Abstract

The Korean government recently announced a strong motivation to introduction of a local police system. The local police system is within the scope of local self-government and can not be discussed separately from local self-government. In other words, it is necessary to introduction of a local police system to complete the local self-governing system and to promote its system.

The local police system should be able to realize the basic ideology of the local self-government of the constitution and the grassroots of democracy. To do so, the local police system needs to be implemented by the basic local government. In addition, the local police office should be able to carry out the tasks required for securing the local security, such as advanced overseas systems.

However, the current Korean government has a limit that does not meet the intent of local self-government. In other words, the local police system is set up as a metropolitan government, which has the limitation of violating the rights of the basic local government. In addition, in the case of the local police affairs, it is restricted to the administrative police affairs and simple sexual violence and domestic violence, therefore its limited to perform the police affairs.

Therefore, this study examines whether the local police system announced by the present government meets the local self-governing system.

[Keywords] Local Police System, Decentralization of Power, Independent Sovereignty, The Local Police Force Developed Countries, Basic Local Government

1. Introduction

Recently, the social environment in Korea has been changing rapidly. Started from authoritarian presidential system, military government has been wiped out with liberalization of democratization. Then civilian government came in after military government wiped out; the wave of democratization and liberalization has come strongly. Democratization and liberalization are declared as the basic ideology of our Constitution, but it can be seen that the period in which substantive democratization and liberalization came into us was not that long.

The most distinctive feature of decentralization is the introduction of local police system in local self-government. The debate of introduction of local government system in local self-government has been issued consistently. However, the core element of local self-government is local police system and this system will not be immoderate to say that the system is completion of local self-government.

It is inevitable to introduce local police system to implement the essential system of local self-government. Local self-government should be introduced due to Article 12 of the 「Special Act on Decentralization and Reorganization of Local Administrative System」 where the fact that local police system should be introduced and the essential basis of local self-government
of the Constitution.

As such, the basis and debates on the introduction of local police system are sufficiently made. Therefore, the current Korean government officially announced about introduction of local police system in January 2018. This local police system is within the scope of local self-government so it cannot be discussed separately from local self-government. In other words, the local police system should be introduced in order to complete local self-government to promote local self-government. In order to do this, current local self-system should be introduced by corresponding local police system, and should not be implemented by the needs of government and local self-governing system.

Local police system is a component of local self-government within the scope of the purpose of achieving local self-government but not self-governing police system. In order for the local police system to function as a constituent element of local self-government, it should be introduced as a system that meets the purpose of realizing right of local government[1]. Therefore, this study compares and examined with correspondence of the introduction of local police system and the investigation functions of local police system.

2. Review of the Local Police System in Korea

2.1. System background

Although the introduction of the local police system has been variously implemented by each government, however, as in the current government, there has been no precedent in the Blue House's announcement of a local police system on January 14, 2018. The presidential office announced that the Blue House will take the front line and implement the local police system and this can be understood as an intention to express a strong will to the local police system.

Recently, the Blue House has plans to mature local self-government through the full implementation of the local police system, and especially, the government of Moon Jae-In is promoting the local police system as one of the core tasks of the local government decentralization strategy. These strong will of Blue House reflects the intention to eliminate the harm caused by the monopoly of authority through the task of checking authority and dispersing powers[2].

As a result of the government's local police system, the Seoul Metropolitan Government released a local police system model based on the government's local police system. The Seoul Metropolitan Government released the result of the model of "federal level of local police system" as a model to prepare for the introduction of the metropolitan local police system[3].

2.2. Organization system

2.2.1. National government plan for local police system

The police system announced by the government of Moon Jae In is based on the dual system of national police and local police. The central government maintains the state police system and establishes the local police system in the local governments as the basic system.

Figure 1. Reform plan of authority.

As shown in the figure above, the local police system announced by the government is approaching with the intention of implementing the local police system within the framework of authority reformation. The local police system of the government is approaching the local police system in terms of decentralization as a reform of the authority.
However, to implement the local police system meets the essence of local self-government, but approaching the local police system under the willingness of the government to disperse the police power within the framework of power has a limit that can not realize the real local self-government of right of local government.

2.2.2. Seoul metropolitan city government plan for local police system

Seoul metropolitan city released a local police model based on a local police system of metropolitan area. The model of local police system in Seoul is shown in the following <Figure 2>.

Figure 2. Structure of police when introducing local police system.

The local police system announced by the city of Seoul provided a unique local police system based on the dual police system of the government. The Seoul metropolitan government has set up a national police agency, the National Police Agency, under the control of the National Police Commission, based on the dual national police system and the local police system.

The National Police Agency, which is the Korean National Police Agency, plays a role as an executive organization, and belongs to the central government and is responsible for carrying out its duties under the control of the National Police Commission. In other words, the National Police Agency proposed by the Seoul metropolitan government is in a position of mutual cooperation with the autonomous police agencies. This means that the National Police Agency and the local police organization are separate entities that are independent from each other and serve as an equivalent administrative agency.

3. Comparison of Criminal Investigation Functions of Local Police System in Developed Countries

3.1. Criminal investigation of the united states local police

The United States is an independent country in British colonies, but has inherited many traditions from Britain. In particular, the police system inherited the basic local police system and has a high degree of right of local government. In addition, the US police respect the freedom and human rights of the public and there are various legal and institutional devices to prevent abuse of police authority.

The United States is a country that fully realizes local self-government, and the US police is also a sample of a fully local police force. At the federal level, there are a number of organizations that can be called law enforcement agencies, rather than the police that we are talking about. And there is no organization that directs or controls the decentralized local police nationwide, and there is a good relationship of support and cooperation among the units and institutions that are directly related to each department of the National Defense. The most well-known organization is the Federal Bureau of Investigation (FBI), as well as the DEA, ATF, which is responsible for federal law violations related to alcohol, tobacco, firearms, and explosives[4].

3.2. Local police in the UK

The United Kingdom is a united nation consisting of England, Wales, Scotland and Northern Ireland. Out of these, there are 43 local police in England and Wales, 8 in Scotland and 1 in Northern Ireland. This article examines the police system in England and Wales. The modern police in
England built a local police system in each region in order to model the situation and circumstances of the region, after Robert Peel, the Minister of the Interior, founded the London Metropolitan Police Department in 1829. Since then, the Police Acts (1964) underwent a major overhaul of the local administration and the police organization, which led to the establishment of the Provincial Police Service, the London Metropolitan Police Department and 41 local police stations in England and Wales.

However, since the early 1980s, the power of the Ministry of the Interior has been strengthened. Especially in the 2000s, as the crime became widespread, specialized, and organized, the need for national unified policing increased. In addition, while maintaining the tradition of autonomous police, the SOCA (Serious Organized Crime Agency) was established in 2006 to effectively manage national organized crime. However, the national response to the major organized crime was consolidated. Still, drug, illegal immigration, human trafficking, child abuse, and cyber crime did not decrease.

On the other hand, the tendency to centralize the police is to cut off the local police from the local community and the residents and concentrate on achieving the performance indicators and goals proposed by the central government. This will eliminate the centralized bureaucracy and ultimately the police and in 2011, the "Police Reform and Social Responsibility Act" was enacted. In addition to the British tradition of local police, the 'Corporate Crime Agency' is being replaced by the National Crime Agency (NCA) in 2013 to respond to national major crimes.

3.3. German local police

Germany is a federal state composed of 16 federal states, which maintains a balanced, decentralized police system, with 16 federal exercising independent police powers, while federal police intervene appropriately when an emergency occurs or when certain tasks are carried out.

According to the German "Basic Law" (Grundgesetz), which has the same meaning as our "constitution", the police organization, office and police rights are indirectly prescribed by each state's legislation, and each state has its own police law and police organization. Under the provisions of Articles 30 and 70 of this Act, the police will be the exclusive office of the State Police, not the federal monopoly or parallel legislation.

In other words, except for the contents of the cooperation between the federal and state governments concerning the investigation work, it can be understood that the work of police, traffic, investigation, crime prevention and security work is entirely carried out by the state police. However, The Federal Police Agency is established and operated by the federal government to carry out special police affairs, such as border protection, investigation of special crime types, and constitutional protection, within the restricted scope of the federal government.

Accordingly, the work of the federal police is handled by the Federal Bureau of Investigation and the Federal Constitutional Protection Agency, which are responsible for the investigation of specific types of crimes such as the Bundespolizei Authority and the international crime and organized crime in the Federal Border Guard.

They consist of general preventive police, investigative police, mobile police officers and water police officers. In particular, investigative police officers of the executive police agencies carry out their duties related to criminal investigation and prevention activities and criminal prosecution.

3.4. Japanese local police

The major changes of the Japanese police come from the World War II. The shape of police is completely different comparing before defeated and after defeated.

And its power was called the so-called "police state" by taking a powerful national police system, such as over-limiting the freedom and rights of the people in a wide range of fields such as labor, architecture, hygiene, custom, thoughts, and so on.

However, after the defeat, Japan was under the policies of the Allied Powers, then under the strong influenced of the United States in the police state system, passed various laws such as the new Constitution, the Criminal Procedure
Law and the Police Law, and the police system was introduced in 1947 as a local police system at the level of municipalities[10].

However, since Japan has little democratic tradition and the traditional characteristics of the citizens are accustomed to the central government, it suddenly fails to adapt to the subdivision of local police, then in 1954, the Police Act was amended to overhaul the municipal local police, which were subdivided into sub-divisions. In other words, local police units of the basic local entities, therefore, it was totally revised as a local police unit of the metropolitan local entity unit. As a result, modern Japanese police are integrated model, which is a local self-governing police unit and a national police unit.

On the other hand, the relationship between the national police and the local police is different from the ones that have been discussed above, but the local police is in charge of the police except for the national level police, where national police is directing, adjusting, and supervising the local police[11]. The National Police Agency divides the country into seven provinces and administers a provincial police station in each province to manage the police in the prefecture. The national police acts as an administrative authority, while the local police act as an executive organization.

The investigation function is also carried out by the local self-governing police, the local self-governing police, and the Tokyo Metropolitan Police Department and the prefectural police headquarters are also responsible for criminal cases such as general criminal offenses, drugs, guns, swords, boys and cyber-crime. In addition, the prefectural police are divided into sub-divisions, police stations are installed as subcontractors, and the criminal department of the police department directly handles the investigation. However, the police department handles criminal cases that are relatively simple to solve, and dealing with cases that require a good deal of rhetorical power as a complementary and organic task sharing system.

4. Discussion Correspondence of the Local Police System in Korea

4.1. Installation unit suitability

The local police system by the government's announcement is designed to install the installation by metropolitan unit. The adoption of the local police system in the metropolitan area is very suitable for the implementation of the local police system.

Implementation of local police system by adoption of local police system is an essential element for the realization of local self-government which is completed at the last stage after a long time after local self-government was implemented. Local self-government means a local administration that handles the common affairs of a local office closely related to the lives of the local residents, independently of the will and responsibility of the local residents in the area. The adoption of local police system, one of local administrations by independent doctors of local residents, is for the realization of local self-government in accordance with the basic ideology of local self-government.

Therefore, the establishment of the local police system in the metropolitan area can be regarded as the realization of the local self-government which allows the local self-government to deal with the local security by eliminating the ideological implementation of the local self-government and the actual distance.

4.2. Operational suitability

In the local police system, the government announced that it should establish local police under the governor of the province, and have its affiliation to the city governor. In this local police system, local police agencies are placed under the authority of the city governor, giving authority to the heads of the local self-governments, thus securing the executive power of the local governors.

In case of local police in Jeju Special Self-governing Province, only the administrative police function which has a limited under the special law for establishment of Jeju Special Self-governing Province and the creation of free international city is limited. The office of the self-governing police of the Jeju Special Self-governing Province stipulates in Article 90 of this Law, "affairs related to the daily life safety activities of
residents, office work related to local transportation activities, office work related to local facilities and local events”.

4.3. Infringement of basic local self-govern ment in the installation unit

The local police system is the basic principle that local residents are responsible for local security under their own responsibility in accordance with their own voluntary decisions. Therefore, the local police system should be installed in local governments so that the opinions of local residents can be reflected.

In addition, the Local self-government Law is a local self-governing organization that has right of local governments. It is a local self-governing organization that handles the welfare of residents as a local self-governing body and unit should be responsible for police work, which is a range of residents' benefits. Article 117(1) of the Constitution stipulates that "local self-governing system shall deal with the welfare of residents ..." said regulations during an office on the welfare of local residents, as well as under the current system to the organization groups to handle the welfare of the population by the basic right of local government and process by its city, county and district.

Local policing will be handled by local governments, the lowest level inhabited by local residents, in line with the institutional intentions of local security and local self-government. Therefore, it is necessary for local police to identify and cope with the basic unit, which is right of local government, to secure local security.

5. Conclusion

Local self-government is responsible for its local have their own opinion and deal with the safely and the welfare of local residents. The local self-governing system grants rights to the provinces for the welfare of local residents and handles local affairs from state agencies. These local self-government includes the local police system for the safety of local people. This local self-government can exercise local police rights by autonomously. Currently, the local police system has been implemented only in Jeju Special Self-governing Province. However, the Jeju local police system is an imperfect and incomplete local police system.

Therefore, the current government announced that it would implement the local police system with the intention to achieve the decentralization by introducing the local police system in accordance with the five-year plan of state administration. However, the Blue House announced that the local police system would implement the local police system only for the metropolitan governments. These local police systems are starting from the will to reform the authority rather than from the perspective of decentralization, and the willingness to disperse the powers of the authority is stronger than the realization of local self-government[12].

The local police should be responsible for the local community’s responsibility, and the local police, which is being promoted by the current government, is to conduct local only for the metropolitan governments. In addition, the local police system promoted by the Seoul Metropolitan Government is based on granting local police rights to metropolitan government.

In the implementation of the local police system, the local police are implemented in the metropolitan governments with the exception of the basic local self-governing system, which hinders the grassroots of democracy. Local self-government is mainly aimed at promoting the welfare of the residents through autonomous affairs through the balance and development of the region. In order for the local police system to be introduced in terms of the welfare of the residents, the existing local metropolitan government are limited in that they are not compatible with the rights and security responsibilities of all local self-governing agencies.

In addition, the government is obliged to grant some investigation rights only to administrative police function, sexual violence and domestic violence, which have the meaning of public order, security, information and expenses of the local government. The local police is responsible for maintaining the social well-being of the public and securing order.

It is the main task of securing local security so that the public or the local people can live in a safe community. Nevertheless, police officers who intend to grant authority to local police
6.1. Journal articles


6.2. Books


6.3. Additional references


agencies have limited investigative rights only to administrative police officers who are not the police officers themselves, but to crimes against domestic violence and sexual violence. In this way, the scope of the local police office proposed by the government is limited to the fact that only the administrative police and some investigation rights are assigned to the office of the local police agencies and can not solve the local security problems.

Local police are responsible for handling the local security under their own responsibility. In order for local police to comply with local rights, installation units should be established from basic local governments to realize grassroots of democracy. The local police office shall also ensure that the local police agencies carry out all the work performed by the police agencies, excluding the tasks that the state organizations must carry out, and play a role as a local security authority.

The local police is the last realization of local self-government and securing the local security. For decentralization and local security, a system should be established so that full autonomy can be realized when a local police system is introduced, and it will be necessary to clearly define it through legislation.

6. References

6.1. Journal articles


6.2. Books


6.3. Additional references


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