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THE PENINSULA

Martial Law in South Korea: Understanding the Why

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This essay was part of a contest jointly organized by the George Washington University Institute for Korean Studies and the Institute for Korean Studies at Indiana University Bloomington. The contest invited students to analyze a South Korean policy challenge and propose evidence-based solutions, with winning entries published in the Korea Economic Institute of America's flagship blog, "The Peninsula."

On December 3, 2024, South Koreans and people across the globe alike were stunned when South Korean President Yoon Suk Yeol declared martial law in a late-night, unannounced address. This marked the first use of martial law since South Korea's transition to democracy in the late 1980s, reviving memories of the country's authoritarian past and prompting widespread domestic backlash.

The declaration was rescinded within hours following a vote of 190-0 (out of the 300 National Assembly members) to nullify it, and calls for Yoon's impeachment grew louder. On December 14, 2024, the National Assembly voted 204-85 to impeach Yoon, suspending his presidential powers and transferring authority to Prime Minister Han Duck-soo. Yoon's impeachment was followed by intense public protests, declining approval ratings, and defections from some People Power Party lawmakers, who had boycotted an earlier floor vote.

However, focusing solely on the political consequences of Yoon's actions risks overlooking a vital question: Why did Yoon feel compelled to take this extreme step in the first place? Understanding his motivations, the legal framework that enabled his actions, and the broader context behind his decision is fundamental not only to prevent future crises but also to ensure the resilience of South Korea's democracy.

Martial Law in South Korea: A Troubled History

To understand the significance of Yoon's declaration, it is important to examine the history of martial law in South Korea. Under Article 77 of the South Korean Constitution, the president has the authority to declare martial law in times of war, armed conflict, or similar national emergencies. This provision grants broad powers, including the ability to suspend civil liberties, impose censorship, and override normal judicial processes.

Yoon's declaration was not the first instance of martial law in South Korea. Its most notable and remembered instance was in 1980 when General Chun Doo-hwan declared martial law to suppress the Gwangju Uprising, a pro-democracy movement that was met with a violent military crackdown. That event remains a painful chapter in South Korea's history and a cautionary tale about the misuse of emergency powers. President Yoon's recent declaration has reignited debates about these powers' potential overreach, with some viewing the move as a step back toward authoritarian practices, even as his administration frames it as a necessary response to an "unprecedented threat."

Why Yoon Declared Martial Law

President Yoon framed his declaration as necessary to address threats to national stability. According to Yoon, "antistate actors" were working in concert with "pro-North Korean forces" to undermine the government, a claim he argued required immediate and decisive action. The political context reveals additional factors that may have influenced his decision.

In the months prior, his administration faced months of escalating political gridlock against an opposition-controlled National Assembly. Legislative roadblocks, 22 impeachment proceedings against his administration's officials in the past two years, and deep cuts to Yoon's proposed budget led him to accuse the legislature of engaging in "legislative dictatorship." This narrative, amplified by right-wing media outlets, portrayed the opposition's actions as an existential threat to the state.

Adding to the tension were allegations of election fraud, with a recent Korean Research poll showing that 65 percent of People Power Party supporters believed last April's parliamentary elections were fraudulent. Claims that opposition lawmakers were collaborating with "North Korean communists" to destabilize the government gained traction within Yoon's conservative base, drawing parallels to global movements like "Stop the Steal." Public protests against his administration—fueled by discontent over economic issues and allegations of corruption—intensified the pressure, leaving Yoon increasingly isolated. These pressures, combined with South Korea's history of external threats and internal divisions, likely reinforced Yoon's perception of an urgent crisis requiring extraordinary measures.

Critics, however, argued that “such complaints cannot be grounds for declaring martial law” and raised questions about whether the decision was driven by political pressures rather than legitimate security concerns. With his approval ratings plummeting and public dissatisfaction mounting, Yoon may have viewed the declaration of martial law not only as a means to reassert control but also as an attempt to shift the narrative in his favor.

Understanding the Why Matters

Why did Yoon believe martial law was his only viable option? Was this an act of desperation driven by political gridlock, or did he genuinely perceive a national security threat that justified such extreme measures? Whether an act of desperation or a calculated maneuver, Yoon’s declaration of martial law underscores the deep fractures in South Korea’s polarized political landscape. Answering these questions is critical—not to absolve Yoon of responsibility, but to address the systemic and contextual factors that enabled this crisis.

Amid this political turmoil, then acting President Han Duck-soo delivered an address urging politicians to set aside differences for the nation’s well-being. “We should cherish the Constitution, the law, and the precedents of our constitutional history, and narrow our differences of opinion through communication and agreement,” he said, stressing communication and agreement to ease polarization. Although ironically overshadowed by his own impeachment, Han’s call for unity underscores the need for bipartisan solutions.

Democracy, at its core, entrusts power to the people, ensuring their collective will shapes governance. Politics, as the mechanism through which diverse interests are represented, fosters dialogue and accountability. In moments of crisis, such as a declaration of martial law, the interplay between democratic principles and political actions becomes especially essential. If deeper flaws in South Korea’s political and constitutional frameworks contributed to Yoon’s decisions, merely removing him from office will not prevent future crises. History has shown that impeaching a leader can end an immediate problem, but it rarely resolves the conditions that created it.

Policy Recommendations

To prevent similar incidents, South Korea must not only hold leaders accountable but also reform the legal and institutional frameworks that govern martial law. Here are three steps to move forward:

First, South Korea should clarify and limit martial law powers, as current provisions in the constitution grant excessive discretion to the executive branch. This constitutional reform should specify the conditions under which martial law can be declared and define its scope and duration. Critics might argue that such constraints could hinder swift responses to genuine emergencies. Policymakers must balance clarity with the flexibility needed to address acute threats. It is worth noting that discussions around constitutional reforms have increasingly focused on broader issues, such as reducing the five-year presidential term to two four-year terms, akin to the US model, which could align well with efforts to reform martial law provisions.

Second, a president's declaration of martial law should require preemptive legislative oversight. Currently, martial law can be declared unilaterally, with parliamentary review occurring only afterward. Though reversing this process would ensure greater accountability, delays in legislative approval could hamper quick action during crises. A feasible solution could involve expedited legislative procedures to preserve both efficiency and democratic accountability.

Third, South Korea should strengthen its independent crisis management mechanism to evaluate martial law declarations and ensure transparency. While this would enhance accountability, maintaining the body's independence from political influence would require stringent safeguards. Policymakers must find a balance between ensuring impartial oversight and enabling timely, effective responses.

It is of utmost importance that those who are responsible for each branch of government—executive, legislature, and judiciary—continuously cultivate their own individual expertise and capabilities. By adhering to the principles of due process of law, these reforms will not only empower each branch to fulfill its unique role effectively but also enhance democracy by upholding mutual checks and balances.

Moving Beyond the Chaos

Despite the backlash following his martial law declaration and impeachment, Yoon's public perception has seen a resurgence in recent weeks. A Gallup poll showed that 32 percent of participants opposed Yoon's impeachment in January, which rose from 21 percent in December. This rebound captures the complexity of public sentiment: some applaud decisive leadership, while others worry about possible overreach, an evolving situation that merits close observation moving forward. Currently, Yoon, along with the People Power Party, is demanding the thorough application of due process of law as they respond to the threat of his arrest and the outcome of the Constitutional Court's impeachment trial.

The events of December 2024, with their far-reaching ripple effects, served as a powerful reminder of the delicate balance between security and democracy. While President Yoon's actions have sparked outrage and debate, a narrowed focus on impeachment risks overlooking the deeper systemic issues that enabled this crisis. It would be a disservice not only to the Korean people but to the allies of Korea and the international order, not to consider the larger implications of this event. In its relatively short democratic history, South Korea is enduring significant, temporary suffering in its pursuit of a stronger and more resilient future—but through this decisive moment, it will emerge toward a brighter tomorrow.

Havin Baik is a student at The George Washington University. The views expressed here are the author's alone.

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