

THEORETICAL BACKGROUND OF AUTONOMOUS POLICE SYSTEM IN SOUTH KOREA

БНСУ ДАХЬ ОРОН НУТГИЙН ЦАГДААГИЙН БАЙГУУЛЛАГЫН БИЕ ДААСАН УДИРДЛАГЫН ТАЛААРХИ ОНОЛЫН ТОМЬЁОЛ



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Товчлол: БНСУ-д орон нутгийн бие даасан удирдлагын тогтолцоог хэрэгжүүлэх компани ажил 1995 оноос бодлогын түвшинд хэрэгжиж эхлээд, 2005 онд анх Жэ Жү арлын бүсэд орон нутгийн цагдаагийн байгууллагын бие даасан удирдлагын бүтцийг нэвтрүүлж, одоог хүртэл энэ арал өөрийн орон нутгийн бие даасан бодлого, цагдаа нь хүртэл төрийн цагдаагаас ангид(өөр) хувцас форм, хүний нөөцөө бэлтгэдэг өвөрмөц тогтолцоотой хөгжиж яваа бүс нутаг бөгөөд, БНСУ дахь орон нутгийн цагдаагийн байгууллагын бие даасан удирдлагын талаархи онолын томьёоллыг судалгааны бүтээл, хэлэлцүүлэгийн материалуудыг судалж томьёолсноо энэхүү эрдэм шинжилгээний өгүүлэлдээ багтаахыг оролдлоо.

1. Introduction

For almost 24 years, since 1990 Mongolia has been undergoing the transition from one form of social structure to the one, and in recent years we notice clear signs of the stabilization of democratic society features in all areas of social structure and activities. It also includes civil service. Currently in the era of globalization it is essential to study good practice of other countries aimed at further strengthening of civil service that highly respects values of democratic society and streamlines activities to serve the people and to adapt them to unique conditions of our country. Among the best international experience we are particularly interested in the Asian region practice since it is closer to us terms of cultural background and tradition.

The desire of decentralization is rising from every sphere of Mongolian society. Public safety administration is important aspect that is related to the protect of life and property of citizens and processing of national punishment. Among the public safety administration, the police organization surroundings and application of police officers have been discussed for years.

Of course it is very difficult to decide police system, as the selection whether centralized police system or autonomous police system was very important

considerate factor at authority management.

I am sure the results of this study shall contribute to the success of police organization's system in Mongolia. It has been many argumentations what's kind of autonomous police system is the most reasonable system in the domestic surroundings for decades.

1.1 Purpose of the Study

What ways national (centralized) police system and autonomous police system negotiate information relationships in producing information to maintain amity and secure their in Mongolia. The accomplishment of perfect local self-governing through enhancement of comprehensive administration.

The establishment of autonomous police's friendly image to community residents. The following issue is general direction of new autonomous police system. They emphasized the resident's life condition. As mentioned earlier, according to previous discussion of autonomous police system, the execution unit level of autonomous police system was fulfilled on wide area self governing body, a cosmopolitan, municipal, province police authority, but they thought this level is not proper to supply desirable security service to community. Therefore new autonomous police system

adopted basic self-governing body as execution unit level of autonomous police system. They insisted it came from the principal of supplement (Lee, Hwang Woo, 2001:20) and democracy spirit of resident participation, control, responsibility (Lee, Hwang Woo, 2001 : 23).

The study is exploratory. The results of this study will also be useful to legislators because the legislators will be provided with additional information about the ways in which the laws they write are put into action.

The final benefit of the study concerns the importance of laws being enforced with fairness and equity. Should our research reveal that officers would take different actions in the same situations, future studies should address the nature and extent of these differences as they relate to issues of selective enforcement and application of the law.

1.2 Methods of Study

As the methodology,

In this study, I try to use effective methods to deal with the issues to be discussed and analyzed. According to the characteristics of the issues, I mainly use the following methods: it will use literature method to describe, explain and analyze various kinds of textbooks, treatises, papers, theses, articles material, project reports and others about an autonomous police system.

2. Theoretical background of autonomous police system in South Korea

Korean government decided to introduce new autonomous police system in 2005. It has been many argumentations what's kind of autonomous police system is the most reasonable system in the domestic surroundings for decades. In 1995, there was big change at political structure in Korea; the self governing campaign came true and self governing groups were established. Therefore the discussion of autonomous police system was activated throughout the Korean society.

It has been discussed to change administrative structure in Je Ju island which is the biggest island in Korea. Je Ju has one wide area self autonomous group and 4 basic self autonomous groups, nevertheless the population of island is only 560,000 and it is relatively small provinces and single boundary which it can arrive within 1 hour by driving. The problem was over decentralized decision making in administrative aspect. There was resident's vote to decide whether sustain or abolish the basic self governing administrative structure in July 2005. The result revealed abolition of basic self governing group and unification as single wide area self governing group.

2.1 Previous discussion prior to the present government

a. Assurance of political neutralization and democracy of police

To secure the political neutralization and democracy of police, the introduction of autonomous police system was continuously discussed since 1945. But authority decided to maintain with current national police system for the efficiency whenever they discussed the police system

b. Perfect completion of local self-governing realization

Autonomous police system has been discussed to complete local self-governing and a public service of police since 1995

c. Discussion within police

Korean National Police Agency has studied autonomous police system independently since 1970s. From March 1998, Police System Improvement Planning Group (PSIPG) was established to compare other countries' police system and they decided the autonomous police system introduction proposal in Aug. 1999. But it was postponed in terms of immature atmosphere including investigation conflict with Korean Prosecutor's Office.

d. Previous Overview

According to previous discussion, they prefer to political neutralization and efficiency rather than police response and democracy. Therefore, the system which consists of the foundation of police commission and elimination of President's intervention in autonomous police, wide area self-governing body unit execution and self-governing body participation was asserted in many proposals. It was common opinion that autonomous police system belongs to Prime minister's office with policy decision unit controlled by police commission and execution unit level is wide area self governing group. Personnel affairs of chief's of province police agency and police station lies in police commission and chief of Korean National Police Agency (Jong Bae, 2005 : 13-14).

2.2 Necessity and general direction for the introduction of new autonomous police system

First is the accomplishment of perfect local self-governing through enhancement of comprehensive administration. Second is the establishment of autonomous police's friendly image to community residents. Third is the customized service for community resident's opinion and regional characteristics.

Fourth is the improvement of community security condition and national security capacity. The following issue is general direction of new autonomous police system. They emphasized the resident's life condition. As mentioned earlier, according to previous discussion of autonomous police system, the execution unit level of autonomous police system was fulfilled on wide area self governing body; a cosmopolitan, municipal, province police authority, but they thought this level

is not proper to supply desirable security service to community. Therefore new autonomous police system adopted basic self-governing body as execution unit level of autonomous police system. They insisted it came from the principal of supplement(Lee, Hwang Woo, 2001:20) and democracy spirit of resident participation, control, responsibility(Lee, Hwang Woo, 2001 : 23).

3. Conclusion

3.1 Autonomous discussion which have been discussed today, focused on rigid relation between South and North Korea, the narrow territory, the efficiency of police management, the balance of security service. But government renovation decentralization commission said that these discussions are undesirable when authority try to support security service to residents, to response wide area crime. They said it is reasonable to establish autonomous police system at basic self governing body independently and national police sustain to grip the general crime investigation function because national police organization has high specialty of effective investigation and the cooperation with self governing group in crime problems.

But the global tendency of police organization's operation and management consist of two major directions. One direction is to make endeavor democratic control and enlargement of resident's participation through decentralization, the other is go forward to strengthen the central government's control and adjustment to cope with organized crime, international crime and to enhance national efficiency of police activity(Lee, Kwan Hee, 2000 : 32).

The general Korean society's atmosphere of today is that some of resident aren't afraid to break the law and even they neglect the public authority. Without having general crime investigation right, new autonomous police cannot guarantee the security problems against unlawful circumstances in Korea. Even national police has serious problems to cope with these persons. The transportation and communication of Korea is developing rapidly, so there is no specific reason to divide autonomous police system as small basic self governing group. This decision will degrade the efficiency of autonomous police.

Consequently national police agency has no complains because KNP (Korean National Police) can sustain general crime investigation function and no change of organization, Ryo's government succeed in keeping the election promise; in establishing the autonomous police to respect people's will. According to the law of autonomous police, establishment and abolition of autonomous police is decided by resident's vote or committee's decision. This is the most symbolic to respect people's will. The function of police is divided into two aspects into administrative police and judicial police. Administrative police take charge of

public law and order maintenance and judicial police is responsible to investigate criminal case. Korea police's function hasn't been divided into administrative and judicial police until now, national police has dual jobs. KNP can process not only administrative job but also judicial police affairs (Lim, Chang Hoo, 2004: 32). The meaning of new autonomous police establishment is to separate two function. Therefore, national police take charge of administrative and judicial police function and new autonomous police is responsible of administrative police function only without change of national police's paradigm. The final proposal suggested by Government renovation decentralization commission is exquisite system which to satisfy the obligations that autonomous police system where the participation of the resident is guaranteed, there is no damage on the national police's main function, to make sure central government's control function to self governing group.

The adoption of new autonomous police system in Korea means that political oriented decision making is superior to efficiency and the spirit of police management.

3.2 The relation between autonomous police and national police

The relation between autonomous police and national police is summarized as follows; First, autonomous police cooperate with national police in ordinary times, but national police supervise command and control the autonomous police during emergency situation. Chief of national police agency has commanding authority in wartime, domestic disorder, terror, demonstration etc.

Second, national police agency can inspect and guide autonomous police. Chief of national police agency inspect over autonomous police. Third, because the local self-governing group's public finance independence level differs from area, central government support the labor cost of the personnel who switches jobs from national police to autonomous police, adding financial support provided in purchase of the equipment through state subsidy(Lee, Jong Bae, 2005 :22-32).

The function between autonomous police and national police is divided two parts. National police charges investigation, demonstration control, VIP escort, security, intelligence affairs, and autonomous police responsible for health, hygiene, environment and forest affairs. Public officers who worked at local self-governing group can't investigate these affairs, they could notify to National Police only. Specific limit of role scope will be decided by agreement between chief of regional National Police station and chief of basic self-governing group. Basically, the cost to operate autonomous police system lies on basic self-governing group. Prior to full execution, it will be enforced at some jurisdictions partially.