The Era of Democratic Accomplishment in the Democratic Transition Period of South Korea and Kyrgyzstan: - *The Completing Time of Democratization*

**Byoung-Kwon Ahn**
Graduate student, Department of political science, Bishkek humanitarian University

**Abstract**

This paper will analyze the era of signs of democratization of Korea and Kyrgyzstan in transition period into democratization, such as circumstances with respect to carry out democratization, the signs of democratization. Also in this paper we will analyze the political systems after the signs of democracy, the prospects of democratization.

**Keywords:** Constitutional amendment, 13 April action for protection of the constitution, June Democratic Uprising, The 29 June Declaration, Roh Tae-woo, Roza Isakovna Otunbayeva, Almazbek Atambayev Atambayev Kyrgyzstan, South Korea.
Introduction

After the establishment of the Korean Government in 1948 year, the revolutions broke out five times from 1960 to 1987 year. And the constitutions had been fully rewritten five times in South Korea. Especially, there was the democratic Constitutional revision in October 1987 through the revolution period of 27 years six months since 1961 year. The main structure was the change to a direct popular vote for the indirect election in the presidential election with a single term of office of the President. Since then, the democratic Constitution has been sustained for 28 years.

In Kyrgyzstan after the independence in 1992 year, the revolutions took place two times, and the constitutions were fully amended two times. There was the democratic Constitution revision in which a direct presidential election system with a single term for the Presidency, and was first adopted in 2010 year. And the Constitution has been kept for five years. As the results a democracy will be completed by boils down to single-term presidency in a Constitution. It will be an important model in the political culture on democratization. However recently, the international conference is opening in order to revise the Constitution in which is provisionally restricted to reform Constitution until 2020 year in Kyrgyzstan. So there is a need to looking to see whether or not democratization of Kyrgyzstan.

For the democratic accomplishment at the democratic transition period it needs to sustain the democratic constitution containing article related the single term of presidency.

Analysis of the democratic process and constitutional amendment in ROK:
The election of the President was changed to an indirect election from a direct election in the Yushin Constitution (1972 year).[1] It has been succeeded to the Constitution № 9 under President Chun Doo-hwan. The people and opposition parties have constantly been forced the military regime to amend the constitution to permit a direct election of President since 1972 year. Finally the June Democracy Movement had arisen from the amendment of the presidential electoral law related to a handover of regime in June 1987.[2] But the military regime was unwilling to resort to violence for resistances before the 1988 Seoul Olympic Games. It was a chance for a pro-democracy movement of protesters.

On 13 April 1987 Chun President issued the special presidential statement about the action for protection of the constitution:[3] for the sake of the success of the Seoul Olympics and a transition of his power, after the national event will be completed, the constitutional amendment issue will be debated again as taking time. When my term of the office of president is expired on 25 February 1988, the government will transfer to the successor, who is elected president according to the current Constitution. It comes to the conclusion that Chun President will be suspended even the debate of Constitutional amendment until after Seoul Olympics. The background was that the national assembly has opened the debate on the constitutional reform in order to conclude, prior to the beginning of the Seoul Olympics. However it could not come to a conclusion owing to the conflict between the parties.

The June Democratic Uprising against the 13 April action for protection of the constitution:[2] On 10 June 1987 Roh Tae-woo was nominated as the candidate for the presidency of Democratic Justice Party. [4] It indicates that Roh will be to the President by the indirect presidential election. On the same day the June Democratic Uprising broke out against government's attempts to protect the indirect presidential election in Constitution. Because the indirect presidential elections have been held for the fifteen years since the Yushin Constitution (Constitution №8) of 1972 year.[1] And the military regime has been
continued. The Uprising was lasted 10 days (10 – 29 June) on a national scale. It was led by the headquarters of “the national movement winning a democratic Constitution”. The headquarters was the union formed on 27 May 1987 by the political-social organizations of each social movement forces and opposition parties, the student movement, the religious.

**The 29 June Declaration by Roh Tae-woo:**\(^5\) The strength of the opposition parties had been enhanced by 122/276 seats (increased 17 seats), and the ruling party had been decreased by 148 /276 seats (decreased 3 seats) in the February 12 National Assembly elections in 1985.\(^6\) From then the opposition parties have been pressed more powerful the regime of Chun to permit a direct presidential election. Chun proposed the alternative plan by promising to amend the Constitution and to release Kim Dae-jung, leader of the opposition, to solve the political current situation through Roh Tae-woo. The Declaration of Roh was consisted of eight points: in which Roh promised to: amend the constitution in order to provide the direct election of the president before a peaceful transfer of power in February 1988; grant amnesty to political prisoners, including Kim Dae-jung; restore the freedom of the press and abolish the current Basic Press Law; strengthen local and educational autonomy etc.

**Amendment of the Constitution №9 to the new Constitution №10 in ROK:**\(^7\)

After the 6.29 Declaration, the constitutional bill was passed by the National Assembly on 12 October 1987, and approved by 93.1% of the votes in the referendum on 27 October, and was promulgated on 29 October 1987. **Main Structure of the new Constitution №10:** The President is elected by direct popular vote (Article 67), and limited to a single five-year term (Article 70). The National Assembly may inspect affairs of state or investigate specific matters of national affairs, and may demand the production of documents directly related thereto (Article 61). It was recovery of function of Congress. The Constitutional Court was newly established in September 1988 (Article 111). It is a specialized court that determines the constitutionality of laws, disputes between governmental entities. The new constitution №10 was deleted the decrees of the emergency measures by President in article 51 of constitution №9. The new Constitution is characterized by the direct Presidential elections and a single term system for the presidency. And the structure indicates that the powers of President were reduced while the National Assembly was strengthened. The new Constitution is called the Constitution of the sixth Republic of South Korea. Since then, the democratic Constitution has been sustained until now (2016 year).

**The open presidential election by the new Constitution №10:** On 16 December 1987 Roh Tae-woo was elected president for a single term of 5 years, receiving 36.6% of the vote on turnout of 89.2%.\(^8\) The direct presidential election was held the first time in fifteen years after the October Yushin of 1972 year.

**The constitutional amendment 2010 year in Kyrgyzstan:** Roza Isakovna Otunbayeva of Social Democratic Party was the self-declared interim president on 7 April 2010 through the second Tulip revolution with bloodshed on 7 April 2010. And she was officially inaugurated on 3 July 2010 as President for a limited term, until elections could be organized. The current constitution of Kyrgyzstan was passed with 90% by the referendum on 27 June 2010.\(^9\) In October 2010 parliamentary elections were held, and was established the new Government by the coalition of the three parties in December.\(^10\) Also on 30 October 2011 presidential election was elected Almazbek Atambayev as President. Otunbayeva transferred her power to Atambayev on 1 December 2011.

**Main structure of the current constitution of Kyrgyzstan:**\(^9\) 1) Strengthen of the power of the National Assembly and the Prime Minister: The National Assembly (Jogorku Kenesh)
shall decide on matters of administrative (Article 74). The National Assembly shall nominate a candidate for the office of the Prime Minister. And he/she shall submit to the Jogorku Kenesh the program, structure and composition of the Government (Article 84); The Prime minister shall manage the work of the Government. And the Prime Minister shall appoint and dismiss the heads of administrative agencies (Article 89);

2) Presidency is restricted to a single term: The President shall be elected by the citizens of the Kyrgyz Republic for a term of 6 years. And one and the same person may not be elected President twice (Article 61);

3) The allocation of powers of the National Assembly: The Jogorku Kenesh shall consist of 120 deputies elected for a five year term on the basis of proportional representation. And as a result of elections a political party may not be granted more than 65 deputy mandates in the Parliament (Article 70).

Kyrgyzstan's current Constitution is characterized by three points: transition in the countries politics into the parliament system from the president system, single term of the presidency without reelection and the allocation of powers of the National Assembly.

Kyrgyzstan the new Constitution has the prescript, in which a constitutional amendment would ban until 2020 year. Now it is going on the controversy over a constitutional amendment about the prescript. In this regard in April 2015 the emergency international forum was planned out, to hold by the International Constitution adjudication organization (the Venice Commission). The success or failure of the democratization of Kyrgyzstan depends on this issue. Because, in South Korea the democratization is continuously settled for 20 years, causing without a constitutional amendment and with limiting term of Office of the President.

O'Donnell defined “the democracy plenipotentiary” to give President the power to govern the country depending on the extant Constitution. In other words; he stressed the importance of the Constitution.

Prospect and evaluation of democracy of Kyrgyzstan:

ROK was reached to full democracy (scores of 8 to 10) in 2008 year in twenty years since the new democratic constitution based on Democracy Index of EIU (Table 1). Kyrgyzstan is the only country which has adopted democracy in Central Asia. And Kyrgyzstan is moving up the world rankings in which reaches up to 93 from 107 under the hybrid regime (scores of 4 to 5.9) in just 5 years since the new constitution in 2010 year (Table 1). But the functioning government was the lowest among the five categories of the index (Table 2). It indicates that the government is faced with the government policies, corruption, elections and a clear supremacy over other branches of government. The prospect of democracy of Kyrgyzstan is gloomy caused by the discussion on the matter of the constitutional amendment. The democracy will be settled through a supporting of the current Constitution with the single-term system of presidency and rapid economic development plan such an income redistribution policy. Kyrgyzstan is now in a period of transition to democracy. O’Donnell defined democracy during the period of transition to democracy as “the democracy plenipotentiary” having economic power, in which important elements are an establishment of the democratic Organization of the social system and a collaboration of leaders. The social system enables a decision of the socio-economic issues. But in a short period the cooperation of society and the democratic Organization will be weakened. So democracy during the period of transition can revert to authoritarianism in the results of the weakness. Bakiyev regime was such the good case. It is indicates that the democracy of Kyrgyzstan needs self-supporting economy such as South Korea.
Table 1. Democracy Index 2006-2015 (South Korea and Kyrgyz)

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<td>South Korea</td>
<td>7.97</td>
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<td>8.11</td>
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<td>(21)</td>
<td>(20)</td>
<td>(22)</td>
<td>(220)</td>
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<td>Kyrgyz</td>
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<td>5.52</td>
<td>5.49</td>
<td>5.46</td>
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Table 2. Democracy Index of five categories 2006 – 2015 (Kyrgyz)

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<th>Year</th>
<th>Overall score</th>
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<th>Functioning of government</th>
<th>Political participation</th>
<th>Political culture</th>
<th>Civil liberties</th>
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<td>2015</td>
<td>5.33</td>
<td>7.83</td>
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<td>5.56</td>
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<td>2013</td>
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<td>2.21</td>
<td>5.00</td>
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<td>2011</td>
<td>4.34</td>
<td>5.75</td>
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<td>4.44</td>
<td>4.38</td>
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Source: The Economist Intelligence Unit.

Conclusions
1. Democratization in transitional period is required to keep the democratic constitution, an attitude of politicians to accept the Constitution.
2. Democratization is required to a long time for changes in the political environment and social system.
3. Democratization is necessarily required to the economic power.
References


