

[ADRN Issue Briefing]

## Democratic Resilience and Constitutionalism: Lessons from Presidential Impeachments in South Korea

Woo Jin Kang (Kyungpook National University)

On April 4, 2025, the Constitutional Court of South Korea unanimously upheld the National Assembly’s impeachment motion against President Yoon Suk Yeol (Yoon), resulting in his removal from office. Yoon thus became the second president in the nation’s constitutional history to be impeached and dismissed. His unprecedented attempt to declare martial law—an act widely interpreted as an insurrection—plunged the country into a grave constitutional crisis. In the face of this crisis, the nation demonstrated a remarkable degree of constitutional resilience, reminiscent of its response during the 2016 impeachment of President Park Geun-hye (Park). Once again, democratic institutions and constitutional mechanisms functioned as adequate safeguards against authoritarian overreach.

The two presidential impeachments that have taken place in South Korea since democratization offer powerful insight into the complex interplay between constitutionalism and democracy within a presidential system. These landmark cases illuminate how the principles of democratic legitimacy—grounded in popular sovereignty—and constitutional constraint—rooted in the rule of law—can function as mutually reinforcing foundations of governance, while simultaneously generating moments of institutional tension.

### Three Presidential Impeachments After Democratization

Although the impeachment mechanism has long been an essential constitutional safeguard in presidential systems, it has not been an actively utilized instrument for much of its global history. Since the 1990s, however, impeachment attempts have become increasingly frequent across the regions, reflecting heightened demands for executive accountability. Nevertheless, the number of cases in which these attempts culminate in the actual removal of a president remains relatively limited (Ginsburg, Huq, Landau 2021). In the case of South Korea, three impeachment proceedings against presidents have taken place since the establishment of its government, all of which occurred after the country’s democratization. Among these, the Constitutional Court dismissed the impeachment motion against President Roh Moo-hyun (Roh) in 2004. In contrast, the impeachments of Presidents Park (2016) and Yoon (2025) were upheld, resulting in their removal from office. The fact that two out of three impeachment attempts resulted in the removal of a president underscores the unusual nature of the South Korean experience in the context of presidential democracies.

When comparing the severity of the legal violations cited in presidential impeachment proceedings, President Roh’s case in 2004 primarily centered on his public expression of support for

the newly formed ruling party ahead of the 17th National Assembly elections in April 2004. Although some interpreted this as a breach of the obligation for political neutrality, it was ultimately deemed a relatively minor offense, more aligned with political speech than a substantive legal transgression. In contrast, President Park's impeachment was grounded in far more serious allegations, including the delegation of state authority to an unelected confidante and bribery charges connected to the succession plans of the Samsung Group.<sup>1</sup> By comparison, recent calls for the impeachment of President Yoon are centered on alleged violations tantamount to insurrection, representing a far more explicit and grave breach of constitutional order than those seen in the previous two cases.

At the time the impeachment motion passed the National Assembly, the partisan composition of the legislature exhibited stark differences that significantly influenced the outcome. After taking office, President Roh faced a divided ruling party, reducing him to the status of a minority president. He was subsequently impeached by an opposition coalition that included members of his former ruling party. In the case of President Park, the eruption of the Park Geun-hye–Choi Soon-sil scandal and the revelation of state affairs manipulation led to internal divisions within the ruling party, splitting pro-Park and anti-Park factions over the impeachment motion. In stark contrast, the attempted declaration of martial law under President Yoon did not give rise to the kind of internal division witnessed during President Park's impeachment. The initial attempt to pass the impeachment motion failed due to a lack of quorum. It was only after facing intense public criticism that a small number of lawmakers defected, allowing the passage of the impeachment motion by a narrow margin.

The Constitutional Court's rulings also differed across the three cases. In the case of President Roh, the impeachment was dismissed as the court failed to secure the necessary votes to uphold it. At the time, due to the lack of a legal requirement, dissenting opinions were not made public. In contrast, the impeachments of Presidents Park and Yoon were upheld unanimously, with all eight justices in favor of removal from office. Notably, in the case of President Yoon, the Constitutional Court unanimously upheld all five grounds for impeachment, with all eight justices concurring on each charge.

Among the three impeachment cases, President Yoon's impeachment took the longest to be delivered. The Constitutional Court reached its decision on President Yoon's impeachment after 111 days, whereas it required 63 days for the case of President Roh and 91 days for President Park.

## Mutual Reinforcement Between Democracy and Constitutionalism

The impeachment of President Roh represents a salient case in which a procedurally legitimate initiative—undertaken amid acute partisan polarization—diverged from the prevailing will of the citizenry.<sup>2</sup> Within this context, the Constitutional Court assumed an assertive role as a constitutional guardian, actively mediating between legal formalism and democratic legitimacy to safeguard institutional stability.<sup>3</sup>

---

<sup>1</sup> These offenses constituted a fundamental threat to constitutional governance. However, the full scale of the scandal, commonly called the “Park Geun-hye–Choi Soon-sil Gate,” did not come to public attention until after major media investigations brought it to light.

<sup>2</sup> Following the passage of the impeachment motion against President Roh Moo-hyun, nationwide protests opposing the impeachment erupted. Moreover, amid the Constitutional Court's deliberation on the impeachment, the newly established minority ruling party, the Uri Party, won a landslide victory in the 17th National Assembly elections held in April 2004, securing a majority of the seats.

<sup>3</sup> The impeachment of President Roh in 2004 constituted a seminal moment in the development of constitutional jurisprudence in South Korea. It was the first case in which the Constitutional Court articulated a legal doctrine

The impeachment of President Park was influenced by the unprecedented protest of approximately 17 million citizens in several months-long candlelight demonstrations, culminating in the removal and prosecution of a sitting president on charges of corruption. During this period, the public sphere became a contested arena, encompassing pro-impeachment demonstrators and the so-called “Taegyeukgi (national flag of South Korea) rallies” opposing impeachment. The Constitutional Court’s unanimous decision to uphold the impeachment marked a pivotal moment in which a severe democratic crisis was addressed through constitutional mechanisms, thereby reaffirming the rule of law as the cornerstone of democratic legitimacy and institutional resilience.

The impeachment of President Yoon unfolded in three major phases. Phase 1 is the Declaration of Martial Law and Civil Resistance (December 3–4, 2024). On December 3, President Yoon abruptly declared martial law, apparently in an attempt to suppress parliamentary action through the deployment of military force. However, the attempt to blockade the National Assembly failed due to the swift and widespread citizen resistance and lukewarm actions of deployed soldiers. On December 4, the National Assembly swiftly passed a resolution demanding the immediate revocation of martial law. Facing mounting pressure and a legitimacy crisis, President Yoon rescinded the martial law declaration approximately six hours later.

Phase 2 focuses on the Impeachment Proceedings and Constitutional Court Review (December 7, 2024 – January 13, 2025). The first impeachment motion, proposed on December 7, failed to pass due to insufficient votes. However, the National Assembly passed a second motion on December 14 and formally submitted it to the Constitutional Court. Meanwhile, the Corruption Investigation Office for High-ranking Officials (CIO) issued an arrest warrant against President Yoon on insurrection charges. With the controversy of CIO’s authority to investigate insurrection charges, Yoon was arrested on January 15, based on a warrant issued by the prosecutor’s office.

Phase 3 focuses on the Constitutional Court Hearings and Removal from Office (January 14 – April 4, 2025). President Yoon personally appeared before the Constitutional Court during the public hearings, which intensified the political contention surrounding the legitimacy of the impeachment. The Court held eleven sessions prior to concluding the oral arguments on February 25. On April 4, 2025, the Constitutional Court unanimously ruled to remove President Yoon from office. The decision marked the first time in South Korean constitutional history that a president was impeached and removed on charges related to insurrection and the unlawful declaration of martial law.

Through three impeachment crises, South Korea’s constitutionalism—embodied by the Constitutional Court—has played a critical role in overcoming the crisis of representative democracy. The impeachment proceedings against Presidents Park and Yoon unfolded amid intense political polarization. Before the Court’s rulings, nearly half of the public expressed unwillingness to accept an outcome that contradicted their views. However, after the decisions were rendered and some time had passed, more than two-thirds of citizens, including politicians from the impeached conservative administrations, ultimately accepted the rulings.

---

governing the impeachment of a sitting president. The Court affirmed that the president, as an institution embodying the popular will, is not exempt from constitutional accountability. It further clarified that impeachment is a legal mechanism through which the National Assembly and the Constitutional Court act as constitutional guardians on behalf of the people to hold the president accountable for violations of law. Importantly, the Court drew a sharp distinction between legal and political responsibility, underscoring that impeachment procedures are designed to address constitutional or statutory breaches—not to adjudicate political mistakes or unpopular policy decisions (Chung 2025, 94-97).

## Development of Tensions Between Democracy and Constitutionalism

The impeachment cases in South Korea illustrate the inherent tension between the principles of democracy and constitutionalism. The Constitutional Court delivered a unanimous decision to remove President Park from office, which aligned in part with the demands of the candlelight protesters. However, the Court did not fully or directly reflect those demands in its ruling. In its ruling on the impeachment of President Yoon, the Constitutional Court delivered a significant message to a politically divided leadership and a polarized Korean society.

In an unprecedentedly lengthy five-page concluding statement, the Court emphasized the importance of the guardrails of democracy, stating that “in a democratic state, each citizen must respect others as equal members of the community and recognize that, just as they believe their own opinions to be right, equal value must also be accorded to the views of others.” The process and outcome of the impeachment trial symbolically revealed that constitutionalism and the principles of democracy could be in tension or even conflict. In the case of Yoon, despite the apparent constitutional gravity of the insurrection-related charges, public opinion opposing impeachment grew 30-40 percent, 3-5 times higher than in the case of Park’s impeachment. With unprecedented procedural controversies, the adjudication process took longer than the preceding cases. The prolonged impeachment process led to widespread public frustration, with some citizens experiencing “impeachment-related distress,” including insomnia. This protracted process contributed to growing public demands that the electorate directly address presidential impeachment through democratic elections.<sup>4</sup>

The tension between democracy and constitutionalism manifested as legal ambiguities emerged during the process of Yoon impeachment. The Constitution of the Republic of Korea stipulates that the nine Justices of the Constitutional Court shall be appointed in equal numbers by the President, the Chief Justice of the Supreme Court, and the National Assembly. However, when the expiration of a Justice’s term coincides with a politically sensitive period, the appointment process may be subject to political influence.

This dynamic became particularly salient when the National Assembly passed the impeachment motion against President Yoon. At that time, the Constitutional Court was operating with only six Justices, due to the retirement of the President of the Court and two Justices appointed by the National Assembly. Given that a minimum of six concurring votes is required to uphold an impeachment, the unfilled vacancies effectively raised the threshold for a successful decision to unanimity, thereby heightening the political stakes of the appointment delay. Under the Yoon administration, the acting prime ministerial system became the center of controversy regarding appointing Constitutional Court justices. During his acting presidential term, Prime Minister Han Duck-soo did not appoint three justices, prompting the National Assembly to pass an impeachment motion against him on dereliction of duty. His successor, Deputy Prime Minister Choi Sang-mok, appointed two of the three justices but withheld the appointment of the remaining progressive-leaning nominee (Ma Eun-hyuk), citing the lack of consensus with the National Assembly. Furthermore,

---

<sup>4</sup> While direct public involvement in presidential removal is rare, Taiwan being a notable exception, the delay intensified calls for a referendum. Opposition legislators echoed this view, arguing that a popular vote would better reflect the principle of popular sovereignty (*Hankyoreh*21 2025-03-29).

following the Constitutional Court’s decision that reinstated him as Acting President, Prime Minister Han Duck-soo appointed Ma Eun-hyuk, a nominee previously withheld by himself. In addition, he appointed two Constitutional Court justice nominees designated by the president, succeeding justices whose terms were set to expire on April 18. These appointments, made by an acting president sixty days before the upcoming presidential election, constituted an exceptional exercise of appointment powers and sparked considerable controversy.

This sequence of events sparked debate over the scope of an acting president’s discretionary authority and the political accountability associated with delays in establishing constitutional institutions. “As Levitsky and Ziblatt (2023, 40-41) compellingly argue, this case represents a symbolic instance in which mainstream politicians have exploited constitutional loopholes to undermine democracy. Consequently, constitutionalism became tense with the demands of most citizens.

### **Conclusion: Restored Democracy and A Precarious Balance**

The Korean case of presidential impeachment demonstrates that constitutionalism effectively holds corrupt leaders accountable, thereby strengthening the resilience of democracy. At the same time, it serves as a cautionary reminder that when the impeachment process is delayed or distorted by political interference or partisan interests, it may intensify the inherent tensions between the procedural legitimacy of constitutionalism and the legitimacy of representative democracy.

The impeachment process can become a political instrument when it is deviated from its original constitutional purpose, thereby exacerbating institutional instability and contributing to democratic backsliding (see the cases of Brazil, Paraguay, Peru, and Ecuador) (Aníbal 2007; Levitsky and Ziblatt 2018). In contrast, the South Korean case illustrates a different mode of political weaponization of the impeachment process—not through the overt abuse of impeachment per se, but through the strategic exploitation of procedural loopholes and legal ambiguities within the constitutional framework. The Korean case illustrates how democratic institutions, while formally intact, can be functionally neutralized through the political context in which they are implemented and the strategic behavior of powerholders. It reveals how the core principles of democracy—accountability and checks on executive authority—can be undermined from within. Whether constitutionalism serves as a bulwark against the abuse of power or becomes yet another political weapon stands as a critical test for South Korean democracy. ■

---

## References

- Chung, Tai-uk. 2025. “Presidential Accountability and Impeachment in the Constitutional History of Korea.” *Democratic Legal Studies* 87: 71-122 (in Korean).
- Ginsburg, Tom, Aziz Z. Huq, and David Landau. 2021. “The Comparative Constitutional Law of Presidential Impeachment.” *University of Chicago Law Review* 88, 1: 81–133.
- Guichard, Justine. 2022. “The Political Role of Courts in the Trials of South Korea’s 2016–2017 Impeachment Scandal.” In *South Korea after the 2017 Impeachment: Between Institutional Reform and Democratic Legitimacy*, ed. Hannes B. Mosler, 67–90. Baden-Baden: Nomos Verlagsgesellschaft.
- Hankyoreh*21. 2025. “Citizens Tired of the Delayed Impeachment Say, ‘Let’s Just Hold a National Referendum’.” [https://h21.hani.co.kr/arti/politics/politics\\_general/57080.html](https://h21.hani.co.kr/arti/politics/politics_general/57080.html) (Accessed April 2, 2025).
- Levitsky, Steven, and Daniel Ziblatt. 2018. *How Democracies Die*. New York: Crown Publishing Group.
- \_\_\_\_\_. 2023. *Tyranny of the Minority: Why American Democracy Reached the Breaking Point*. New York: Crown Publishing Group.
- Pérez-Liñán, Aníbal. 2007. *Presidential Impeachment and the New Political Instability in Latin America*. Cambridge: Cambridge University Press.
- Son, Hyunsoo. 2025. “50% of Citizens Say ‘Yoon Should Be Expelled’; 64% Agree with Impeachment Decision [NBS].” *The Hankyoreh*. April 10. <https://www.hani.co.kr/arti/politics/election/1191754.html> (Accessed April 10, 2025)
- The Constitutional Court’s decision regarding the impeachment of President Yoon Suk Yeol. [https://isearch.ccourt.go.kr/view.do?idx=00&docId=84503\\_010500](https://isearch.ccourt.go.kr/view.do?idx=00&docId=84503_010500) (Accessed April 15, 2025).

- **Woo Jin Kang** is a Professor at the Department of Political Science and Diplomacy, Kyungpook National University.

The East Asia Institute takes no institutional position on policy issues and has no affiliation with the Korean government. All statements of fact and expressions of opinion contained in its publications are the sole responsibility of the author or authors.

This program was funded in part by the National Endowment for Democracy (NED).

“Democratic Resilience and Constitutionalism: Lessons from Presidential Impeachments in South Korea”

979-11-6617-904-4 95340

Date of Issue: 16 April 2025

Edited by Hansu Park

For inquiries:

Hansu Park, Research Associate

Tel. 82 2 2277 1683 (ext. 204)      [hspark@eai.or.kr](mailto:hspark@eai.or.kr)

The East Asia Institute

1 Sajik-ro 7-gil, Jongno-gu, Seoul 03028, Republic of Korea

Phone 82 2 2277 1683 Fax 82 2 2277 1684

Email [eai@eai.or.kr](mailto:eai@eai.or.kr)

Website [www.eai.or.kr](http://www.eai.or.kr)