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MURCIR Analiz

Martial law and Korea's Democracy

In Korea, the emergency martial law declared by the president officially lasted for only six hours. However, the aftermath of this declaration continues to unfold with high intensity. The president, who abruptly declared martial law, was impeached by the National Assembly and suspended from his duties. In addition, he is now under investigation on accusations of leading an insurrection. Both systemic and personal factors contributed to the president's fateful decision, which ultimately led to his political downfall.

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1. Why was the president's declaration of emergency martial law considered reckless?

Around 10:30 p.m. on December 3, 2024, South Korean President Yoon Suk Yeol declared emergency martial law through a late-night televised address. This shocking news surprised not only the Korean people but also the entire world. During the six hours that the martial law was in effect, Korean society experienced feelings of fear, confusion, and anger. Korea's modern history is shaped by a harsh struggle for democratization under military dictatorships behind its dazzling economic development. Throughout this history, martial law has been used as a tool to control and suppress the Korean people's growing demands for democracy. Due to this background, emergency martial law is recognized as an anti-democratic measure in Korea, leading to strong public outrage against President Yoon for his decision to implement it.

Shortly after declaring emergency martial law, President Yoon faced strong opposition from both the public and politicians. Ultimately, he was suspended when the National Assembly passed a motion for his impeachment just 11 days after the declaration. He is currently under investigation for suspected insurrection by the police, prosecutors, and the Corruption Investigation Office for High-ranking Officials. President Yoon is now awaiting a trial by the Constitutional Court, which will decide whether to dismiss him from office. His declaration of martial law ultimately led to a self-destructive situation that severely threatened his political career.

President Yoon's declaration of emergency martial law lacks legitimacy. Article 77 of the Constitution of the Republic of Korea states that "when it is required to cope with a military necessity or to maintain public safety and order by mobilization of the military forces in time of war, armed conflict or similar national emergency, the President may proclaim martial law under the conditions as prescribed by Act." As of December 3, 2024, it is difficult to argue that there was a war, armed conflict, or equivalent emergency in Korea. While the illegality and unconstitutionality of this declaration are currently being examined by investigative agencies and the Constitutional Court, the Korean public does not recognize the declaration of martial law as legitimate.

Furthermore, since Yoon's decision was not viable, it was challenging to anticipate that he would achieve significant political gains. The high levels of democracy and technology experienced by the Korean people were the primary factors that diminished the feasibility of imposing emergency martial law. Notably, Korea's democracy, established after decades under military-authoritarian rule in the 20th century, is deeply embedded in the public consciousness. This historical context has fostered a democratic education that promotes democratic citizenship among the Korean people. South Korea has a conscription system due to ongoing military tensions with North Korea, with approximately 60% of the military personnel being conscripted. These conscripted soldiers, who serve for a designated period, share the same democratic values as ordinary South Korean citizens. Historically, the Republic of Korea (ROK) military has made serious errors by using its power to uphold and strengthen authoritarian regimes rather than protect against external threats. This sense of guilt is reflected throughout the ROK military as an institution. Over time, the ROK military has worked diligently to foster an image of a friendly military that is trusted by its citizens and committed to their welfare.

2. What caused the president's declaration of emergency martial law? (Systemic factors)

One of the main justifications President Yoon provided for declaring emergency martial law was the perceived tyranny of the opposition party. The relationship between the administration and the legislature – particularly between the ruling party and the opposition – had deteriorated to such an extent that President Yoon described the situation using terms like "legislative dictatorship," "paralysis of state affairs," and "anti-state action."

The political deadlock between the ruling and opposition parties in Korea stems from the dynamics within the National Assembly. The 22nd National Assembly, which was convened in June 2024, includes 171 seats controlled by the largest opposition party, the Democratic Party, out of a total of 300 seats. The total number of seats held by all opposition parties is 192. In contrast, the ruling People Power Party holds only 108 seats. In this way, the opposition party won a landslide victory in the 22nd general election held in the third year of the presidential term. Given this situation, the Democratic Party has been pressuring the Yoon Suk Yeol administration in all directions by utilizing its position as the largest party in the National Assembly.

The Democratic Party, which holds a majority in the legislature, asserts that it is exercising its legal authority to check the administration. However, there has been criticism regarding the Democratic Party's actions, with claims that they are excessive, and this criticism predates the declaration of emergency martial law. In particular, the large number of impeachment attempts initiated by the Democratic Party to pressure the government have not garnered significant public support. The party has been advocating for the impeachment of various government officials, including the Minister of Public Administration and Security, the chairman of the Communications Commission, the chairman of the Board of Audit and Inspection, and the Minister of Defense, leveraging its majority status.

It is clear that the impeachment system is a device guaranteed by the Constitution to keep power in check, but it is a method meant to be used as a last resort. On December 2, a day before the emergency martial law was proclaimed, the Democratic Party proposed four impeachment articles, bringing the total to 22 within about two and a half years since the inauguration of the Yoon Suk Yeol administration. This is a significant increase compared to those filled during previous governments. In addition, tensions between the ruling and opposition parties escalated regarding the administration's budget proposal for setting the 2025 budget. In the process, the Democratic Party made a hardline decision to cut the budget. These stringent measures of a series of impeachment attempts and budget cuts by the Democratic Party continued to intensify the strong confrontation between the opposition party and President Yoon.

In the context of emergency martial law, President Yoon made a total of four public addresses, including the declaration and lifting of the martial law. In each of these statements, President Yoon consistently criticized the opposition's acts of pressure. This indicates that the opposition's hardline and unilateral actions were cited as the primary reason for President Yoon's controversial decisions. Nevertheless, it is clear that public opinion is unlikely to support attempts to pursue a military solution instead of a political one to address political issues.

3. What caused the president's declaration of emergency martial law?

The personal factors of the president are primarily cited as the reasons behind the opposition party's significant victory in the election, which occurred less than halfway through the president's term. His personal role in this outcome appears to be the low approval rating of the Yoon Suk Yeol government. In May 2022, the government's approval rating was approximately 50%; however, just three months later, by August of the same year, it dropped to the 20% range, indicating a sharp decline. This drop in approval ratings is attributed to President Yoon's excessive interference in party affairs. He applied both direct and indirect pressure to oust the party's leadership and install key figures of his choosing.

The president's attitude toward the people and the political community appears immature, particularly evident in the declaration of martial law. This stems from President Yoon's background as a non-professional politician. He spent his career as a prosecutor, and during his time as prosecutor general in the previous administration, he had conflicts with the government, eventually emerging as a leading candidate for the opposition seeking government change. President Yoon's election reflected the public's desire to hold the government accountable. However, due to his lack of political experience, his political orientation, beliefs, and skills have never been demonstrated. As a non-professional politician, he also faced difficulty forming his cabinet and building his political team.

In the run-up to the 22nd general election held in April 2024, , which serves as a mid-term evaluation of the Yoon Suk Yeol administration, President Yoon failed to show a skillful attitude toward various negative issues. The president's conciliatory action was required on the issue of the First Lady's scandal, the controversy over the intervention of the investigation into the marine death incident, and the medical strike resulting from the unilateral expansion of medical school quotas. Despite expectations of defeat in the general election, President Yoon maintained a strong stance and did not effectively resolve the controversies and criticisms surrounding him. This failure to address key issues has been cited as a major factor in the party's electoral losses, leading to criticism even from within the ruling party.

President Yoon strongly criticized the opposition parties for their abuse of power and used this as a justification for declaring martial law. However, this does not mean that he has ever made a gesture of reconciliation to the opposition party. While the opposition parties have brought a record 22 cases of impeachment, President Yoon has vetoed a total of 25 legislative proposals from the National Assembly. Notably, he has repeatedly rejected the Special Prosecutor's Act related to the First Lady's scandal and marine death accident, vetoing it three times in a row. This has raised questions about whether he has genuinely attempted to resolve the political deadlock. His claim that military action was taken as a last resort despite all his political efforts seems less convincing.

4. What's to come? Issues and risks predicted after impeachment

The 11 days from the end of the emergency martial law to the passing of the impeachment motion were marked by confusion and uncertainty. Both the ruling and opposition parties agreed that President Yoon's emergency martial law was unjustified; however, they had different political interests that influenced their subsequent actions. During this time, there was a complex dynamic among the president, the leader of the ruling party, and the leader of the opposition, all of whom adopted hostile stances. Internal divisions emerged within the ruling party, reflecting varying political interests regarding impeachment. As two impeachment bills were proposed on December 7 and December 14, the National Assembly quickly raised urgent questions regarding military and police officers who had participated in the emergency martial law.

Numerous military and police personnel confessed their conscience and publicly stated their willingness to appeal against such actions to prevent future occurrences. The police, prosecutors, and the Corruption Investigation Office for High-ranking Officials quickly arrested the heads of police and military as if they were in an investigative competition. Amid these developments, concerns about a potential security vacuum in Korea are rising, especially as relations between North and South Korea continue to worsen.

The administration has transitioned to an acting president system under the prime minister. If the current president is dismissed as a result of the impeachment trial, an early presidential election will be held within 60 days. In terms of future prospects, opposition leader Lee Jae-myung is expected to be the biggest variable. Lee Jae-myung faces accusations in eight cases and has twelve charges against him, currently undergoing five trials while he has served as a mayor, governor, and presidential candidate. The outcome of these trials will determine whether he is eligible to run for election. The fates of Lee Jae-myung, the likely next president, and the incumbent president, Yoon Suk Yeol, will ultimately rest in the hands of the courts and the Constitutional Court. The trials are expected to take a certain amount of time, and it is expected that a fierce public opinion battle will be formed in the ruling and opposition parties as the public opinion affects the matter due to the seriousness of the matter.

Despite the president's undemocratic actions, Korea's democracy has received praise worldwide for the citizens' attitudes toward martial law forces and their culture of orderly protest. However, both the president and the large opposition party emerged from the Korean democratic system and the people's votes. While the ordinary citizens' commitment to democracy is commendable, it is necessary to reflect on whether the politicians representing them are undermining Korea's democratic values. A more mature democracy requires careful consideration of the powers outlined in the Constitution. Just because something is legal does not justify all actions; therefore, more responsible and just political behavior is required.

About the Author



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