

A Study on the Reform of the Police in Korea: Focused on Institutional Approach

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Abstract

As part of the police reform, the current government is trying to establish a police bureau under the Ministry of Public Administration and Security and improve the personnel management of the police. Like the prosecution bureau under the Ministry of Justice, the main goal of the police is to establish a police support bureau in the Ministry of Public Administration and Security to have personnel, budget, disciplinary action, and inspection. However, the government's control of police rights was opposed mainly by the "Police Workplace Council," which is like a police union, and even police officials agreed with it, and the opposition was severe. It is becoming a form of struggle between the government and police organizations. As a police major, I don't want to side with anyone and support the police. However, I thought about what democratic control of the police should be with, considered what the police reform plan is, and analyzed the legal and institutional aspects of the current police, and expressed the following issues. First, this paper is as follows: First, we considered what the democratic control of the police was. Second, We focused on reform measures such as the personnel system and institutional approach. Third, I presented my argument on what the police reform plan is.

Keywords: *Democratic control of the police, Police reform, Personnel system, Organization change. Institutional approach*

1. INTRODUCTION

Max Weber, a German-born American sociologist, called bureaucracy a specialized organization, and saw that laws and documentism could strengthen the administrative efficiency of the organization. Despite the advantages of the bureaucracy, administration in the 21st century is expanding to the extent that it hinders the existing idea of separation of three powers, legislative administrative judiciary, and becomes a so-called administrative state dominated by bureaucrats[1]. However, bureaucracy creates corruption and corruption because it uses the power of regulation and permission under the guise of the power of the law. Just as if the factory produces products to pursue profits, the bureaucracy has brought about a pathological phenomenon through the red tape phenomenon, just as it emits smoke and pollution. Recently, the deviation and corruption of Korean public officials have gone too far, and public criticism is serious. It has achieved remarkable development through short-term compressed growth in developing countries, and the role of administrative

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officials is still very large behind it. In fact, as an elite of development, the pride of bureaucrats was great. However, these elites' outdated ways of thinking have revealed a significant gap with the public's perception and the level of popularity has risen, but their consciousness is still struggling with authoritarianism. The solidity of the bureaucracy, authoritarianism, and organizational class system have raised habits or attitudes that are shared among themselves, non-ethics, and lack of ability to value public office. The biggest reason for this phenomenon is the widespread sense of conservatism that public office is a stable job, a salaryman, and pension benefits after retirement. It is said that the top job ranking that college students want to go to these days is civil servants, but the number of applicants is probably higher because of stability and preparation for retirement rather than patriotism. It can't help but be seen as a wrong phenomenon that the number of stable people is increasing rather than aptitude or passion. Public office is not an anachronistic byproduct. Even if times change, the spirit of service to the nation and its people, the value of public officials, and patriotism should not change. In this paper, we will examine the problems and development plans of the police organization system [2].

2. PRECEDENT STUDIES

2.1 Literature review

Lee Ho-young brought the right to the first investigation and the right to terminate the investigation from the prosecution, and the right to investigate anti-aircraft was transferred from the National Intelligence Service. The police are a large organization of more than 120,000 people and form a centralized national police system that receives orders and instructions from one commissioner at the same time. In addition, he argued that the authoritarian culture of class order between the upper and lower ranks was strongly established and the limitations were revealed in terms of investigation neutrality, suggesting a reorganization plan centered on separation and reduction of authority and police control from a democratic control point of view[3].

Jeong Kyun-hwan internally insisted on improving the quality of non-executive investigative police officers through reform of the personnel education system. He emphasized police neutrality, autonomous police and independence of investigative powers[4].

Hwang Moon-kyu insisted on the realization of the National Police Commission as a self-governing police system, evaluation of the National Investigation Headquarters, and democratic control device at a debate on the current status and tasks of police reform[5]. Kim Taek pointed out the problems of police corruption and suggested measures to prevent police corruption. He pointed out the problems of collusion, police organization culture, and police punishment as the causes of police corruption. An institutional action plan was proposed to prevent structural corruption of the police[6].

However, although scholars suggested police corruption measures, there are aspects that have not been implemented in detail because the government professes police reform, but recognizes the right to acquire police and uses them as the government's hands and feet.

2.2 Methodology

This paper cited literature studies and author's police corruption studies to emphasize the diagnosis and change of police organizations. In particular, for organizational reform, the system and personnel reform were considered. In particular, the research focused on doctoral dissertations, newspaper advisors, and the government's police policy improvement tasks.

3. DEMOCRATIC CONTROL OF THE POLICE

Until now, previous administrations have used police as a tool for maintaining power, and Cheong Wa Dae and prosecutors have ordered police to be killed. The Rhee Syng-man administration used police in the extension and election of the Liberal Party, and the Park Chung-hee administration used police information to maintain power. The Chun Doo-hwan administration mobilized opposition parties and students to suppress the regime. Even after democratization, the police authority worked in unison with the prosecution to govern public security.

After liberation, the police expanded the organization by changing to the Metropolitan Police Agency, the Security Bureau, the Security Headquarters, and the National Police Agency, and divided the ranks into 11 ranks, and calmed personnel complaints by creating an automatic promotion system for senior supervision. In short, it was as if he was struggling and suppressed his dissatisfaction by giving him a piece of rice cake[7].

After all, I think the responsibility and duty of the police officer are very important. The establishment of police ethics should also be considered. As a police major, I don't want to side with anyone and support the police. However, I thought about what democratic control of the police should be with, and I would like to analyze the legal and institutional aspects of the current police and express the following issues.

First, it is a matter of belonging to a police organization. The Korean military has military regime and military command, and the Army Chief of Staff or Navy Air Force is also a member of the Ministry of National Defense, and the Ministry of National Defense is instructed by the president. According to Article 34 (5) of the Government Organization Act and Article 12 of the Police Act, the police have the National Police Agency under the direction of the Minister of Public Administration and Security to manage public affairs.

Second, it is a matter for the National Police Commission. Police officers' claims against the establishment of a police station should be democratically controlled by the police commission. The National Police Commission of Korea is a member of the Ministry of Public Administration and Security to deliberate and vote on the matters referred to in Article 10 (1) of the National Police Administration Act, and seven members of the National Police Commission are also appointed by the President through the Prime Minister. Although it is an institution that votes on police-related agendas, it guarantees the right of the Minister of Public Administration and Security to request reconsideration on the agenda, so it is a committee in which the minister has the final responsibility.

Third, it is argued that if a police station is established, it will return to an organization called the Security Headquarters, which was a police assistant in the past. In the past, governments directly controlled police power here because there were senior presidential secretaries for civil affairs and security secretaries. The security secretary's words were the same as the president's instructions, and police officers were also stuck at the administrator under the security secretary. The current Yoon Seok-yeol administration eliminated security secretaries and senior civil affairs secretaries, and had the Minister of Public Administration and Security conduct police work. In the end, it seems that it has brought a system that is controlled by related ministries, excluding Cheong Wa Dae instructions[8].

4. PROBLEMS

The term rotten apple, often cited when referring to police corruption, refers to corrupt police officers. Individual character, morality, and ethics of police officers who cannot be filtered out at the recruitment stage have to be interviewed, but they are not. Police officers should serve the people and a sense of ethics should be embodied, but for a long time in the past, they have maintained a sense of authority and domination due to the police organizational culture. This is because the remnants of the torture police in the Japanese colonial era have not yet been cleared.

The corruption of prosecution inspectors who should pursue judicial justice is even more shocking. Recently, two prosecution officials who served as prosecutors were arrested, and the problem was that they liked money rather than justice. A prosecutor should not even crack a side fire. Strictness, which is only abstract, and the evils of society must be cut out and wielded with the sword of justice. Only then can the prosecution retain its spirit and honor. The same is true of the police. It should be a watchman for public safety and policing, but police corruption is flooding like a storm. Like some loach in the mud, it stirs around. It is said that he sexually assaulted a high school girl or committed obscene acts on the street. Receiving money is already a classic trick. Now, the people want to ask firmly. What will the nation do? How to enhance the ethics of public officials?

First, there is a lack of educational programs that can enhance public office value and ethics. It is not possible with the current intermittent education of integrity. In the reality that most public officials think of integrity education as a one-time education that passes by for a while, the education and training system should be revised to change the spirit and value of public officials. The spirit of public office, morality, and ethical values should be reformed. Public office is more important than administrative work skills. Mental education should be strengthened to embody the spirit of hunger.

Second, there is a problem of reorganizing the civil service examination system. It is difficult to select talented people with ethical values based on the current written performance. The interview system should be strengthened. How can we know moral character from three to five minutes at the most to 20 minutes? You should also consider having an interview for a few days, not a day. The selection of talent through the recommendation of high school or university professors should also be considered.

Third, there is no public official award for change and innovation. The top ranks of public officials should change first, but they only care about sectarianism and political power. You can't expect a clean lower body when the upper body is rotten. The public office environment should be changed to overflow with a new anti-corruption culture and a culture of integrity. For this, a large-scale Tangpyeong policy or personnel change is required. A person who does not have a position shall conduct re-education through a standby appointment.

Fourth, retirement age security is a problem. Public officials should also implement a contract system by changing laws and systems, but it is difficult to bring about changes in the current retirement age guarantee and pension benefits for 60 years old. Every five years, they should be evaluated through performance or performance evaluation. Only those with excellent evaluation scores should be guaranteed retirement age[9].

The problems caused by the establishment of the National Investigation Headquarters should also be carefully examined. First, it is a plan to secure the independence of personnel rights. The head of the National Investigation Headquarters is a security official, and the National Police Commission recommends candidates and appoints them by the president. If this happens, the presidential office will have no choice but to be wary of Cheong Wa Dae and have a pro-government police presence. The decision to disperse the prosecution's power would rather be an institution if it were to undergo a subcontract investigation by the regime. However, there is currently an investigation bureau under the head of the National Police Agency, and there are investigation departments such as investigation departments and departments under each local liquidation. The head of the National Police Agency or the head of the local government can intervene in the subject and scope of the investigation if he or she wants, so the possibility of problems is considerable. The criminal departments of the investigation departments of 250 police stations nationwide cannot be 100 percent free from local or police chiefs.

Second, with the implementation of the autonomous police authority, it is who is in charge of the investigation work area. About 43,000 police officers from the city and provincial governors are said to be in charge of investigating crimes against women and adolescents such as sexual violence and traffic accidents,

and if so, local police will not be able to handle violent crimes or economic crimes such as murder. If there is an autonomous police station, an intelligence police station, and a member of the National Investigation Headquarters, the confusion of the command system will destroy the authoritative system of police officers and inconvenience the residents' investigation services[10].

5. A POLICY ALTERNATIVES

Organizational change always has a crisis and represents a form of resistance. They tend to be afraid of change and resist even if it brings a better situation for everyone. Le Win, an organizational researcher, argued the need for change as follows. Unfreezing to determine the cause of the resistance. This is a way of paying attention to potential problems and evaluating the need for change. Next is change. It is a step in which subordinates acquire a newly requested form. Finally, it is refreezing. Reinforcement is about compensation. As part of the police reform promoted by the current government, it is as follows to seek ways to improve the problem of police organizations[11].

First, the police support department is needed. It is a common system of other countries to check police rights with external personnel rights, budget rights, and inspection rights. There is no such thing in the world that the military and police are made up of completely independent agencies. Germany and France are also controlled by the Interior Ministry. The U.S. is also instructed by the governor. In particular, police-related crimes or corruption are investigated and prosecuted by the U.S. Justice Department and prosecutors. Japan also has a public security committee to actually control the police, and the chairman is also the prime minister under the prime minister's wing. The Chinese police are also affiliated with the State Council and receive orders from the prime minister. I think it is natural to control and inspect police groups that own weapons and equipment to be reborn as institutions that serve citizens.

Second, legislation for the establishment of a police organization is necessary. The government says it will establish a police organization by enforcement ordinance, which can be done by legal orders, but I think it is necessary to legislate and make it a bill later. Police personnel, budget, disciplinary action, and autonomous police authority should be clearly legalized. It is a principle in a democratic country that all power must be reserved as law.

Third, Since police officials are members of an organization in charge of public security services, rational and fair personnel management is very necessary. In the meantime, there have been cases in which top positions neglect lower positions due to political consideration and graduates from specific universities. There were many problems in lower positions, such as written tests or personnel appointments with seniority. Therefore, a fair and equitable system is needed. Objective work performance assessment is also needed. Promotion personnel are closely linked to the morale and motivation of the workplace. In the future, it is necessary to reduce discrimination between personnel by reducing the class like in the United States. In addition, graduates from certain universities should be excluded.

Fourth, it is the right to inspect and discipline. Police corruption, corruption, incompetence, cynicism and bureaucracy have been criticized. The problem has been raised through mutual supervision. Therefore, external audit and external inspection rights are required. It even takes over the investigation right from the prosecution and transfers the right to information from the NIS. Under these circumstances, checks on police power are essential, and the Ministry of Public Administration and Security needs to establish the right to inspect police power, strengthen the audit authority of the Board of Audit and Inspection, and substantiate the Central Disciplinary Committee under the Prime Minister. However, if the right to demand disciplinary action against the chief of the National Police Agency is established, the Minister of Public Administration and Security may intervene in the police authority, so an appropriate balance measure is also needed[12].

Fifth, there is a national investigation headquarters under the National Police Agency, and the National Police Agency has an investigation bureau, and the organization needs to be adjusted. Since the head of the National Investigation Headquarters is at the National Police Agency, the head of the National Police Agency has the influence of the commissioner, and it is ambiguous to refuse orders from the head of the local police station or the local office. Therefore, when the Serious Crime Investigation Agency is established in the future, the prosecution's investigation function and the investigation personnel and jurisdiction of the National Investigation Headquarters should be integrated. The right to investigate should also have the right to supplement or terminate the right to investigate, and the right to inspect duties or misconduct should be controlled by the Board of Audit and Inspection. The police investigation and civil affairs office should be established under the minister to deal with the issue of external pressure or adjustment of investigative rights. In addition, an investigation council shall be established in the Prime Minister's Office to check and control the prosecution, police, and investigation rights.

The director of the investigation bureau or the director of the criminal bureau, which is an important position of the police, should be open to civilians. Like the election of the superintendent of education, the head of the local government should be elected by the residents in the election and become a true resident police officer. Although the autonomous police were launched, the governor does not have the right to investigate security and personnel affairs, so it seems that the central police are only looking at it. The police officer is a national officer and only belongs to the autonomous police, so there is no check function of the local government. The authority of the autonomous police committee should be strengthened. You will have to give the right of inspection and personnel appointments[13].

6. CONCLUSION

So far, the problems of the police organizational reform have been examined, and the police system and police personnel have been considered as measures.

Uncontrolled power is bound to corrupt. Although South Korean police officers have collapsed and their ups and downs have accelerated due to the glory of those in power, they should now decentralize the power of the dinosaurized police under the new government of Yoon Seok-yeol to ensure neutrality and democracy of the police. To this end, the Ministry of Public Administration and Security should seek to establish and democratically control future Korean police rights, not to come up with alternatives to restore prosecution rights after the law that completely deprives prosecutors of investigative rights. In the future, the police should value human rights and judge the appropriateness of national public power, and produce experts who are familiar with police services. As a democratic police officer, one should truly become a police officer for the people and become an errand boy for the people. We look forward to the future of the Korean police[14].

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