

Improvement Plans of the Parliamentary Inspection System in the Information Society

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Abstract

Today, in the information society, since the government administration of all countries places importance on clarity and efficiency, the authority concentration of the administration is inevitable. Therefore, the Parliament, which is a legislative body, is at a time when the policy control function to check and monitor it is becoming more important. In particular, due to the emergence of parliamentary democracy, in the reality that the people must elect representatives and represent their own opinions, the parliamentary inspection system is very valuable in that it satisfies the right of the people to know and ultimately enables the people to democratically control the administration.

The role of the Parliament moves from the inherent legislative function to the information collection and disclosure of government administration, discussion and resolution of political issues, and observation and supervision of the administration. And it can be seen as the global trend. As a result of this trend, status and role of the National Assembly is being strengthened from the legislative body to the control agency of government administration. Thus, the most substantive authority of Article 61 of the Constitution can be deemed the parliamentary inspection system. The parliamentary inspection system is a system that let exercise the legislation, budget, and authority to control of state administration by identify the challenges and policy implementation of each country's institutions through the audit of the executive administration's overall government administration performance outside the National Assembly. However, due to the amendment of Constitution in 1988, the parliamentary inspection right and investigation of state administration right had reinstated and the parliamentary inspection system, which is being implemented annually, is the 31st year of the year in 2019. However, the general evaluation of the public is negative and insufficient time for inspections, lack of sanctions on nonattendance witnesses, excessive data submission, and refusal to submit materials by the administration were pointed out as the problem. Therefore, in this paper, the researcher tries to point out the overall problems of the parliamentary inspection system and to summarize the effective improvement plans.

▶Keyword: Information society, National Assembly, Parliamentary inspection, Investigation of state administration, Control of state administration.

I . Introduction

In Korea, due to the national consensus which means a Assembly is strengthened, parliamentary inspection and function of the administration control of the National investigation of state administration were conducted in

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• Received: 2019. 02. 08, Revised: 2019. 02. 28, Accepted: 2019. 02. 28.

parallel in the amended Constitution of 1988 and it has a unique auditing right, and this is characteristic. This can be seen as a result of the investigation of state administration rights in other countries had introduced into Korea and changing to the state of Korean politics. The audit right of National Assembly, which has the strong audit authority throughout the all national institutional across the board, can exercise great power in checking the judiciary and the administration, and it is true that the influence on the public is huge and more concentrated than any other audit system. In here, the parliamentary inspection system, functioning that the National Assembly secures data that cannot be easily accessible to the public and raises problems, also by presenting a solution, it functions to convey the truths that the people could not detect. The audit and examination to the government administration by the National Assembly means securing the resources and information for legislative and budgetary deliberation, which is the original role of the National Assembly, also through these steps, it satisfies the people's right to know the truth about the operation of government administration, and it can be seen that it has the function of conveying data for suffrage and the exercise of basic rights[1]. In order to satisfy the right of the people to know from the perspective of the realization of popular sovereignty, the parliamentary inspection system is focusing on the role of the people in pursuing the basic rights through the provision of materials to the public and the disclosure of information, and it is a political affairs audit that interferes with the establishment and the decision-making process of the policy. Therefore, the prevention effect also can be expected. However, in reality, the parliamentary inspection has a lot of problems and side effects, and the practicality is raised in doubt. Especially, because of the problems such as concentration of audits, excess of target institutions, uncooperative administration business, lack of preparation the parliamentary inspection are emerging as problems. Thus, summarizing the effective remedies for these problems is purpose of this study.

II. Generality on the parliamentary inspection system

1. Significance and history of parliamentary inspection

1.1 Significance of parliamentary inspection

Parliamentary inspection means that the activities that routinely inspects and questions government administration across the board conducted by National Assembly annually[2]. This system is stipulated in Article 61, Paragraph 1 of the Constitution, and this greatly strengthened the power of the Parliament by power of the Constitution and taking the function of monitoring and criticizing the administration to the National Assembly. Thus, it is a constitutional system. In particular, 「Act on the inspection and investigation of state administration」 and 「Act on testimony, appraisal, etc. before the National Assembly」 which were enacted under Article 61 of the Constitution, defined in detail the detailed procedures and procedural matters related to the implementation of parliamentary inspection such as witness attendance and document submission.

In the crisis situation of modern presidential system administrative nation like Korea, the most expected roles in the National Assembly are the supervision to the administration and the control of state administration. The parliamentary inspection system to respond to this role is that the members of the National Assembly elected by the direct votes of the people accurately obtain necessary information and materials for various legislative and budget deliberations through the audit activity of the administration, identifying and correcting mistakes in policy formulation by monitoring and criticizing the government administration, and as an institutional device to promote efficiency throughout the performance of government administration, it is meaningful that it can be the most powerful oversight and control measure of the National Assembly to the government.

1.2 Purpose of parliamentary inspection

Parliamentary inspection means that the activities that routinely inspects and questions government

The ultimate goal of the parliamentary inspection system is meaningful to implement the ideology of power separation by strengthening the status of the National Assembly and function of the control of state administration through the governance structure of the

absolute superiority of the previous administration and constitutional reflection on the presidential dictatorship. This parliamentary inspection is mainly aimed at obtaining the data and information needed to carry out legislative functions, monitoring of government administration, and budget review. The parliamentary inspection, which is carried out every year is raising public interest by frequent exposure to the media, in addition, as the maturity of civil society increases, it is an important aim to satisfy the citizens' right of knowing and to enable the people to exercise their powers as sovereigns.

1.3 History of parliamentary inspection

The parliamentary inspection system was first adopted in the first constitution of Korea in 1948, and it has been in operation for 24 years. After the abolishment at the Yushin Constitution in Park Chung Hee government 1972, and it has been reinstated in 1987 by the Constitution of the 6th Republic, and from 1988[3] until now 2019, the 31st year has come. In particular, in the 「National Assembly Act」, which was enacted in 1948, stipulated the contents of parliamentary inspection and said, "The National Assembly can dispatch lawmakers to examine or investigate matters relating to bill or other government administration", and with the enactment of the 「Parliamentary Inspection Law」 in 1953, parliamentary inspection was divided into general audit and special audit. And the general audit was conducted during the same period by dividing the entire government administration among the fixed number, and the special audit was conducted to the special part of government administration by the special committee prescribed by the National Assembly Act. Thus, it can be seen as a stepping stone to distinguish the current parliamentary inspection system and investigation of state administration system. The parliamentary inspection system adopted by the first constitution of Korea was implemented until the Constitution of the 3rd Republic of the 8th National Assembly and abolished by the Yushin Constitution. After that, in addition to the end of the Yushin regime, the 5th republic, the Chun Doo Hwan regime, was launched, and in the 1980 revised Constitution, stipulated the investigation of state administration right which was recognized in the National Assembly Act. Therefore, in Article 97, a provision for the investigation of state administration right has been newly established as "The National Assembly may investigate certain government

administration matters and may require the submission of documents, the attendance of witnesses and statements of testimony or opinions. However, it cannot intervene in trial and proceeding criminal investigation and prosecution". Hereafter, the current Constitution, which was created as a democratic constitutional amendment by a national consensus through the democratic uprising in June 1987, while strengthening the status of the National Assembly and re-stipulate the parliamentary inspection system which was abolished by the Yushin constitution and the parliamentary inspection system, could be reinstated.

2. Legal basis and scope of parliamentary inspection

2.1 Constitution

From the first Constitution of Korea, the parliamentary inspection has been recognized and it has been deleted from the Yushin constitution. However, in the 9th amendment in 1987, it had stipulated in Article 61 as "The National Assembly may audit the government administration or investigate specific government administration matters, and may require the submission of the necessary documents or the presence of witnesses and a statement of testimony or opinion". Therefore, the parliamentary inspection right defined by the Constitution, not the law separately from the investigation of state administration, and other parliamentary inspection procedures and other necessary matters are delegated by law. Thus, the parliamentary inspection right is an essential right granted to the National Assembly by the Constitution, while the parliamentary inspection system is a constitutional amendment.

2.2 The National Assembly Act

Currently, from the Article 127 to 129 of the 「National Assembly Act」, provides basic matters concerning reports and documents for parliamentary inspection. In Article 127, provides that "About the parliamentary inspection investigation of state administration of National Assembly, except as otherwise provided by this Act, following the Act on the inspection and investigation of state administration". Thus, it provides the parliamentary inspection right and investigation of state administration right, and for other detailed procedures and other necessary matters, it is mandated to be stipulated in the separate law 「Act on the inspection and investigation of

state administration」 and 「Act on testimony, appraisal, etc. before the National Assembly」. In particular, Article 127-2 stipulates the audit request right to the Board of Audit and Inspection, it is essential that the collection of data related to the operation of the government administration in order to functioning the control of state administration of National Assembly. Therefore, by introducing this system in the revision of the National Assembly Act in the 16th National Assembly, the National Assembly established an institutional basis for collecting objective and effective data.

2.3 Act on the inspection and investigation of state administration

The parliamentary inspection system, which was abolished on February 7, 1973, was reinstated by the 9th amendment of the Constitution, the 「Act on the inspection and investigation of state administration」 which sets out the procedures and other necessary matters for the parliamentary inspection, has been enacted[4], and the main content of this law is "comprehensive audit of government administration," and the scope of the audit is broadly defined for the entire government administration. Also, unlike investigation of state administration which is irregularly conducted, it was conducted regularly every year.

2.4 Act on testimony, appraisal, etc. before the National Assembly

This law, based on the Constitution and Article 129 of the 「National Assembly Act」, stipulates the procedures for reports and documents submitted by the National Assembly, testimony and appraisal, as well as the obligation of attendance of witnesses and reference persons, And that penalties may be imposed if such obligations are not fulfilled without justifiable grounds. Through these regulations, when doing the parliamentary inspection, it makes securing expertise and collecting objective and reliable evidence to reach reasonable conclusions, like this, it is trying to ensure the internal stability of parliamentary inspection.

2.5 The scope of parliamentary inspection

The parliamentary inspection right is a subsidiary right recognized for the effective and proper exercise of its original powers, such as the legislative, statutory, and control of state administration rights of the National

Assembly. Therefore, its legal scope should be confined to the powers of the National Assembly. And the scope of parliamentary inspection covers all aspects of legislative matters as well as financial matters, administrative matters, judicial administration matters, and matters within the National Assembly[5].

3. Difference between parliamentary inspection and audit of Board of Audit and Inspection

3.1 Difference between target and scope

The scope of parliamentary inspection covers not only the entire government administration but also the state institutions and the judicial and legislative bodies within certain limits. In contrast, the scope of audit by the Board of Audit and Inspection depends on accounting audit and inspection of duties. Since the Board of Audit and Inspection is the supreme authority governing the auditing of the state, it has jurisdiction over the legislative, judicial, and administrative aspects of auditing[6]. The inspection of duties is basically self-supervisory functions within the administration, so public officials and some troops in the National Assembly and the courts are excluded.

3.2 Difference of audit

In the audit by the Board of Audit and Inspection, it is possible to require person concerned to present attendance, goods, etc.[7]. However, in the parliamentary inspection, the requirement of the submission of relevant reports or documents and the attendance of witnesses, appraisers, and reference persons, as well as the verification, and may hold a hearing for the adoption or investigation of the evidence, if the witness does not attend without a justifiable reason, order of accompanying is also possible.

3.3 Difference between timing and result processing

Last year, the parliamentary inspection was conducted for about 20 days from October 10 to 29, in other wise, on the other hand, in case of audit by the Board of Audit and Inspection, it is always in writing audit, but actual audit is to be carried out if necessary. In the process results, as the basic type of processing opinion for the administration, parliamentary inspection has three kinds of requests such as corrective request, processing request and suggestion, and it is stipulated that the concrete measures for the process results can take appropriate

measures. However, the audit from the Board of Audit and Inspection is more active than parliamentary inspection, in order to ensure the effectiveness of audits such as determination of remuneration responsibility, disciplinary or reprimand correction request, improvement request, recommendation, and notification.

III. The legislation case for the investigation of state administration system

1. Introduction

At present, Korean parliamentary inspection is the subsidiary power necessary to exercise legislative and financial powers, which are the original powers of the National Assembly, and the Constitution provides for regular parliamentary inspection over the entire government administration, apart from the investigation of state administration right which is recognized naturally. On the contrary, it is a special system in Korea which cannot find the example in foreign countries. Therefore, this section will focus on the investigation of state administration rights.

2. The United States

The investigation of state administration in the United States began in 1792 when the House of Commons formed a special committee to investigate the cause of General Claire's failure of expedition to the Indian tribes in the Northwest[8]. Since the United States has adopted a strict separation of power so far, the Constitution has no supervisory authority over the government. However, it inherited the British system, and from the colonial period, the investigation of state administration right has been recognized as an auxiliary function incidental to the functions of the National Assembly, it is also characterized by being quite active. The investigation of state administration rights of Parliament, it does so only for the effective enforcement of constitutional powers such as legislative power, impeachment rights, election and qualification of members of the legislature, and autonomy of Parliament. The procedure for the invocation of investigation of state administration right, the special committee conducts an investigation on the specific matters ordered by the plenary session or the chairman.

In addition, the Standing Committee may investigate matters related to the submitted agenda, and there is no general audit right as in Korea. If necessary to obtain the information that Parliament wants, it uses all the powers of Parliament, such as the right to finance, the right to consent for appointment, and it is very different from Korea that cooperation is made without distinction between the opposing parties.

3. England

In the UK, due to the development of the parliamentary system, the cabinet which is always led by party leader of major party manages the government administration. Thus, the investigation of state administration rights of Parliament was gradually weakened. In addition, the contents of the investigation of state administration right were also divided into legislative, electoral, and political roles, which were in charged by different agencies. In other words, by transferring substantial authority to the trial court, the administrative role of the investigation of state administration had almost disappeared, and has been limited to formal administrative investigations to obtain legislative information[9].

Currently, there are special committees that can monitor and investigate government administration at all times in Parliament, the special committee is established in response to each government department and investigates only three aspects such as expenditure, policy, and administration of government departments. The special committee shall have the attendance and the data request of the witness and shall submit to the House the opinions and findings of the Committee on matters. In particular, the UK can be interpreted as a parliamentary inspection through a special committee, not the authority of parliamentary inspection.

4. Germany

Germany has no provision in the Constitution that contains comprehensive provisions for the investigation of state administration right or parliamentary inspection right. However, if there is a resolution of 1/4 of the House of Representatives, an investigation committee shall be established and the investigation committee shall be able to summon witnesses or submit evidence in accordance with the criminal procedure and to hold a public hearing. The investigation of state administration

right of Germany can be roughly divided into legislative investigation right for legislative purposes and control investigation right for administrative checks. The legislative investigation right can be broadly satisfied through public hearings and other reports of the expert committee, and the control investigation right is divided into "peer review rights" to maintain the status of Parliament, and "absurdity investigation rights" to deal with irrational problems in the national realm. In principle, the investigation committee does public hearing, and has the right for witness attendance and testimony claims, and evidence investigation, and to witnesses who refuse to attend the meeting without justifiable grounds may be charged a fine of up to € 10,000 and a forced arrest report may be issued[10].

5. France

As France enters the 5th Republic, the presidency becomes stronger and the legal restrictions on the Parliament are strengthened, while the investigation of state administration is weakened and not so much exercised[11]. However, since the administrative control of Parliament is able to achieve effective results through questioning by the government, the weakening of the investigation of state administration rights is not a serious problem. In general, the act of parliamentary inspection to be based on questions from the Parliament, and the members of either House of Parliament can perform basic information gathering and control of state administration through act of questioning right. In particular, France is seen to be more fulfilling practical interests than justification by monitoring and informing its administrations from time to time by the activities of the Standing Committee, Information Committee of the Standing Committees, and Investigation Committee. France established the special legislative body of Parliament as a legislative act in order to collect evaluate and analyze information on specific national problems, to reflect them in legislation, or to monitor and control related acts of the administration.

6. Japan

In 1947, Japan enacted the 「Act on the Oath and Testimony of Witness in Parliament」, so that the investigation of state administration right in Japan has been implemented so far. In particular, in the Japanese Constitution stipulates that "The members of the each

party can conduct an investigation on the government administration and demand the appearance of witnesses, testimony, and records on them". And the National Assembly Act made it more concrete. The scope of the investigation of state administration is not clearly defined, but affects overall governmental administration except purely private. However, the subject of investigation of state administration is confined to specific matters, and the subject institutions of the investigation of state administration are "Cabinet, Public office, etc." Thus, local governments can be the subject to investigation of state administration, but there have been few cases of substantive investigation of state administration[12].

IV. Problems and improvements of parliamentary inspection

1. Problems of parliamentary inspection

1.1 Problems with timing and object of parliamentary inspection

Parliamentary inspection is provided by law to be carried out every 20 days per year, and excluding holidays during the period of implementation, the duration of parliamentary inspection is practically short. Therefore, in a situation where parliamentary inspection of about 17 days or so is inevitable, the members of Parliament are in a situation where they have to carry out and arrange all the work in accordance with that period. Parliamentary inspection for 2018 was held for each standing committee from October 10 to 29 last year. Particularly, parliamentary inspection was carried out on the spot, such as 24 times of field inspections. And at the 2018 the State Affairs Committee, the video parliamentary inspection was conducted also, in the Telecommunication Technology Committee the video government administration audit was conducted on October 22. At that time, the target institutions of government administration audit, a total of 753 institutions increased 50 more than 2017. Among them, 704 institutions were selected by the committee. Considering the fact those 49 institutions, which increased five institutions from the previous year, had to be audited approved by the plenary session, there is a need to conduct a comprehensive review of this subject. During the parliamentary inspection, it can be concluded that on average 41 institutions were audited daily, in other words, it can be seen that, in relation to the work performed by one institution for one year, the actual amount of audited time was only 10 to 20 minutes[13] and many institutions were same.

1.2 Problems with witness adoption

An the Parliamentary inspection in 2018, as public witnesses, 21 people were elected, including 18 such as Sun Dong-yeol, the national baseball coach, and Jeong Young-ho, president of the Small and Medium Hospital Association as a reference witness. In particular, recently, the lawmaker Kim Kyung-jin (Peace Democratic Party) presented the status data of violations of the recent five-year "Act on testimony, appraisal, etc. before the National Assembly" submitted by the Secretariat of the National Assembly and the Minister of Justice. According to this data, the total number of accused witnesses is 100, of which 74 had submitted the non-attendance statement, and 26 were perjury. For the 100 accused witnesses, the prosecution sent 41 people for trial, and the court sentenced 24 people to fines, 2 to jail and 4 to acquittal. Eleven are still in trial[14]. And in 2017, the case of 4 people, Kim Bum-soo CEO of Kakao, Won Sae-hoon the former chief of National Intelligence Service, Lee Dong-gwan former senior secretary for public information in the blue house, Choi Si-joong former chief of Korea Communications Commission who were accused by non-attendance to the 'Science, ICT, Broadcasting, and Communications Committee' parliamentary inspection, their investigation has yet to be finalized.

Like this, in carrying out the parliamentary inspection, there is a problem starting from the adopting witnesses. In particular, regarding the adopting the witness, due to the different opinion between the opposition parties the parliamentary inspection itself goes to crippled operation, and even if the attendance of witnesses had requested by the agreement of both parties, there is a constant problem occurs that witnesses did not present. In addition, in the Article 6 of the 「Act on testimony, appraisal, etc. before the National Assembly」 provided that regarding the witness who did non-attendance, through the decision of each committee, written order of accompanying is issued and they must accompany the designated time with the specified place. However, until now there are few cases for order of accompanying issued yet, also, even if the order was issued, the location of witnesses were unclear or if the witnesses refuse the accompanying, the level of punishment is low. Therefore, seriousness arises from the fact that its effectiveness is inferior.

1.3 Post-processing problem of parliamentary inspection result

When parliamentary inspection is finished, the results of the audit are processed promptly in accordance with the relevant laws and reflected in budget and consideration of the bill is in line with the intent of parliamentary inspection. For this purpose, in the 「Act on the inspection and investigation of state administration」 related with the audit or report of findings, in Article 15 showed, "When the audit or investigation is completed, the audit or investigation report should be prepared without delay and submitted to the chairman". In addition, in relation to the processing of the audit or investigation results, audit result is processed through the decide by the present meeting in the Article 16 of same law, and let ask the correction to the government. In reality, however, it is a problem that the audit report is delayed and cannot be reflected in the budget and consideration of the bill of the year. In practice, the National Assembly simply states that "Regarding the result report, appropriate measures can be taken", but there is no definite regulation on the time limit and the follow-up audit. This is also a problem.

1.4 Data submission problem

When parliamentary inspection is carried out, there is a figurative saying that the National Assembly has become the "flood of paper" and it is true that the expense of printing a large amount of documents is being spent. However, to the parliamentary inspection will obviously require data. Therefore, there are many cases where the submission of data is inadequate or the submission itself did not performed at all. Even when submission has been made, there is often a case in which the data is not related to the requested data at all. Particularly, there may be cases where a person refuses to submit data for reasons such as the 「Framework act on national taxes」, 「Act on real name financial transactions and confidentiality」 and confidentiality obligation rule on the individual law. The indifference of the data submission by audited institution is an obstacle to effective and in-depth parliamentary inspection, and it also emerges as a problem.

2. Improvement plan of parliamentary inspection

2.1 Improvements of timing and target of the parliamentary inspection

The total number of audited institutions of the National Assembly was 753 in 2018, it is a smaller number than

necessary audit institutions of the Board of Audit and Inspection. However, within a short period of less than 20 days, excluding public holidays, parliamentary inspection had conducted on all the relevant institutions. In the audit in 2018, there were limitations of investigation on the amount of time and manpower to the each institution, also, in-depth discussions and suggestions for solutions, and in-depth audits could not be expected. The committee, which has many jurisdictional agencies, sometimes had audited more than 10 institutions per day per committee on the audit schedule. Therefore, auditing had taken only a very short amount of time for each institution superficially. For example, in the parliamentary inspection in 2018, the National Defense Commission conducted audits of 32 institutions including the Ministry of National Defense on October 10, and on October 15 the Environmental Labor Relations Commission conducted audits of 16 institutions including the Meteorological Administration.

Like this, in order to improve the situation in which parliamentary inspection did not make the point that it should be a policy audit to monitor the policy formation of the administration, in principle, reduce the number of target institutions and let the parliamentary inspection by the central government mainly then policy auditing will be able. Also, if necessary, local government agencies and local governments may consider conducting audits on each issue at the off-hours instead of the parliamentary inspection period. And it would be a good idea that if introducing biennial audits to the public institutions, can control their careless management.

2.2 Improve plans about the witness adoption

The crime of perjury or nonattendance, shall be punished by imprisonment with labor for not more than three years or by a fine of not less than thirty million won but not more than ten million won by Article 12, Paragraph 1 of 「Act on testimony, appraisal, etc. before the National Assembly」. And in cases of perjury, shall be punished by imprisonment with labor for not more than ten years. However, even if a witness is not accused of a nonattendance or perjury, there are few cases that had been sentenced, most of the disposals, such as a summary indictment or "no suspicion". For this reason, this method is very weak as a measure to impose the witness's presence and to secure faithful testimony.

Therefore, for witnesses accused of perjury or

non-attendance, Article 12, paragraph 1, shall be read as "Any witness who fails to attend, any witness who intentionally evades the service of a written request for attendance, any person who refuses a request for reporting or presentation of documents, or any witness or appraiser who refuses an oath, testimony or appraisal, without any justifiable ground, shall be punished by imprisonment with labor for not more than three years", likewise, in Article 14, removing the sentence regarding the fine would be desirable.

2.3 Improvement plans for after treatment of parliamentary inspection result

The effectiveness of treatment of the parliamentary inspection results provided by Article 16 of 「Act on the inspection and investigation of state administration」, as pointed out in the problem above, the effect is very small, and due to a variety of reasons, including procedural and budgetary aspects by audited institutions, the report of treatment result is becoming a supplying the excuses for delaying or neglecting corrective action. Thus, after the parliamentary inspection by the audited institutions, and for the clear corrective action, the contents of the treatment report related with modification and processing requirements need to be specified. It is also possible to think about the part where systematic connection of the results of parliamentary inspection is made to the budget review, which is the National Assembly's checkrein to the administration. In addition, it would be better to consider the point of parliamentary inspection as a reduction or an increase in the budget review report of the Special Committee on Budget and Accounts of the National Assembly.

2.4 Improvement plans for data submission

Currently, as the information system related to the National Assembly, the parliamentary inspection information system and the parliamentary government data electronic system are built. Compare with the past, current usage is gradually increasing. However, due to lack of awareness and publicity of the members of the audit committee, assistant staff and the audited institutions, the utilization rate for the above system is low. Prior to the parliamentary inspection, it is likely that active education for the sufficient utilization plan to the target of the parliamentary inspection will be needed. And except for matters relating to national secrets of military,

diplomatic and inter-Korean relations, it would be better to organize files rather than submission of documents. If institutions refuse or avoid submitting the data from the beginning, must be taken strong steps to head of audited institution and other related people to ensure the data submission of lawmaker. Article 4-2 of 「Act on testimony, appraisal, etc. before the National Assembly」 “If the National Assembly does not accept ……… the Prime Minister to issue a statement that the testimony or presentation of documents, etc. ………important national interest” it seems desirable to revise it in a strong direction.

V. Conclusion

Apart from the investigation of state administration rights which are naturally recognized as auxiliary powers necessary to exercise legislative and financial rights, which are the original powers of the National Assembly, the special parliamentary inspection system of Korea stipulates parliamentary inspection over the entire government administration in the Article 61 of the Constitution. As such, the parliamentary inspection system is considered to be the most powerful and direct means as control of state administration to the National Assembly, along with budget review. Parliamentary inspection, which has been carried out so far, has satisfied the public's right to know and has received a positive evaluation that it has contributed to the rooting of democracy by carrying out a check function against the abuse of power by a vast administration. In spite of these achievements, there are general problems such as lack of expert knowledge of lawmakers of the National Assembly, insufficient sanctions for witnesses who did not attend. Therefore, in the conclusion of this study, the improvement plans will be summarized as below.

First, in the period and its target institutions of parliamentary inspection, by reducing the target institutions, exercise the parliamentary inspection conducted in principle on central government agencies mainly and then audit the policy may be possible. Or if necessary, local government agencies and local governments may consider conducting audits on each issue at the off-hours instead of the parliamentary inspection period. And for witnesses accused of perjury

or non-attendance, Article 12, paragraph 1, shall be read as “Any witness who fails to attend, any witness who intentionally evades the service of a written request for attendance, any person who refuses a request for reporting or presentation of documents, or any witness or appraiser who refuses an oath, testimony or appraisal, without any justifiable ground, shall be punished by imprisonment with labor for not more than three years ”, likewise, in Article 14, removing the sentence regarding the fine would be desirable, also it is possible to think about the part where systematic connection of the results of parliamentary inspection is made to the budget review, which is the National Assembly's checkrein to the administration. In addition, it would be better to consider the point of parliamentary inspection as a reduction or an increase in the budget review report of the Special Committee on Budget and Accounts of the National Assembly. Lastly, in the case of submitting the data, if institutions refuse or avoid submitting the data from the beginning, must be taken strong steps to head of audited institution and other related people to ensure the data submission of lawmaker, Article 4-2 of 「Act on testimony, appraisal, etc. before the National Assembly」 “If the National Assembly does not accept ……… the Prime Minister to issue a statement that the testimony or presentation of documents, etc. ………important national interest” it seems desirable to revise it in a strong direction.

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