A Study on the Integration Plan for the North and South Korean Police Systems in Preparations for the Unification

Namseol Baek
Korean National Police University, Asan, Republic of Korea

Abstract

Purpose: To compare and analyze the differences in the purpose, class structure, and the organization of the police in North and South Koreas. Thereafter, an analysis was performed as to how West Germany and East Germany completed their integration, each of which had adopted different police systems, among the overseas cases. The purpose of this analysis is to present a standardized integration plan for the integration of the North and South Korean police organizations and the integration of police laws based on this analysis.

Method: Based on a review of the previous studies related to the integration plan of the North and South Korean police after unification, a case analysis of how the police force was operated and integrated during the unification process in Germany, and a comparison of the purpose, class structure, number of people, and organizational structure of the North and South Korean police. The differences between the North and South Korean police organizations and police laws were analyzed accordingly.

Results: As examined in the case of police integration in Germany, it was possible to recognize the different circumstances, such as the history and purpose of the police in North and South Koreas, and find out the issues that could arise in the process of integration, so that the Koreans could come up with a plan for integrating the police organization and the police system between the two Koreas.

Conclusion: After the unification, for the unification of the South and North Korean police, transfer to general administrative agencies, such as railways and resident registration, which the North Korean police are in charge of, will need to be strengthened.

Keywords: North Korean Police, Social Safety, Police System, Police Law, Police Integration

1. Introduction

The concept of police may be classified into the concept of police under the continental law and the common law, where the continental law police are formed based on the scope and nature of their activation on the premise of sovereignty. It may be said that the North and South Korean police have developed around the continental legal system. The police force in South Korea began after liberation in 1945, yet the enactment of the Police Act in 1991 served as an opportunity for its revolutionary development, such as the independence of the National Police Agency as an external agency of the Ministry of the Interior. It may be said that the North Korean police also began after liberation. Immediately after the liberation, the security in North Korea was maintained by the Soviet Army. With the establishment of the North Korean regime in 1948, the Ministry of Home Affairs, which exercised its police function, was absorbed into the Ministry of Home Affairs, which is a part of the Cabinet. After division, West Germany was a federal state consisted of 11 states with autonomy, and each state operated its own police system. Whereas, East Germany's police organization established a centralized control system over the whole
country as a national police system. As such, West and East Germanies, each of which had adopted different police systems, attempted to draw implications through the case analysis on what processes and systems were available to integrate them. The main job of the South Korean police is to protect the lives and property of the people, yet the North Korean police may be seen as security guards for their Party and their leader. The South Korean police are strongly recognized for their independence in their work, but the North Korean police have a political bureau belonging to the Workers’ Party within their Ministry of Social Safety, which monitors and controls the Social Security Agency, and hence, does not guarantee work independence. Furthermore, the South Korean police organization is consisted of the National Police Agency, provincial and local police departments, police stations, and police departments and police patrol stations. The police class in South Korea is consisted of 11 classes, whereas the police class in North Korea is consisted of 21 classes. As such, the differences were analyzed by comparing the North and South Korean police systems and police laws.

Hence, in this study, the issues which may arise in the process of the police integration were derived by analyzing the police system between the North and South Koreas based on the case of police integration in Germany. Based on which, it is intended to present the basic data for the enactment of the Integrated Police Act, which guarantees the basic rights of the people and the procedural transparency.

2. Theoretical Background

2.1. Previous studies

The following is a review of previous studies related to the integration plan of the North and South police after unification. First, Yoonho Lee (1993) compared the police system in North and South Korea in preparations for their unification for the first time in “Inter-Korean Unification and the Police”[1]. Dongryeol Yoo (2001) analyzed the transition process, function, and organizational system of the North Korean police in the “Analysis of the North Korean Police System”[2]. Jeongbæ Park (2015) presented a plan to reduce the police force in North Korea after the unification and foster a unified police force through the establishment of the Graduate School of Unification in the “Unification Plan for Legislative Unification of Police Manpower Integration in preparations for Unification”[3]. Jinhyeok Kim (2017), in the “Measures to train Security Personnel in North Korea After Unification,” suggested the improvements in the recruitment of police officers, reinforcement of unification education, and establishment of North Korean police training programs through the establishment of the North Korean Police Agency in North Korea after unification[4]. Yoonchang Shin (2017) claimed that the 3-step process of preparing, implementing, and finalizing the inter-Korean police in the “Comparison of inter-Korean security systems and integration plan for unification” should be followed as a plan to integrate inter-Korean police, and in the implementation stage, after analyzing the prediction of the security demand, the establishment of the foundation for a centralized national police was suggested[5]. Seongho Jae (2017) presented conditions for reappointing police personnel during unification, restructuring of the North Korean police, dispatch of the South Korean police, and the need for reforming the laws and regulations in the “Measures for Re-appointment of Police Forces in North Korea During the Unification”[6]. Seonwoong Cho (2019) presented the task of integrating the inter-Korean police organization legislation and the inter-Korean police operation legislation in the “Tasks for the Integration of the Inter-Korean Police System”[7]. Yeongyun Jung (2019) compared the current inter-Korean police system with the police law in “A Study on the Cooperation Plan of the Inter-Korean Police in Preparations for Unification,” then presented a plan for cooperation between the North and South police in preparations for unification[8].
2.2. The German case of the police integration

Newly born after division, West Germany was a federal state which was consisted of 11 states with autonomy, and each state operated its own police organization and carried out police activities appropriate to the local circumstances under the Basic German Law. In West Germany, the federal level of police power was utilized in the cases which required the federal government to deal with, such as international criminal investigations. In order to carry out its duties, the Federal Criminal Investigation Agency, the Federal Border Service, and the Federal Constitutional Protection Agency were established under the Ministry of the Interior to play their roles. The East German police organization abolished the state itself in 1952 as a national police system and introduced the concept of ‘provincial’ to establish a centralized system of control over the whole country. The East German police were very powerful and had a high status, and their scope of work was very wide. They were in charge of the tasks closely related to the residents’ life, such as resident registration and corrections, and was able to have strong control over the residents. In 1990, 45 years after division, East and West Germany formed a unified state, yet Germany suffered political, social, and cultural turmoils for a considerable period of time following the unification due to insufficient preparations for unification. In particular, from the viewpoint of West Germany, the mass immigration of East German residents, which began full fledgedly in the 1980s, caused instability in security. According to the unification treaty, all public officials in East Germany were subject to re-examination, and they were dealt with in the form of early retirement, dismissal, and continued appointment after re-education after undergoing a rigorous examination of qualifications for public service. All high-ranking police officers in East Germany (supervisor level and above) were replaced by those from West Germany. In the case of low-ranking police officers, if they passed the qualification examination, they were allowed to continue serving as a police officer after completing certain training[3].

Examining the police integration process in the Berlin area, the facilities and equipments of 11 police stations in East Berlin and 27 police stations operating thereunder remained intact. Following the organizational integration, there was also a human level integration in which police officers from West and East Germany were exchanged and assigned to each police station in Berlin. In 1990, some police officers from West Berlin were exchanged for the East Berlin area, and some police officers from East Berlin were exchanged for the West Berlin area. Together with such personnel arrangement, the East and West Berlin police officers were mixed in the patrol cars, and 425 police stations were installed in the East Berlin area for security stability, and efforts were made, such as by deploying the veteran West Berlin police officers. This was considered to have contributed to the adaptation of police officers from East Germany to the new system. In the process of integrating the police between North and South Koreas, it ought to be noted that West Germany took over the East German police powers under the Unification Treaty, but did not try to reorganize the East German police organization in the West German police system, yet instead maintained the East German police infrastructures to the extent possible to resolve the chaos. Furthermore, it is claimed that the East German police officers took measures such as exchange work so that they could promptly adapt to the new system and the West German police organization. Naturally, there will be limitations in applying the case of police integration in Germany, which is a federal system, to the case of South and North Koreas. Analyzing how West Germany used its police force to overcome the chaotic situation of unification and through what process to achieve police integration with East Germany would have great implications for achieving police integration in the future[9].

2.3. History of the North and South Korean police

2.3.1. Changes in the South Korean police

The inception of the South Korean police started after the liberation in 1945, but it was the enactment of the Police Act in 1991 that which served as an opportunity for the dramatic development. The history of police in South Korea was classified as the period from the liberation
of 1945 until before the establishment of the government in 1948 as the period of the U.S. Military Government. During this period, the area of police activity was reduced compared to the Japanese colonial period due to the depolicing work, yet it played a major role in laying the foundation for the founding of the nation. However, the liquidation of the pro-Japanese police during the Japanese colonial period was insufficient. The characteristics of the police after the establishment of the government in 1948 and before the enactment of the Police Act in 1991 may be seen as the period when the police began to operate from an independent position for the first time in history as an independent country. For the first time, the police, who had served during the colonial rule and military administration, were tasked with protecting the life, body and property of the people as well as the existence and well-being of the nation. After the enactment of the Police Act in 1991, a characteristic of the police was such that the National Police Agency was established as an independent external agency belonging to the Minister of the Interior, and the Commissioner General of the National Police Agency was upgraded to an independent administrative agency. In order to reflect the will of the people and realize political neutrality, a police committee was established to deliberate and decide on major policies related to police administration. In 1996, it was transferred to the Ministry of Maritime Affairs and Fisheries (currently, the Ministry of Land, Infrastructure and Transport) of the Korea Coast Guard, and in 1999, ‘hearing control’ was introduced in each police station across the country. In 2000, the ‘Cyber Terror Response Center’ was established in the National Police Agency to actively respond to cyber crimes. In 2006, the Jeju Special Self-Governing Province Autonomous Police was launched. In 2021, the autonomous police system was implemented across the nation.

2.3.2. Changes in the North Korean police

Immediately following the liberation, the security in North Korea was maintained by the Soviet Army. The Soviet Army, which began to invade North Korea in 1945, ordered the dismantling of all armed units in North Korea, and for security order in each region, a “security force” with a stipulated number of people was organized in consultation with the Soviet military command and placed under the command of the Security Bureau[10]. After the establishment of the North Korean regime in 1948, the Internal Affairs Bureau of the North Korean People's Committee, which exercised its police powers, was absorbed into the Ministry of Home Affairs, which may be said to be the first North Korean police organization. Immediately after the establishment of the regime, North Korea established the Central Security Caucus School under the Ministry of Home Affairs to train police officers, and Prime Minister Kim Il-sung said, “The mission to protect the government of the Uri Party and the Republic, protect the lives and property of the people, and maintain social order” and suggested the mission of the North Korean police. During the formation of the Ministry of Home Affairs in 1951, North Korea integrated the Political Security Bureau and other divisions to achieve independence for social safety. Social safety is evaluated to make wartime security work more efficient, such as controlling dissident resistance forces during war. Separated and independent from the Ministry of Home Affairs, Social Safety was incorporated into the Ministry of Home Affairs in October 1952 after 1 year and 7 months. The function of social safety was transferred to the Political Security Bureau. The reason as to why social safety was integrated into the Ministry of Home Affairs was because it caused confusion in the security work due to the coexistence of the Ministry of Home Affairs. In 1962, North Korea newly established the social safety department and transferred the police work, which is a central function of the Ministry of Home Affairs. Hence, the Ministry of Home Affairs carried out management of land, forests, and lakes, etc., and the Ministry of the Interior was renamed the Ministry of Land Management in 1964 and disappeared from the Cabinet[11]. The Ministry of Social Security was renamed as the Ministry of Social Security in 1972 when the Cabinet was reorganized into a government official with the adoption of the new North Korean Socialist Constitution. In 1973, the Political Security Bureau under the Ministry of Social Security was separated and became independent as the National Political Security Agency. Accordingly,
the Ministry of Social Security carried out police duties such as maintaining public order, and the Ministry of National Security and Security divided the roles of the secret police by having them perform the duties of the secret police such as political inspection of North Koreans and state institutions[12]. In 2020, North Korea renamed the ‘Ministry of People’s Security’ to ‘Social Safety’ in accordance with the ‘Order on Reorganization of the Military Command System to Match the Mission and Mission of the Security Agency.’ Furthermore, the ‘People’s Internal Affairs Army’, an armed force directly under the Ministry of People’s Security, was changed to ‘Social Security Army.’

3. Integration Plan for the North and South Korean Police System

3.1. Comparison of the South and North Korean police system

The key task of the South Korean police is to protect the lives and property of the people, while the North Korean police defend and defend the Party and the leader. Although the South Korean police are strongly recognized for their independence in their work, there is a difference in that the political bureau belonging to the Workers’ Party of Korea exists within the North Korean Police Department of Social Safety, which monitors and controls the Social Security Agency and does not guarantee work independence. The South Korean police organization is consisted of the National Police Agency, provincial and provincial police agencies, police stations, and police departments and police patrol stations. In South Korea, there is the Police Officer Duty Execution Act, whereas in North Korea, the People’s Security Enforcement Act and the Administrative Punishment Act exist. South Korea is divided into legislative, judicial, and executive branches according to the separation of powers. The police organization operates under the Ministry of Public Administration and Security under the executive branch, yet in North Korea there are legislative bodies such as the Supreme People’s Assembly, prosecutors’ offices and courts, and the Cabinet, judicial bodies, and administrative agencies. However, it may be said that it is far from the principle of separation of powers as all institutions are under the supervision and control of the Workers’ Party of Korea, and many of the members are concurrently serving[13]. The South Korean police rank is consisted of a total of 11 ranks, which are magistrate chief, magistrate assistant chief, magistrate, police officer, superintendent, sergeant, lieutenant general, inspector, sergeant, sergeant, and police officer. Yet in North Korea, the police ranks are consisted of 17 ranks which are Chasu(for social safety), commander-in-chief at the rank of commander, chief of staff, lieutenant general, commander-in-chief, lieutenant general, lieutenant general, lieutenant colonel, lieutenant general, lieutenant assistant captain, senior captain, lieutenant, second lieutenant, sergeant, sergeant major, sergeant major.

Table 1. Ranking structure of the North Korean police.

<table>
<thead>
<tr>
<th>Head of state</th>
<th>Commanders</th>
<th>Officers</th>
<th>Lieutenant warriors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chasu</td>
<td>Chief commander</td>
<td>Lieutenant</td>
<td>Special sergeant</td>
</tr>
<tr>
<td></td>
<td>Assistant commander</td>
<td>Second lieutenant</td>
<td>Sergeant</td>
</tr>
<tr>
<td></td>
<td>Mid commander</td>
<td>Third lieutenant</td>
<td>Assistant sergeant</td>
</tr>
<tr>
<td></td>
<td>Commander</td>
<td>Fourth lieutenant</td>
<td>Staff sergeant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upper ranked soldier</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Middle ranked soldier</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bottom ranked soldier</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Warrior</td>
</tr>
</tbody>
</table>

There are a total of 120,000 police officers in South Korea, including police officers and compulsory police officers.

It is estimated that there are approximately 180,000 North Korean police or social safety agents. There are 80,000 pure security guards, 80,000 engineers from the 7th and 8th bureaus, and 20,000 guards from the Guard Training Bureau. In particular, although not a member of the National Security Agency, the number of civilians(workers) working in organizations under the
social safety agency is about 120,000, and the total number of people is estimated to be around 300,000, respectively[14].

Table 2. The size of the social safety agency’s personnel.

<table>
<thead>
<tr>
<th>Social security agency</th>
<th>80,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social safety army</td>
<td></td>
</tr>
<tr>
<td>General bureau 7</td>
<td>50,000 people</td>
</tr>
<tr>
<td>General bureau 8</td>
<td>30,000 people</td>
</tr>
<tr>
<td>Security training bureau’s security guards</td>
<td>20,000 people</td>
</tr>
<tr>
<td>Total</td>
<td>180,000 people</td>
</tr>
<tr>
<td>Citizens</td>
<td>120,000 people</td>
</tr>
<tr>
<td>Total</td>
<td>300,000 people</td>
</tr>
</tbody>
</table>

3.2. Integration plan for the North and South Korean police organization

The Social Safety, Agency which may be called the North Korean police organization, does not have the highest goal of protecting the safety and human rights of the people, but instead, aims to protect the security of the North Korean system by controlling the lives of the people. In a unified North and South Korea, where individual rights and freedoms must be guaranteed to the maximum based on a free and democratic basic order, the current North Korean police organization may be said to be a factor that should be generally excluded. In other words, based on the current South Korean police system, transplanting a new police organization into the North Korean region may be said to be the biggest task of integrating the two Koreas. There are factors that must be considered in order to reliably implement these tasks. The duties performed by the police in South Korea are stipulated in Article 2 of the Police Officer Duty Execution Act, and the organization is organized accordingly. However, if you look at the organizational system of social safety, you can see that the tasks related to railways and resident registration are also being performed by general administrative agencies or special judicial police, not by the current police in South Korea. In light of which, in the fields where there may be excessive restrictions on the general life of the people, the police should transfer their duties to general administrative agencies rather than take charge of them.

It would be necessary to consider introducing the recently introduced autonomous police system to North Korea as well. Implementing a self-governing police system that matches the situation in North Korea would be easy to obtain cooperation from the residents and also to provide appropriate security services to the North Korean residents[15]. In the early phase of the unification, maintaining the national police system for the North Korean region and gradually transferring it to the autonomous police system is considered a desirable method. After unification, it is considered very difficult to maintain security in North Korea with only South Korean police force, and it may be said that the use of North Korean police force is inevitably required[16]. Hence, it would be necessary to apply the same process that Germany went through when re-appointing the former East German police officers to the re-appointment of North Korean police officers. The re-appointment of North Korean police officers, that is, the Social Security Agency, will have to go through a re-examination. In the process of re-examination, they ought to be able to be re-appointed only if they demonstrate a thorough understanding of the free and democratic basic order and reflects on the police officers who were controlling and oppressing human rights in the past. The re-education of the re-appointed North Korean police should also take place at the same time. The most important education which ought to be given is to respect the basic liberal and democratic order, to respect the people’s basic
rights, and to understand the rule of law. Furthermore, education on the legal knowledge required to perform police duties should be provided at the same time[17].

3.3. Integration plan for the North and South Korean police legal system

As a general issue facing the North Korean police system, the clearness of the punishment rules is not guaranteed and control is applied to all areas of residents' lives, and hence, the human rights of North Koreans are highly likely to be violated. Furthermore, there are few procedural restrictions on the handling and enforcement of law and order violators[18]. Hence, the main discussion should be on how to integrate the police action system so that such factors are consistent with the guarantee of the basic rights of the people as much as possible, the ideological value of a unified nation, and the practical rule of law[19]. Since the South Korea led unification was assumed, it may be said that it is clear that a unified police action law should be enacted and that South Korea's legal system should be the main content. Since the People's Security Enforcement Act was enacted for the purpose of maintaining the North Korean system and controlling the people, it is necessary to specify the basic rights and human rights of the people as its sole purpose in enacting the Integrated Police Action Act. Furthermore, transparency in the procedural aspect should be strengthened[20]. The People's Security Enforcement Act has a strong character in terms of excessively restricting and controlling the behavior of residents, and some regulations are too comprehensive and vague in meaning, thus violating the predictability of the people against the principle of clarity. Hence, it is necessary to newly establish detailed requirements for such regulations. Under the People's Security Enforcement Act, there is no obligation to notify the right of refusal to make a statement, and one cannot refuse to accompany them voluntarily. Furthermore, it is pointed out as an issue, such as the security personnel being able to detain a means of transportation without a warrant[21]. When the Integrated Police Action Act is enacted, it is necessary to review these procedures and the lack of requirements in general to ensure the rights of the people. Examining the issues with the Citizens Registration Act, the government office that conducts civil registration is a social safety equivalent to that of the Korean police, and hence, it has a strong controlling character. When the Civil Registration Act and the Resident Registration Act are enacted, the police agency will have to abolish the civil registration business and transfer the competent department to a general administrative agency.

4. Conclusion

Examining the transition process of the police in North and South Korea, the police in South Korea started after liberation, but it was the enactment of the Police Act in 1991 that led to epochal development, such as the independence of the National Police Agency as an external agency. It may be said that the North Korean police also started after liberation. With the establishment of the North Korean regime in 1948, the Ministry of Home Affairs, which exercised police functions, was absorbed into the Ministry of Home Affairs, and it may be said that the Ministry of Home Affairs was the first official North Korean police organization. Before the reunification, West Germany was a federal state consisted of the states with autonomy, and each state operated a police system. In West and East Germany, which operated different police systems, a case study was conducted to find out what processes and systems were used to integrate the police. Analyzing the differences between the North and South Korean police, the South Korean police aim to protect the lives and property of the people, while the North Korean police focus on the security for their Party and their leader as their key tasks. The North Korean police have a political bureau belonging to the Workers' Party of Korea within the police organization to monitor and control police officers, and hence, their work independence is not guaranteed. Furthermore, the North Korean police are closely related to the military, and the rank
system is different from that of the South Korean police. Based on such analysis of the differences between the police in North and South Korea, a plan for the integration of the police between the two Koreas was suggested. First, as a way to integrate the police system between the two Koreas, the North Korean police must transfer their duties to a general administrative agency because they are in charge of railway-related matters and resident registration. In the early stage of unification, the autonomous police system should be introduced gradually while maintaining the national police system for the North Korean region. In order to utilize North Korean police personnel, they must be re-appointed after re-examination. The next step is to unify the inter-Korean police system. Since the unification assumes the South Korea-led unification, the South Korean legal system should be enacted as one of the main police operation laws. In enacting the Integrated Police Action Act, it would be necessary to specify for the purposes of guaranteeing the people’s basic rights, and the transparency in terms of the procedural aspect will need to be strengthened. Furthermore, there are many flaws in the North Korean Police Action Act, such as incomplete procedures and requirements, and hence, it would be necessary to review such matters in general and create new provisions towards the direction of guaranteeing the rights of the people.

5. References

5.1. Journal articles


6. Appendix

6.1. Authors contribution

<table>
<thead>
<tr>
<th>Initial name</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author</td>
<td></td>
</tr>
</tbody>
</table>
| NB           | -Set of concepts☑  
|              | -Design ☑  
|              | -Getting results ☑  
|              | -Analysis ☑  
|              | -Make a significant contribution to collection ☑  
|              | -Final approval of the paper ☑  
|              | -Corresponding ☑  
|              | -Play a decisive role in modification ☑  
|              | -Significant contributions to concepts, designs, practices, analysis and interpretation of data ☑  
|              | -Participates in Drafting and Revising Papers ☑  
|              | -Someone who can explain all aspects of the paper ☑  |

*Copyright: ©2022 by the authors. Licensee J-INSTITUTE, ROK. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (https://creativecommons.org/licenses/by/4.0/).