended.

To put this observation in Korean context, it's a presidential regime often characterized by centralized power, but the NA is a unicameral body where 300 members popularly elected constitutionally retains the authority and legitimacy and exercise wide range of legislative activities such as to enact, amend and abolish laws, and law passed which cannot be overruled by any other organ of the state. (Park, 2009) The Korean state is still, for the moment, President is winning the hearts and minds of the people. But it must be said that it has also been undergoing a process of change. But if it is measured by its capacity establishing a firm policymaking posture to influence public policy, nevertheless, some people still worry that this legislative organ of the state as sole institutional actor has not moved more effectively, hence further legislative institutionalization is needed to render effective policy in relation to public at large.

The still unanswered question is whether the current legislative process is enough that dovetail closely with the principles of presidential system, for instance, identified as the most powerful executive completely distancing from legislative arena measuring the power and influence of the legislature. This factor some keen to emphasize put NA in inferior status. As Heemin (2011) points out, 'the 1987 constitution appeared to be a positive signal in resolving balance of power among the three government branches. The process of democratization is consistent from authoritarian rule and is essentially government-driven, witnessing policymaking in the hands of a few groups, and where government initiate democratic measures, and the middle class responses continuing to support the government party in elections. It would not be unfair to attribute that NA commands total control over a policymaking, which are clearly recognized in the constitution with many powers such as checking the power of executive and scrutinize the executive not the humble servant of the executive which has long been criticised for as being superficial. (Rhee, 2009; Sohn, 2008)

The executive branch that seemed actively involved for certain moment of time, is perhaps best illustrated in Jooha Lee's (2007) analysis who believes that the President got policies s/he liked, if so wished but there are no areas of free-play influences over the politics of policymaking at the present time. So, one should not jump the conclusion that NA is just 'yeah' and 'no' typically quoted, since the legislative strength of the NA changed significantly with requisite resources and authority, and has exclusive to initiate legislation in a broad range policymaking activities without fear and intimidation. If viewed its current lawmaking process, it could be that Korea is probably a dramatic change related to policy areas such as legislators

role in specific committees and for that matter all the decisions about the policy. Today's NA is not the presidential rubber stamp, but the role of previous cultural impact in shaping values as well as interests even in its era of democratization.(Kindermann, 2007)It is of course that instability can be the products of some underserve characteristics that have nothing to do with militarism and presidentialism. Again, as is well understood among scholars that the active involvement of political parties and interest groups linking citizens to government is not just a symbolic importance, but to institutionalization of public policymaking. This means that a policymaking process is the combination of different groups that has been connected in one way or other. Here again, this indicates that politics involves a lot more than the formal structure as laid down by the constitutional authority and various enactments.

Here again, the impeachment of President Roh Moo-Hyun in March 2004 and thereby removal him from power (although Roh was reinstated by a Constitutional Court two months after he was impeached) can be treated as NA possesses formal powers to exercise legislative leadership and processes in the way of independent decision making. Moreover, this presidential impeachment was a message that the social taboo such as President dress up of rule in a NA suit of clothes cannot act against the President is broken has been described charting the route to greater legislative role and deep impacts in political and institutional context'.(Kim, 2012) In particular, both NA and Executive do organize separately as political institutions and the liberal element is strong committed to the democratic principles creating a society based on modern constitutionalism that there is little chance that the President bound to clash with the legislature. (Sohn, 2008)In fact, the adoption of a new constitution drafted by NA and ratified in a national referendum was a momentous day for Korea after several stages of authoritarian political exercise entitled to special privilege and power, ultimately resting in a President that the marginalization NA is seen to end.⁷(Seung-ham, 2008) This new constitution considerably has enhanced NA's policymaking with limited direct involvement or input of Executive shows

⁷Politically speaking, Korean democratization since the 1987 is the third experiment; the first was made at the time of state building in 1948 which collapsed due to un favourable social and political conditions for democracy especially President Syngman Rhee autocratic rule. The second wave started following the student revolution in 1960 against the Rhee regime, but this revolution crushed by the military coup of Park Chung-hee in which any dissent attempts to exercise political and civil rights suppressed with brutality. The third and present phase of democratization was started in 1987 with a mass uprising by students and workers and unlike previous movements middle class of white collar workers stood with blue-collar workers.

that the political landscape of Korea is changing with matching to global standards.

Let us now turn to policymaking process, which refers to series of procedures ranging from drafting of Bills to their promulgations. At its most basic, politics of policymaking in democracies that is affected by a variety of groups and institutions, but the main brokers are the legislator's only legal authority to take action on some issues. We believe that government agencies at all levels of government, including civil society have some impact for shaping policy outcomes and the implementation of policy. Moreover, it is an interaction between government and the individual legislators, via their parties, and it is through participation obtain access to the policy influence. (Cheibub, 2007) Since 1987, the power and function of the legislative and judicial branches vis-à-vis the executive has been strengthen and civil society also now fulfil civil duties. There are 16 Standing Committees established within NA with maximum 30 Assembly Members which set the boundaries for policymaking process. All submitted bills are first sent to the relevant Standing Committee for the detailed discussion and clearance, where all members of the committee may speak on the same bill. During the committee process, the relevancy and content, including the suitability of bill is examined and then to the General Assembly. This is to say, after a committee completes examination on a bill and submits a report thereof to the Speaker, who prepared the list in order and fixed the date of deliberation, in which allow NA member to express their views. In this way, committee stage represents the first and most important pillars of the legislative process. If the bills are approved by the NA then it moves to the next stage, that is, Speaker sent to the President for the consent who within stipulated time (20 days?) from the date of the receipt obligated to give consent. In case, President refuses the assent or returns it to the NA or does not return it within stipulated time, the NA must re-deliberate that bill and NA reaffirm the bill with the votes of no less than half of its members attended and if the President still does not sign that bill will be promulgated as an Act.⁸

Analysis

We believe that challenge in legislature modernization process depends not simply on how the parliamentarians are elected but also how effectively the mechanisms of transparency and accountability are linked to 'deliberative politics' which refers to the role of conversation and arguments in politics, or 'governmental effectiveness', to

borrow the phrase from Scott Mainwaring (2003). With respect to democratization in Korea, it may be said that the military or authoritarian regimes or the civil society each played their role, but it is also a fact that Korean state would never have come into existence in 1948 without their intervention, as Brazinsky (2007) has noted. Going a step further, some have claimed that between 1948 and 1960 even Syngman Rhee had ruled as an 'anti-communist bulwark' in an increasingly arbitrary manner, which actually facilitated the consolidation of presidential power. However, it has to be explained why Syngman Rhee, the first President, who was not only educated in the US but had spent almost forty years there in exile, penetrated the state through authoritarian interventions in lawmaking and government, worked intensively to consolidate his rule, but had to flee the country one day because of severe economic conditions and growing public pressure, eventually only to live in exile in Hawaii. (Baker 2004)

Pointing to the authoritarian rule, there have been various shades of authoritarian regime with different dogmas and concerns, but they may all be put under one banner, the right-wing authoritarianism, which has unrestricted powers to maintain firm control over politics, economy, and society, the end-result of which is invariably far-reaching. (Lee and Glasure, 1995) As Yoon has described, even if there was no complete seizure of legislative power by the rulers, the NA had no practical utility to facilitate policy reforms due to the excessive domination and manipulation by the ambitious president what scholars like to call 'executive supremacy' in order to imply a weak legislature. The political project may be seen here meant for the penetrated, subordinated and oppressed citizenry. It was a well-intentioned assumption that a majority of the bills are drafted and proposed by the executive alone; NA only had to approve them. This marginalized the legislature's authority and therein laid all the problems.

The decade of 1950s had witnessed tense events when, for example, the Constitution initially stipulated that the NA would elect the president every five years. It focused on the parliamentary character of decision-making in filtering and shaping policy outcomes. But, President Rhee proposed a constitutional amendment whereby the president was to be elected directly by the people, not indirectly by the NA. In effect, he wanted the power to flow from the president to national and supranational centers of power, not along with a system of multilevel governance in which the decision-making gets dispersed across various levels. When the NA refused to support his proposal, President Rhee declared Martial Law and ordered both the police and the military to take the legislators hostage until the time when they agreed on his proposal. Rhee's triumph over the legislature during this crisis set the precedent for extending his tenure in office until 1956; many argue that

⁸National Assembly Act of Korea. Source: <http://korea.nabo.go.kr/assets/Files/1000000160E1.PDF>.

he had in fact made up his mind to remain president throughout his life and in order to stay in power, he devised ways to control NA by all means.

The NA's disengagement in policymaking, in many instances, substantiates that lawmaking is not only the function of the executive but also perpetuated by it. Even in the regime established after 1987 that was committed to constitutionally guaranteed pluralist development, executive influence over the legislative process is found in Korean democracy. There is a new political order, but the executive in many instances sets the policy agenda for any forthcoming legislation, and therefore, NA is not entirely free from the clutches of the President. (Yoon, 1991) It must not be let out that the road to democracy and prosperity of Korea was harsh and painful, as reminded by Im Hyug Baeg (1995), the noted Korean political science commentator, when he tells about what happened in Korea. Of course, the elections under authoritarian regimes were manipulated and controlled by the government machinery to legitimize and stabilize their rule. It is quite clear that until democracy was finally reinstated in 1987, different military and/or authoritarian governments successfully manipulated the political environment and achieved legitimacy, mainly through miraculous economic performance, which was the preferred link between the society and the state instead of elections. (Helgesen, 1998) Here again, as Macdonald puts it, there was no political activity with a stable foundation, since politically-oriented assemblies and rallies were banned altogether, a huge number of political activists were prohibited from taking part in politics, political rivals were purged, and political parties were manoeuvred as instruments of support for the supreme leadership; people lived without a democratic system but were governed effectively and with reasonable concern for public welfare in modern Korean political history. (Macdonald, 1988) True also is that since World War II, countries like Korea have established stable democratic institutions only because they did not become democratic right away. Instead, they underwent an evolution from autocracy to liberalized autocracy to democracy.

However, by the late 1980s, a full-fledged party system was in operation that offered participatory democracy and American version of presidentialism which seems to be the people's preference at present. In particular, Koreans are now better educated and more politically aware, even in Confucius tradition. However, a Western style government for political democracy along with civil and political rights is yet to be realized. (Helgesen, 1998) One effect of the 1987 political change has been that the constitution has limited the presidential term and ushered in a new era with a liberal type of political society in which people could freely express their feelings and views with little fear of retaliation, where both the political parties and non-political formations became operational to channelize

the popular demands surveyed from among a large number of individuals as is done anywhere in a system we call democracy (Kim, 2008), although the model of separation of powers and policymaking which includes parliamentary inspection, investigation and interpellation exercising formidable influence over the politics of policymaking remains much slower in institutionalizing legislative process.

The 1987 constitution of Korea had declared it as a democratic republic with more legislative authority to NA, and thus it was capable of representing the citizens' concern, which may be taken as a major advancement in the direction of democratization. (Seung-ham, 2008) By 1992, there was a general election which allowed the NA members to control the government; it may be considered as the turning point in Korean political history. Even if parties were unable to offer clear-cut ideological choices to the people in terms of policies, and by implication prevent the legislative move of the government, it was easier for the voters to make their electoral choices. (Lee and Glasure, 1995) The degree to which they were organized, it was not possible to decisively dismantle the legislative mechanism of the preceding society and to establish an entirely new political order. However, it was increasingly becoming clear that the policymaking power of the NA was rapidly expanding, which also increased its productivity.

In fact, a political system is constituted with sets of activities and their interwoven relationships are keenly concerned with power and its exercise. In Korea, what is remarkable, however, is the fact that elected President is not a customary or passive but a political leader, and hence NA has few significant checks on the powers of the presidency in Korean constitution, after recent revision. This perhaps the reason that many people chose a sort President's involvement in legislative process. To say that, should not be entirely incorrect, for example, even most of key areas of legislative process are controlled directly by the NA, the president is also a part in initiating the legislative projects that may veto a bill passed by the NA. This means that the law cannot exist without a seal from the President. Yet again, Article 71 of the constitution mandated the President to ratify agreement between the countries, conclude the treaty, appoint and accept diplomats, and declare a war, etc. The case of Korea plausibly fits with Lipset (1958) theory, who emphasized the 'overwhelming influence of economic development for democratic consolidation.' Korea, from early 1960s experienced rapid industrialization accompanied by military-backed unstable autocracy through the monopolistic favours from the state known as 'patron-state' and the society organized around Confucian-style harmony. (Chang-hee 1993)

Korea presents the case where transformations came from a particular model of development that was adopted throughout in all phases. But, when the transition

happens from the authoritarian past, it would be inevitable that the institutional arrangements and adjustments formerly supported by the old regime must be dismantled or redefined to maintain legitimacy. Talking of transition, one would argue that a democratic transition must involve the replacement of one set of authoritarian institutions by another set of democratic ones. And if the transition has to succeed, then all major political actors must agree to reject old political institutions and accept the new rules of the game. (Friedman and Hochstetler, 2002) Although there was no adequate government during the authoritarian era, there was no lack of governance either, as there was a sort of centralized governing body which had unlimited authority of the President. Undoubtedly, for many years it was believed that legislators were more or less doing what they were told to do by the bureaucrats that implied having a top-down view toward policymaking. And it was a time when the President seemed solely responsible for the entire process of political response and policymaking. It is well accepted that an executive-dominated legislature cannot effectively oversee and influence policies proposed by the executive branch. (Schultz, 2004:55) While speaking about political parties and their democratic development, the lingering paradox is that most parties were often created by purely charismatic personalities that had nothing to do with ideological rationale required for the institutionalization of the party system as is generally understood. (Lee, 2008) As Chung (2008) has made it clear, the central problem is that the party system, both in the past and at present, as represented by the term 'electoral machine to fulfill the leader's ambitions' indicates an oligarchic structure having a more transparent and efficient management and a legislature devolving into policy-oriented responsiveness.' This means that in one form or another, old politics, organizations and actors have not only survived but have also achieved some degree of continuity along with the new ones.

As there is always a need for every country to have a responsible legislature to account for its governance and management of public affairs, there must be some ways to improvise its working method with time to ensure progress and development. The general picture of the post-war Korean political process is that the radical politics is almost wanting; yet the country is moving toward a mature democracy managing fundamental and elaborate changes in the socio-political order. From a legislative perspective, it is still a tough balancing act in the sense that the president may not be entirely dominating the legislative process despite Korea having presidential form of government. But, one key issue however is the presidential decree and the President still has legislative powers constitutionally vested in it is possible that oversee legislative branch. A danger particularly in a newly democratized country comes from

the risk of populism and/or political paralysis when the conflicts of interests become serious and as a result, policymaking process gets deeply divided between the parties in power and the opposition. Similarly, in the absence of a robust political party system, such as the Korean case shows legislative agenda is controlled and/or monopolized by the governing party or a coalition of parties with a majority rather than contending factions. And Hixand Noury (2010) agrees that the crucial element in formulating a policy is the battle between the parties and politicians who are in government and those who are in opposition in order to protect their entrenched interests, rather than strive for linear policy-based agenda. It is obvious that NA is a venue where elected representatives of the Korean public hold detailed discussions on various issues on the basis of their party manifestoes to form the policies they want to pursue. It is the body that represents not only those who voted for it and plays an important role in creating policies. It is a venue where varieties of policy discussions may be held on any issue of public importance through learning and sharing of knowledge and experience, which in turn help formulate public policies and programs. With such authority and functions, NA is a crucial means of state power in a democratic set up.

Whereas it is the constitution of an individual state that declares and establishes the norms and the procedures by which a public policy can be made. In a democratic polity, the legislature has to represent virtually all the needs and wishes of the people by identifying community problems, overseeing the implementation of laws, policies and programs, and by monitoring, reviewing and investigating government activities. Gexston (2002) argues that because of the vast growth and complexities of powers that have to be exercised by the elected representatives, the non-elective officials who constitute the bureaucracy which is central to the life of a modern state that is said to have some form of policymaking authority. But it is the obligation of the legislature as the people's representative body to play an observable and transparent public policy activity to ensure that the necessary benefits would reach all citizens. Even if these conditions are satisfied, a common concern naturally expressed here is that the civil society, as one of the leading citizens' organizations that assure that their voices would be heard, could genuinely represent their interests in the formulation of policy. (Torjman and Reid, 2003) That being said, famous sociologist Max Weber reveals that bureaucracy, the 'spirit de corps is a rational legal authority in which legitimacy seems to be coming from the legal order and the laws enacted within it and whose role is to implement the sitting government policies with full commitment and devotion even at the

cost of public interest'.⁹

One criterion of legislative institutionalization is to develop its capability to control over the formulation of policies during the process and to exercise some degree of independence from the executive. While probing the role of NA, we have hinted that due to the lack of clear-cut separation of constitutional powers, its capacity to serve as the chief watchdog on behalf of the people has been undermined. The point here is that owing to persistently overwhelming influence of non democratic enclaves before 1987, the legislative body had to face difficulties while being engaged in productive discussions ever since it was designated in the first place. Yoon (2008) puts it very succinctly: the dominant ideology is no longer predominantly militarist, but how the power is exercised over people through the capture of their thought processes. More importantly, the emphasis is upon 'cultural sentiment rather than policy.' (Lee and Lee, 2008) The role of the president was twofold: to seek influence upon the government policy and to shape it; throughout previous history his role was to arbiter among differing interests. The recent expansion of democracy in Korea has put more value on NA which is moving toward maturity, although the political parties generally are woven around the few leaders of not-quite-popular parties.

No policies are made in vacuum. The crucial question is how much real leverage the legislature has to conduct its business. While looking at the regime change one always finds that the legislative activities are linear, democratic and transparent and Korea has much to do in this direction. Again, for all practical purposes, it must be acknowledged that the society appearing as changed a good deal does not mean that there is purely a new composition because political process generally consists of organizing the existing popular and social base and also discovering new ways, which is a long, complex and gradual process. While describing the NA, there can be no doubt that the legislative power is vested in it, foremost of which is to enact laws. The key question is not whether the political change is compatible with the Western standards nor whether the changes would allow it to continue to have greater legislative role and to broaden the popular base to satisfy domestic demands and needs, nor whether it would be able to confront the executive for their demands. While classifying Korea's legislative activities in light of the concept of legislative autonomy, it is clear that its policymaking power still suffers from some deficiencies. With this line of argument, some commentators claim that the NA has seemingly performed an important role in the history of

Korean politics not so much of what it has achieved in action, but because of the symbolic capacity to keep the ideals of representative government alive. (Helgesen, 1998)

In the legislative study, much of the comparative literature focuses on the role of standing committees and NA now as mentioned elsewhere has a total of 16 such committees that are increasingly becoming the key players in a new, more politically balanced polity in the post-authoritarian Korea.¹⁰ In some sense, committees are a group of political authorities in order to make decisions. The committee system has become the lifeline of legislative process in Korea. More appropriately, signs are visible that the committees are becoming powerful mechanisms; they have emerged as the first and foremost important pillars in the legislative process. It is adequately resourced where members sit as a team in various committees representing departmental interests and influencing policy formulation and where bills are introduced, discussed and debated. Indisputably, they provide a venue where the members have unconstrained opportunity to express eloquently and interpret their ideas effectively than in plenary sessions.

Actually, all NA's bills and petitions are first examined in the relevant committee to contribute to the development of an accepted and approved set of rules and values. This allows the policymakers to feel more comfortable and help them determine what appropriate actions must be considered for any given situation. It would not be an exaggeration to say that only after the committee's approval the bills and petitions may be forwarded to the plenary session for the final decision.¹¹ It may also be argued that committees are supported by experts/advisers that have specific knowledge, not NA members appointed by the Speaker, and the administrative staff and other meetings are conducted in

⁹ Derived from <https://www.boundless.com/sociology/understanding-social-groups-and-organization/bureaucracy/weber-s-model-for-bureaucracy/>.

¹⁰ Committees are units of organization within a legislative chamber that allow groups of legislatures to review policy matters or proposed bills more closely than would be possible by the entire chamber. In many countries, referral to committee is a formal step in the process of adopting a bill. The possible roles of the committees vary from country to country, depending upon the governing system, strength and organization of political parties, available resources, and other political factors. Roles may include initiating and amending bills, administrative reviews, investigations and budgetary reviews. Committees may also be the locale where inter-party negotiations occur. Few countries, even those that have a presidential system, have a committee system that approaches the power of the US congressional committees to initiate, amend or bury legislation. Source: <http://mirror.undp.org/magnet/docs/parliaments/legislative%20committee%20system.htm>.

¹¹ National Assembly Act of Korea, pdf.

technically proficient environment and well-equipped committee rooms. Committees are headed by a chairperson who as committee leader is authorized to conduct proceedings; also, s/he can maintain order, restore harmony and represent the committee. Additionally, committees may accept or reject a bill and seek further clarification from the presenters when and if a situation so requires. While discussing about the committee system, another paradox is that a committee may form a negotiating group to reconcile the differences caused by a bill, which is called as 'interparty assembly negotiation.' NA members with no party affiliation may also form a committee together for such purposes. Actually, what constitutes the core values of legislative process is widely considered as heralding the triumph of democratic ideals both in the plenary session and in a committee by which people may measure not only the performance of the NA but also that of the government. There always are some people who would like to argue that Korea's policymaking process does not always reflect truth and accuracy.

Here again, the NA is supported by its extraordinary library endowed with a huge number of academic materials. NA has also set up the NA Research Service and the NA Legislation Investigation Office, etc. to avail their services under its regulations. On top of that, the latest legislative structure law creates no obstacle for the members to take their decision independently both in the committee and in plenary session. The way a parliamentary committee takes a decision and formulates a policy is what makes it to be called as 'little legislature.' Besides, the NA has its own website where all information is supposed to be posted and updated continually by the support staff of the NA members, who are ultimately responsible for this function. The entire proceedings of the plenary session is recorded and uploaded on the website. In addition, the members may vote on a bill which is put up for discussion in the plenary session. In fact, the NA has its own self-governing charter to conduct its legislative functions which are more real than formal. It may be suggested that the NA in fact sets the agenda for all what is politically feasible. Ideally, as an ordinary procedure of legislation, a bill may be introduced in the NA and then the concerned speaker would send it to the appropriate standing committee. Parliamentary supremacy becomes evident when NA members actively submit their bills without executive or party involvement; it must not be uncommon that private members' bills are also deliberated at length, put to vote and get enacted.

In fact, the legislative autonomy, which was a battle-cry until the 'Third Wave', not only provided the opportunity to common people for political participation but also an opportunity to political scientists for floating theories and/or terminologies to describe the foundational dimensions of a particular regime such as 'developmental

dictatorship', 'bureaucratic authoritarianism', 'repressive-responsive regime', 'developmentalist state', 'right authoritarianism' and so on. In one respect, Korea had to introduce and implement some harsh and aggressive measures to change the Korean society for which 'modernity' had become the primary objective of the regime constructed by the colonial or the 'developmentalist' state, which according to Chatterjee (2001) was 'an attempt to find new democratic forms of the modern state.' One can hardly overlook the fact that drafting of the first constitution and election for the first NA were based on a decision of the US Military Government in 1948 to establish a separate state in the southern-half of Korea. There is no need here to posit that the political nature of the First Republic was a ditto copy of the American Presidential System. The NA also had the authority to conduct the policymaking process and annual inspection of all government agencies, though it had to lose much of its power under succeeding regimes and there developed serious void on the representation side too. It is obvious that Korea's political transformation in the 80s provided pluralist democratic commitment and the executive had lifted the state of siege in a new political order and NA free from the clutches of the president to fashion itself to a more meaningful political participation and it now has the power to effect changes that have strengthened its credibility. The direction of change, according to Kim(1991), notwithstanding whoever introduced the development model or whichever was the path for economic development or whoever controlled the state power, was sufficient for socioeconomic transformation and subsequent democratization as a consequence of the internal dynamics of the state formation and as a source of continuity and discontinuity?

The developments in Korean politics over the past few decades are in conformity with the virtues of civil and social institutions in relation to the public at large. As has Park (1983) noted, the 'usurpation of powers by the executive branch, the corresponding weakening of the legislative branch and the ongoing ineffectiveness of the judiciary have precluded democratic consolidation for now and in future.' It is a crucial matter that the development of legislative autonomy is experiencing difficulties even after the democratic transition in 1987. Under the new constitution, all political institutions have gained meaningful power and have begun to function both as independent institutions and in collaboration with other components of the government at par with the development of democracy. In fact, what is significant is that in formulating its policies and laws that must reach the greater part of the population. In the Korean context, the three phases of transition and non-transition are: an aborted transition in 1979-1980, a prolonged and inclusive standoff between the regime and the opposition in 1985-1987, and a successful transition to democracy

since June 1987. Since then, the political situation has changed completely. (Im, 1995) In practice, the subsequent changes in the rules and procedures and the ways in which they have been changed have paved the way for the NA to be empowered enough to take over the legislative function in entirety. To be clear, because of the increasing role of political parties, the domination of the president over the legislature could only be achieved through the intermediary political parties.

Nonetheless, a policy process often brings complex situations. In the mass literature, instructions for modernity are abundant and continue to inspire and energize to embrace a full spectrum of views about the direction of change. Korea may be taken as a suitable example to study the process of steady transformation and the concept of development for an autonomous and formidable state. Korea's NA cannot be termed as a rubberstamp organization when it comes to policymaking power, but in practice it is plagued by deterministic power and is controlled to mark the Western modernity, observed Brazinsky (2007). A primary argument used in the West is the dichotomy: 'the lower the level of institutionalization, minimal would be the level of regime legitimacy as a whole'. The political arena in which the NA operates is a pointer to confirm that there is a lot to do and a long way to go where it is differentiated in order to make it the central place for policymaking together with autonomy and saliency of an institution.

With regard to the legislative autonomy, it may be explained in terms of a combination of several domestic factors. A major weakness as repeatedly argued is that the Korean politics in most of its history has been influenced or guided by economy oriented development policy, national security, traditional concept of legislature, and a strong party discipline. (Park, 1983) Today Korea stands out as one of the most successful cases of nation building that clearly is the result of political acumen and vision of Korea's Strongman Park Chung-hee had indeed ruled the nation with an iron fist. Nevertheless, when it comes to its spectacular economic development called "the miracle on the Han River," Koreans owe him a lot. (Hahm, 2009) Had it not been for his singular determination to build a highly industrialized nation, Korea could not have become the affluent society that it is today. Additionally, the constitution granted the President the powers to issue decree, ordinances and formation of cabinet at his will. In fact, from 1960 through 1987, Korea was more locked in a development trajectory where the solution to every problem seemed to be economy, when there was input-led growth strategy under the leadership of the President with all the possible features of authoritarianism intact. (Mortuza, 2007) In a way, this also implies that Korean policy process is not clearly associated with the concept of political bargain among competing interests, but polarized in accordance with the legislator's membership of the political party.

Compared to the executive and judicial branches, the legislature is closer to the people and so it reflects their mood at any given time. In fact, after the promulgation of the 1988 constitution, the situation became very different with momentous changes. Some of the presidential powers in legislative affairs quickly disappeared so that the NA became the highest lawmaking body and fountainhead of all political powers. It is not clear whether we can call it unique. Although the president holds an immensely superior position to those of the two other branches, the NA seems to guide the policy as it develops, but at the same time, it has the authority to reject presidential appointments for public office including that of prime minister, and it may impeach the president who gets separately elected and is not even accountable to it. On the other hand, the President may not dissolve NA as is the norm in the Westminster system. Yet again, another reason to envision a different path for Korea, no matter how it is defined, is that both the NA and the executive share some form of legislative powers, and often, devoid of warm relationship, respond positively to one another. With that, it becomes distinctly clear that Korea's presidential ways are somewhat different.

Yet, the two main features of the Korean NA are: the institutional discontinuity followed by subsequent low level of institutionalization and the lack of autonomy vis-a-vis the executive. Other authoritarian characteristics began to wear off due to the adoption of democratic reforms in the constitution that had followed, thus making things difficult for the President, leaving aside exhaustive debating in the legislature, forthright lobbying outside, interactions with the people, and overall transparency while formulating a public policy. The regimes in Korea between 1960 and 1987 had bred an instinctive belief that social forces would never be permitted to assert themselves at will, which included the rights of individuals; otherwise, chaos would ensue. Due to too much concern on economic development than to sustain political institutions in which competitive party system was virtually non-existent and policymaking process power rested with the President alone, it seems that the NA soon became shy and got away from legislative politics. Obviously, the post-democratization Korea adopted a stable legislature, and to a great extent, with distinct separation of powers. Put slightly differently, any political move is likely to have a significant impact on the process of political change with little chance of popular unease but confrontational dissent with dissonant political power relationships, should political change be introduced too quickly often having been connected with social, cultural and economic fabric of society, would continue to dominate the political system although not as seismically significant one in some cases to which one would say as a case of 'political transition to be seen as a period of great political uncertainty.' (Huntington, 1991; Linz and Stepan, 1996)

With respect to the agenda power, the power to determine which bills to be taken up on the floor of the legislature, we assume that NA generally exercises it. For example, when a bill is presented in the NA, the presiding officer of the NA refers it to the Committee under whose jurisdiction it falls. The Committee then holds hearings and deliberations on the measure. At the close of the debate, the bill is presented in the plenary session and votes are taken, whether it is a government bill or a member bill. It is not that the NA merely acts as a rubberstamp; it has the capability to make the law. In fact, the agenda setting power of the legislature undertakes the processing within the broad context of the political and social systems that mark its institutionalization. (Cox, Masuyama and McCubbins, 2000) Moreover, it is always problematic to properly distinguish various political systems and thereby their legislative practices, and in the case of Korea even if its constitutional provision claims the system as presidential instead of semi-presidential, where the executive and the legislature share some functions and their joint power is required to approve amnesty and pardon, both of which remain under the sole jurisdiction of presidential system such as in the US.

It is normal in the US that an individual member of the Congress may draft and submit legislative proposals and in a parliamentary system, almost all the legislative efforts are dominated by the executive. For many, this may not be an issue, but it is vital to modern public policy. Such concepts, for example, the impact of individual legislators on the policy process and the actions that the members may take inside the legislature serve to increase its legitimacy. Significantly in Korea, individual legislators may introduce legislation if they have a certain threshold number of cosponsors, such as 10 signatures are required to table a member's bill. It is to this reference that Hudson and Lowe (2004) consider public policy as 'the product of a diversity of organizations, individuals, and procedures, and in a democracy, it is only natural that legislatures are one as an institution to draft, discuss and approve the legislation.'

Similarly, there are different types of accountability with varying degrees of effectiveness and performance within the sets of presidential and parliamentary systems. It is our belief that the process of institutionalization involves many organizational complexities and the legislature in a democracy must reflect the fact that it possesses virtual monopoly over the entire legislative process. Our purpose has not been to demonstrate that the NA should so function what may be termed somewhat as counterpart to the fusion of the executive and legislative powers in other parliamentary democracies, which can 'do everything that is not naturally impossible', as observed by Blackstone in the British context (Lieberman, 1988) or it can 'do everything but make a woman a man, and a man a woman' in the words of the French observer

De Lolme. (Dicey, 1915)¹² However, while going through the relevant literature on Korean politics, it seems that the authoritarian leaders had created such an environment that the bills were hardly presented in the NA; rather the president set the public goals and was the sole real beneficiary. It was marked by incoherent, top-down nature of the policymaking process and the capacity to create and deliver the policy that put the whole policy process in a bad light. The main point is that although the presidential system of democracy has well defined and strict division of power, the role of NA in Korea was neglected for decades; it was far from being autonomous and productive in showing the institutional base of social change.

The constitution of Korea, for instance, empowers the legislature with the power to block an executive proposal. Similarly, while the President may issue a decree, the constitutional court may review the division of powers among the various branches of the government. In this sense, even NA may not be as powerful a political body as the parliament in Canada, India, Britain, Italy, Belgium, New Zealand, or Czech, or as in the US where Congress adopts various tactics such as prolonging the legislative process and refusing to deliberate. Yet, it reflects the fact that it is a modern legislature where the legislative powers are vested in and final passages are made. Even scholars agree that parliamentary system is generally better equipped than the legislature in a presidential or semi-presidential system to oversee the executive branch of the government. (Pelizzo and Stapenhurst, 2004) But, the Korean NA takes a different approach from both the patterns; it has the ability to decide on a policy within the framework of accountability, a feature that was not there some 30 years ago.

Chan-Wook (2014) has assembled a comprehensive set of data, including the nature of political regimes since the First Republic which began in July 1952 and the institutional context of social representation, etc. Very modern features have been embedded in contemporary NA, the most prominent political institution of Korea. Even the mass media do not play a large role for policymaking in Korea, as they do in Britain and the US. But, people do get the facts as reported by the press; its coverage is brief, sober and objective, even if not full of details. An intriguing question toward legislative transparency, which

¹²Jean-Louis De Lolme 1784. Ejan Mackay, "Economic analysis of law for civilian legal Systems", Cheltenham, UK, Edward Elgar. Available at: http://www.tilburguniversity.edu/upload/347bb237-d470-4ed9-8d2d-01d7d9d7f26a_paper-Mackaay.pdf and A V Dicey. Introduction to the Study of the Law of the Constitution (1915), The McMillan Company Limited of Canada Toronto. This book is available at: <http://socserv2.socsci.mcmaster.ca/econ/ugcm/3ll3/dicey/lawConstitution.pdf>.

is not the main concern of this study, is that the NA debates are not directly broadcast in Korea, as is done in Australia, New Zealand, and some other countries, although NA has its own TV which broadcast its other activities, including news about important deliberations. Besides, the procedure for public consultation on government policy and legislation as per the statutory directives are open and systematic.

Based upon much of what we have described above and upon a number of policymaking dimensions, Korea's system is found different when compared to many other presidential systems. Yet, in order to establish transparent legislative procedures that demand accountability of the executive, significant structural reforms have been initiated in the NA. More importantly, the notion of parliamentary sovereignty may not be available here, but the legislative authority bestowed to the NA is responsible to explain to the people about the policy that has been formulated. The participation of bureaucracy in both input and output sectors of the legislative process has been excluded from making important decisions that are critical to the concept of modern legislature that can play an active and influential role through the members. Furthermore, the Korean political system does not allow any single branch of the government to hold excessive power without the involvement of the other branches. Yet in a contemporary Korean polity, the NA exercises exclusive jurisdiction, for instance, a bill must be passed by it to become a law. Of all the special characteristics of Korean legislative process, the foremost that should be noted is that the President may submit a bill in the NA through a minister who is not even an elected NA member.

As noted above, the presidential decree has the power to block a legislative effort, that is to say, it is another route to enactment. But, such decision must be followed by NA approval in due course. In fact, the annual budget, a treaty with another nation, and appointment of all presidential nominees such as the prime minister and ministers require the approval by the NA and the president may not influence it to change its decisions at least constitutionally. In this context, the NA is not a passive house. But in the normal practice, once a bill is rejected by the president, it would then require two-thirds of the votes to be passed by the NA. So in nutshell, if two-thirds of the NA members want to see a particular bill become law, it will. But it is indeed difficult for any one party or a coalition of parties to achieve two-thirds of the votes. Under most circumstances, however, the president has a lot of space to block legislation. In this sense, a bill becoming law after its passage by the NA is the only route to enactment.

To illustrate this, it is not hard to see that the President in Korea exercises some special legislative powers such as the Veto Power (Article 53-2 and 52-3) at any time which is a reactive power and the Decree Power (Article

75), which is a proactive power that allow the President create order, and therefore, to shape legislation and if the president holds both these powers, then, it makes the president preeminent or *de facto* policy makers in the legislative process. As Baker(2007), further illustrates this and argues that things were different from Mansei Revolution of 1919 what is considered beginning of Korea's road to democracy to 'rough road to democracy between 1960 and 1992' in which even the state was as despotic as it generally thought, largely because of practice of various forms of despotism, such as executive high-handedness and bureaucratic domination with varying degrees of power in country's politics, in which the other branches of government such as the judiciary and the legislature were likely to prove adequate to the task and served only a segment of the population, though time and again their role claimed to acquire new significance. If the structures of political power are a focal concern in analysing the policymaking functions of the legislature, Korea is not a monarchy where power and authority is derived, and depended as much on the strength power and virtue of his/her personality allowed him/her to intervene at his and her disposal.

CONCLUDING COMMENTS

Generally speaking, government and parliamentary structures and different branches of government all play very important roles in making laws and policies. Our assumption is that the legislature has so many different roles, representative of citizens' view, scrutinizer of government, educator of the public and that it is always deficient in one respect or another. It has been observed above that any genuine and enduring political transformation would require the consideration of organizational autonomy and self-management. We may assume that democracy arrived in Korea in the late 1980s, after 30 years of controlled political process under the military or soldier-turned politicians. The new democratic constitution did not prevent the president pursuing legislative process which in turn dominated the politics. Yet, the NA became an impressive body and gained acceptance among the people. We have noted at the outset that important variations are invariably found in legislative establishments. But, perhaps in the Korean case, we find that competitive elections and political pluralism have created such conditions that the NA could deftly steer its legislative politics and be seen actively exercising legislative powers through constitutional and institutional framework and has acquired the capability to bring policy issues to a fruitful conclusion. Even more important is the fact that in spite of severe criticisms by the aggressive media and well organized civil society, what is needed to solidify the institutional structure and to draw public attention is evidently the policymaking

process that has attained the vortex of legislative institutionalization. Its key effectiveness is that the people now know how representatives are chosen, who they are, how they may be reached, and how indeed the policies are formulated in the first place.

It is our understanding that though the current political policymaking of Korea in general could be understood as a combination of factors, yet Korea's approach of public policymaking until recently was a top-down process where decisions are made at the top, passed down to the people who are affected by the policy, with President capable on most of legislative agenda what can be called executive-centered oligarchic policymaking discussed previously. So, despite stimulated institutional modernization and socioeconomic restructuring, the Korean policymaking prior to democratization could not be viewed that relied upon regular citizen's concern and their interests articulated in the liberal democratic, let alone NA as the sole power to legislate.

It should be remarked that NA is legislatively effective if viewed as an independent variable over the years with increased the institutional capacity on the institutional reforms and to increase direct participation of citizens in policy and decision-making process and changes to the parliament 'is always unending', what Axworthy (2008) asserts. 'We consider that decisions and policies are the product of give and take and mutual consent among numerous participants in the decision process, but the formal authority rests with legislature so any reforms that are undertaken, the legislative power of the executive should be weakened so much that NA increases its guiding hand. As we noted previously, when democracy was restored, under the constitutional arrangements, Korea's form of legislature can be described as certain important consequences, with state powers separated between the three principal organ of the state has also facilitated a remarkable capacity for innovation to NA which now is more concerned with political process or with elements of the political system such as interests groups and public opinion, and therefore, expansion in representatives to influence public policy has been found.

In Korea, the extensive literature has conformed President is still a switchboard, and that is far closer to the reality than claims that it is powerful, but we believe much of the policymaking decisions are made in the line mutual incomprehension between the two branches and there can be no doubt that each helps to shape decisions, which is not as consensual as commonly thought, but are framed in the light changing circumstances which may be the foundation of what drives policymaking in Korea. The British parliament is known as 'mother of parliaments', it provides a model for a system of government that could not be classified as something separate, which Korea is not the case. But when examining a NA legislative policymaking we saw that it taking on a prominent role in the policymaking

process. It could be further argued that the Standing Committees are functional not the ritual who like in the US scrutinize and approve the Presidential nominee, and most importantly failure of committee endorse the bill cannot be moved to the plenary session.

To summarize the debate, the NA is a democratically-elected representative institution as well as a crucial element of state power represents the broad spectrum of public interests. It is a place where discussions take place on the public preferences which are then formulated into policies and programs. It differs from the other branches of state power because it is the main instrument for formulating and adopting laws and other public policies. The NA of Korea is not flawless and beyond criticism, still faces a number of constraints and obstacles in terms of its efficiency and effectiveness. Many factors involved that are adequately discussed previously in this study, yet executive involvement in setting the legislative agenda and the fact that some claimed that the regular can only play a limited role in the policymaking. Let us be clear here. If President of Korea can strengthen the public sphere by mediating between citizens and state, facilitating debate about the major issues of the day, and informing the public about public issues and government actions, and moreover, if great bulk of people in Korea tempting to place their hope in the Presidency, yet NA is a legislative institutions to provide a level of playing field for prospective policies for all contenders.

While recognizing that presidential systems that provide for institutionally strong presidents, that is, president who controls who controls the legislative agenda is seen a source of increased conflicts with legislature. Under the new rule, the distribution of powers between President and the NA is be evaluated fairly toward separation of powers model, but Korea requires balance of powers between executive and legislature to avoid usurpation and abuse of power—each body prevents the other from abusing power. Most importantly, the bills now can freely amended and rejected with an agenda that is set by NA is thus empowered to directly affect the order of business of the legislative body. Equally vital, Korea has laid the foundation for a forward looking liberal democratic political system that is optimistically can be considered doing business in way that will propel NA's policymaking process forward toward, responsible and accountable institution, which will ensure legislative stability and identity and long term consequences in the foreseeable future.

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