

**PRESIDENTIAL SUCCESSION LAW IN CONSTITUTIONS OF
ASIAN STATES**

***HUKUM SUKSESI KEPRESIDENAN DALAM KONSTITUSI
NEGARA-NEGARA ASIA***

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ABSTRACT

Presidential succession law is a crucial constitutional instrument designed to ensure the continuity of government in the event of an unexpected vacancy in executive leadership (concurrent vacancy of the President and Vice President). Although such events are rare, their impact on political stability can be profound if not adequately anticipated within a constitutional framework. This article examines how South Korea and the Philippines have constructed their presidential succession laws. South Korea has experienced repeated executive vacancies, while the Philippines, despite sharing substantial similarities in governmental structure with Indonesia—both drawing significant inspiration from the United States Constitution—adopts a notably different succession framework. Using a doctrinal research method with a statutory and comparative constitutional approach, this study finds that both countries have established clear and multi-layered succession structures capable of preventing systemic disruptions even in crises such as presidential impeachments. By contrast, Indonesia's succession design under Article 8(3) of the 1945 Constitution (UUD NRI 1945) reveals fundamental weaknesses, particularly in assigning collective authority to three ministers without a clear substitution mechanism, thereby exposing the state to the risk of a power vacuum. Nevertheless, the mechanism for electing a new President and Vice President through the People's Consultative Assembly (MPR) provides a pragmatic solution tailored to Indonesia's complex geographical and political conditions. Based on these findings, the article advocates for a comprehensive reform of Indonesia's executive succession framework through a concrete, operational, and adaptive institutional architecture to ensure that the machinery of government continues to function even under the most severe crises.

Keywords : Power Vacuum, Presidential Succession Law, Political Stability, Presidential System.

ABSTRAK

Hukum suksesi kepresidenan merupakan salah satu instrumen konstitusional yang esensial untuk menjamin keberlanjutan pemerintahan dalam menghadapi kekosongan kekuasaan eksekutif (Presiden dan Wakil Presiden kosong bersamaan) yang tidak terduga dan tidak terprediksi. Meskipun kejadian tersebut tergolong langka, dampaknya terhadap stabilitas politik dapat sangat serius apabila tidak diantisipasi secara memadai dalam kerangka konstitusional. Artikel ini mempelajari bagaimana Korea Selatan dan Filipina membangun hukum suksesi kepresidenan. Korea Selatan memiliki sejarah kekosongan yang berulang, Filipina memiliki banyak persamaan dalam sistem pemerintahan karena ia menempatkan Konstitusi Amerika Serikat sebagai inspirasi utamanya, namun dalam urusan hukum suksesi kepresidenan, ia memiliki format yang berbeda signifikan dengan Indonesia. Dengan menggunakan metode penelitian doktrinal melalui pendekatan peraturan perundang-undangan dan perbandingan konstitusi, studi ini menemukan bahwa kedua negara telah membangun struktur suksesi yang jelas dan berlapis sehingga mampu mencegah gangguan sistemik bahkan dalam situasi krisis seperti pemakzulan presiden. Sebaliknya, desain suksesi kekuasaan di Indonesia berdasarkan Pasal 8 ayat (3) UUD NRI 1945 masih menunjukkan kelemahan mendasar, terutama karena pemberian mandat kolektif kepada tiga menteri tanpa mekanisme substitusi yang jelas, sehingga membuka risiko kekosongan kekuasaan. Namun demikian, mekanisme pemilihan presiden dan wakil presiden baru melalui Majelis Permusyawaratan Rakyat memberikan solusi pragmatis yang sesuai dengan kondisi geografis dan politik Indonesia. Berdasarkan temuan ini, artikel ini mengajukan perlunya penyempurnaan desain hukum suksesi eksekutif di Indonesia melalui arsitektur kelembagaan yang konkret, operasional, dan adaptif, guna memastikan roda pemerintahan tetap berjalan bahkan dalam situasi krisis terburuk sekalipun.

Kata Kunci : Kekosongan Kekuasaan, Hukum Suksesi Kepresidenan, Stabilitas Politik, Sistem Presidensial.

I. INTRODUCTION

Despite the gradual transformation in the form and designation of the head of state, the essence of state leadership remains unchanged: he remains the symbol and holder of supreme authority as the head of state, and in many systems, also as the head of government.¹ In some constitutional configurations, this executive function can be divided with the position of Prime Minister who handles the administrative affairs of the day-to-day

¹ Iwan Setia Budi dan Adi Prabowo Supriyono, "Separation And Distribution Of Power In The Concept Of A Democratic State In Indonesia," *Constitutional Law Society* 3, no. 1 (31 Maret 2024): 25–35, <https://doi.org/10.36448/cls.v3i1.64>.

government. Prior to the advent of the modern post-Treaty of Westphalia nation-state in the 17th century, the designation of a head of state varied widely, depending on the traditions, religion, and social structure of each community—including Kings, Sultans, Emperors, Amirs, to local titles such as “Doge”, “Tsar”, or “Yang di-Pertuan Agong.”

As the idea of democracy and modern constitutionalism strengthened, the term “President” became the most dominant term in the contemporary republican system. However, this mention is not the only one, because a number of countries still maintain their distinctive form and nomenclature of leadership, in accordance with their historical heritage and political structure. The development of the modern state supported by democracy and a written constitution also encouraged the birth of an institutional mechanism designed to maintain the continuity of government.² One of the important instruments in this context is the legal arrangement of executive leadership succession, which aims to anticipate simultaneous power vacancies at the highest levels of government, especially when the President and Vice President are unable to carry out their duties.

I explain the presidential succession law in this article, as a series of written regulations that are systematically arranged regarding the transfer of power outside of the general election procedure for constitutional reasons that result in the vacancy of the President and Vice President together to ensure that the transition process runs with certainty, stability and becomes a key instrument to support the formation of a new government.³ Richard Albert explained the legal scope of presidential succession which begins from the vacancy of the positions of President and Vice President until the process of electing a new President and Vice President who replace the previous position.⁴

In his popular thesis '*the Perils of Presidentialism*' Linz identified the presidential constitution as a constitution that provides for automatic transitions when a vacancy occurs with the aim of eroding the dominance of parliament into the executive body in unusual situations.⁵ Linz said: " *In event of the president's death, resignation, impeachment, or incapacity, the presidential constitution very often assures an automatic and immediate succession with interregnum or power vacuum*".⁶ In regulating the

² Aulia Oktarizka Vivi Puspita Sari A.P, Indah Satria, dan Angga Alfian, “The President’s Term Of Office Is Three Period In The Implementation Of The Government System In Indonesia,” *Constitutional Law Society* 2, no. 2 (30 September 2023): 167–77, <https://doi.org/10.36448/cls.v2i2.56>.

³ Febriansyah Ramadhan et al., “Towards a structural constitution: contribution of Presidential Succession Law to the Constitution of Indonesia,” *Legality : Jurnal Ilmiah Hukum* 33, no. 2 (30 Juli 2025): 361–95, <https://doi.org/10.22219/ljih.v33i2.40203>; Lihat juga dalam Febriansyah Ramadhan, “Pemakzulan Yoon Suk Yeol, Korea Selatan: Mengenal Hukum Suksesi Kepresidenan,” *HukumOnline.com*, 2025, <https://www.hukumonline.com/berita/a/pemakzulan-yoon-suk-yeol--korea-selatan--mengenal-hukum-suksesi-kepresidenan-lt67f6aa61e5313/>.

⁴ Richard Albert, “The Constitutional Politics of Presidential Succession,” *Hofstra Law Review* 29, no. 3 (2011): 498–576.

⁵ See Juan J. Linz, “The Perils of Presidentialism. *Journal of Democracy*,” *Journal of Democracy* 1, no. 1 (1990): 51–69.

⁶ In this opinion, he said that the presidential constitution does not want to allow it to happen '*Interregnum or power vacuum*' So that succession is deliberately regulated in the

simultaneous vacancy of the President and Vice President, the 1945 Constitution of the Republic of Indonesia seeks to meet the standards of the presidential constitution, according to Linz, which requires the rigid regulation of the presidential succession process to run automatically without dependence on the political process.⁷ Linz's popular thesis on the 'dangers of presidentialism' claims that the President is supported by good stability because the impeachment scenario is so complex that it is difficult to dismiss him halfway.⁸ Muluk claimed that it was an 'inherent defect' in the presidential system because if the public was disappointed with the president's performance, they would have to wait until the rest of the President's term.⁹ However, that does not mean that there is no chance that the position will be vacant so that the position needs to be transferred/*opvolging van ambten*.¹⁰ The presidential constitution must ensure that the transition runs smoothly and is accompanied by a process of certainty to avoid abuse of opportunities.¹¹

According to Article 8A paragraph (3) of the 1945 Constitution of the Republic of Indonesia, there are several conditions that cause the President and Vice President to be unable to remain at the same time, namely (both) died, quit, were dismissed or unable to perform their obligations. 'Death' can be stated as death, 'quit' is a statement of quitting or resigning either due to political demands during his tenure, 'dismissed' is disrespectful dismissal

constitution. What is called *Interregnum*, and why does Linz use this term? Referring to the Oxford Dictionary, *Interregnum* Meaningful: *a period of time during which a country, an organization, etc. does not have a leader and is waiting for a new one at 16th Century*. Term *Interregnum* adopted from Roman Law which was originally used to indicate the time lag between the death of a King and the coronation of his successor. *Interregnum* is a concept that describes the power vacuum in the English parliamentary history of the period 1649-1660 caused by civil war and long domestic conflicts. This vacuum is solved by relying on parliamentary processes and decisions, and this is what Linz is referring to, where the presidential constitution has abandoned such a form of dependency and replaced it with a provision in the constitution for automatic succession. See *Ibid.*; See also in Giorgio Agamben, *State of Exception Translated by Kevin Attell* (Chicago: University of Chicago Press, 2004); See also Fiona McCall, "'Breaching the Laws of God and Man': Secular Prosecutions of Religious Offences in the Interregnum Parish," in *Church and People in Interregnum Britain* (London: University of London Press, 2021).

⁷ Linz, "The Perils of Presidentialism. Journal of Democracy." Op.Cit.

⁸ *Ibid.*

⁹ The presidential system has a fixed term of office, which makes it difficult to dismiss a President despite public dissatisfaction. See Hamdi Muluk, "Demokrasi Presidensial: Sebuah Assesmen Awal," *Jurnal Prisma* 35, no. 3 (2016).

¹⁰ Logemann elaborates on several things related to a position, ranging from the formation of the position and its composition, the appointment of the position holder, obligations, duties tied to the position, legal authority that is bound by the position, the regional environment and personnel circle, the relationship between authorities, the transition of positions, the relationship between the position and the holder. See in Djokosoetono in Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jaka: Rajwali Pers, 2015); J. H. A. Logemann, *Over de theorie van een stellig staatsrecht (tentang teori suatu hukum tata Negara positif), terjemahan oleh Makkatutu & JC Pangkerejo* (Bandung: Penerbit Ichtiar Baru Van Hoeve, 1975); Usep Ranawidjaja, *Hukum Tata Negara Indonesia Dasar-Dasarnya* (Jakarta: Ghalia Indonesia, 1983).

¹¹ William G. Howell dan Terry M. Moe, "The strongman presidency and the two logics of presidential power," *Presidential Studies Quarterly* 53, no. 2 (2023): 145-68, <https://doi.org/10.1111/psq.12830>.

due to a violation of the law committed, and 'unable to perform obligations' i.e. the person concerned is not in the position environment for certain reasons such as Sukarno and Mohammad Hatta who were simultaneously detained by the Netherlands during Military Aggression II; or there is a health condition that does not allow carrying out their obligations.¹²

These various conditions cannot be predicted when they will occur, but what must be ensured is that the constitution must provide facilities if these various conditions occur at any time.¹³ To borrow the opinion of Nathan and Harmon, the condition of the vacancy of the President and Vice President simultaneously forces the constitution to have the ability to 'transition': to cope with changes from one state to another.¹⁴ The Constitution must navigate these changes in circumstances to remain in stable conditions and keep them away from times of *uncertainty* that depend on political situations and decisions.¹⁵

Article 8A paragraph (3) of the 1945 Constitution of the Republic of Indonesia stipulates that if the President and Vice President are vacant at the same time, the Minister of Foreign Affairs, the Minister of Home Affairs and the Minister of Defense,¹⁶ 'jointly' act as the executor of the presidential duties to run the government until the formation of a new government. These ministers work as executors of the presidency in a *collegial executive*/triad so that the decision-making method must be by unanimous agreement.¹⁷ At the same time as the acting presidential office runs the government, the People's Consultative Assembly (MPR) holds a session to elect the President and Vice President from the two pairs of presidential and vice presidential candidates proposed by a political party or a combination of political parties whose presidential and vice presidential candidates won the first and second most votes in the previous general election, until the end of their term of office.¹⁸ The entire series/construction is written in Article 8 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which reads as follows:

¹² *Ibid.*; Emanuel Raja Damaitu, "Pluralism And Social Justice In Pancasila Democracy: Between Ideals And Reality," *Constitutional Law Society* 4, no. 01 (27 Maret 2025): 1–17, <https://doi.org/10.36448/cls.v4i01.103>.

¹³ See in Bryan N. Groves, "Fighting the last war: Is presidential hindsight 20-20?," *Presidential Studies Quarterly* 53, no. 1 (2023), <https://doi.org/10.1111/psq.12821>.

¹⁴ Nathan Furr dan Susannah Harmon, *The Upside of Uncertainty: A Guide to Finding Possibility in the Unknown* (Cambridge: Harvard Business Review Press, 2022).

¹⁵ *Ibid.*

¹⁶ The Minister of Home Affairs, the Minister of Foreign Affairs and the Minister of Defense in literature or mention, are often referred to as '*Triumvirate*'. Terminology *triumvirate* This means that it is three series. This refers to the Notes of Samuel Willard Crompton, in his work *100 Wars That Shaped World History* pattern *triumvirate* was introduced by Lycurgus in 625 BC. Etymologically, *Triumvirate* meaning from the Latin word, meaning of three men, that is, a political regime dominated by three rulers, each of whom is called *Triumvirate*. Crompton Crompton et al., *100 Battles That Shaped World History* (Pondok Cabe, Ciputat: Karisma Publishing Group, 2007); Kristopher Stenson, "Caesar, Pompey, and the CoLLapse of the First Triumvirate," 2010, <https://research.libraries.wsu.edu/>. In the dialogue contained in the Comprehensive Text, the term '*Triumvirate*'.

¹⁷ Wolf Linder dan Sean Mueller, "Consensus Democracy: The Swiss System of Power-Sharing," in *Swiss Democracy*, 2021, https://doi.org/10.1007/978-3-030-63266-3_5.

¹⁸ The method of election by the MPR for the new President and Vice President until this research was made has never been implemented. This provision is not new, because previously in the 1945 Constitution, elections were carried out by the MPR before currently

“If the President and Vice President die, quit, dismiss, or are unable to perform their duties during their term of office simultaneously, the acting presidential duties are the Minister of Foreign Affairs, the Minister of Home Affairs and the Minister of Defense together. Not later than thirty days thereafter, the People's Consultative Assembly shall convene a session to elect the President and Vice President from the two pairs of presidential and Vice Presidential candidates proposed by the political party or coalition of political parties whose presidential and vice presidential candidates won the first and second most votes in the previous general election, until the end of their term of office”.

This article aims to explore how constitutional frameworks in Asian countries respond to executive power vacancies, focusing on the case studies of South Korea and the Philippines. South Korea was chosen because it has twice experienced power vacuums due to impeachment in the past decade, but has been able to maintain political stability and governance during the transitional period.¹⁹ Meanwhile, the Philippines offers a high relevance for comparative studies with Indonesia, given the similarities in the constitutional structure inspired by the model of the United States constitution.

By examining the experiences of these two countries, this article seeks to identify shortcomings in the Indonesian system regarding the mechanism of succession of executive power, especially in the context of double vacuum. This approach is significant because the phenomenon of simultaneous executive vacuums is a very rare event globally—even the United States, as the oldest model of presidential democracy, has never experienced it. Therefore, this article is divided into three main parts: the first part examines the Philippines' constitutional framework in dealing with the power vacuum, the second part discusses the South Korean constitutional framework. The last part is a conclusion that provides an overview of the two countries and their relationship with Indonesia.

II. METHOD

This study employs a normative juridical method (doctrinal research) with a statutory and comparative constitutional approach. The data analyzed consist of positive legal norms governing presidential succession in Indonesia, South Korea, and the Philippines, focusing on the structures, mechanisms, and fundamental principles underpinning each country's succession system. Data collection was conducted through library research, utilizing primary sources such as constitutional texts, statutes, official

being directly elected by the people. The last election held by the MPR was to elect President Abdurahman Wahid and Vice President Megawati Sukarnoputri. After that, because Indonesia has never experienced a vacancy at the same time as the President and Vice President, this provision has never been implemented. This is also 'possible' to be the reason, why legal (technical) guidelines at the level of internal regulations do not exist to carry out this.

¹⁹ Ramadhan, “Pemakzulan Yoon Suk Yeol, Korea Selatan: Mengenal Hukum Sukses Kepresidenan.”Op.Cit.

documents, and relevant academic literature. The data were qualitatively analyzed by identifying similarities, differences, and contextual relevance to the development of Indonesia's presidential succession law.

III. ANALYSIS AND DISCUSSION

a. Constitutional Frameworks in the Philippines

The Philippines went through decades of colonialism to arrive at its independence today. In the trajectory of the Philippines' history, the country gained independence from Spanish colonization on June 12, 1898 marked by the signing of the *Tratado de Paris* which ended Spain's war against the United States. In the treaty, the United States paid Spain 20 million USD for the possession of Guam, Puerto Rico and the Philippines which freed these countries from colonial rule. The Philippines was colonized by Spain for 333 years from 1565.²⁰ Although it became independent from Spain, sovereignty eventually shifted from Spain to the United States.²¹ In the post-Spanish colonial phase, the Philippines formed a constitution called the Malolos Constitution which was passed on January 21, 1899. It regulates several things such as the form of the Republic of the Philippines, restrictions on the freedom of action of the chief executive, division of power²² (executive, legislative and judicial) to local government which totals 101 Articles.²³ Next, in 1935, the United States changed the insular government to the commonwealth of the Philippines, which was still under the United States, as a *preliminary step* towards full independence within 10 years—which was cashed in *in Proclamation 2148—the Establishment of the Commonwealth of the Philippines*.²⁴ At that time the United States was led by Franklin D. Roosevelt and the President of the Commonwealth of the Philippines was led by Manuel L. Quezon. The Philippines officially gained full sovereignty on July 4, 1946, which at that time was led by President Manuel Roxas.²⁵

The last constitution used by the Philippines and effectively in force to this day was *'The 1987 Constitution Of The Republic Of The Philippines'* (1987 Constitution of the Philippines).²⁶ The presence of this Constitution is a symbol of the life of the administration of a new state after the end of the dictatorship of Ferdinand Marcos who served as President for approximately 21 years.²⁷ The 1987 Philippine Constitution was born from several quite

²⁰ Eva Lotta E. Hedman dan John T. Sidel, *Philippine politics and society in the twentieth century: Colonial legacies, post-colonial trajectories, Philippine Politics and Society in the Twentieth Century: Colonial Legacies, Post-Colonial Trajectories*, 2005, <https://doi.org/10.4324/9780203992012>.

²¹ Teodoro Andal Agoncillo, *The Revolution Second Phase: History of the Filipino People* (University of the Philippines, 1990).

²² April Farell M. Relacion dan Grace C. Magalzo, "System of Checks and Balances in the Philippine Presidential Form of Government," *Journal of Multidisciplinary Studies* 3, no. 2 (2014), <https://doi.org/10.7828/jmds.v4i1.632>.

²³ "The 1899 Malolos Constitution," n.d.

²⁴ Franklin D. Roosevelt, "Proclamation 2148 – Establishment of the Commonwealth of the Philippines," The American Presidency Project, 1935.

²⁵ Eva-Lotta Hedman dan John Sidel, ed., *Philippine Politics and Society in the Twentieth Century* (Routledge, 2005), <https://doi.org/10.4324/9780203992012>.

²⁶ *Ibid.*

²⁷ He used the martial law regime to suppress the opposition and extend his term. Marcos has the full support of the military, the United States government, and American

dramatic series starting from the *people power* movement known as the *Epifano de los Santos Avenue* Revolution (EDSA), the beginning of the fall of Ferdinand Marcos who made him and his family flee to Hawaii,²⁸ the rise of the elite from the EDSA revolutionary movement to the President of the Philippines Maria Corazon Sumulong Cojuangco Aquino to the process of forming the 1987 Philippine Constitution. As the longest-running democracy in Asia,²⁹ the Philippines drafted the 1987 Philippine Constitution through the Constitutional Commission established by Aquino with a fairly participatory composition, ranging from elements of civil society, members of political parties, Supreme Court justice Cecilia Munoz Palma to some elements of society and religious leaders.³⁰ Half of the members of the Constitutional Commission are actively involved in the movement and voice issues of land reform, conflict resolution and gender equality,³¹ the other half voice for political restructuring of the government and socio-economic reforms through the 1987 Philippine Constitution.³² As a former colony of the United States, many consider the Philippine government structure in the 1987 Philippine Constitution to be rooted and influenced by its authoritarian pre-history, namely the United States Constitution,³³ or in Bastiaan Van De Loo's phrase *as a major institutional legacy of American colonial rule*.³⁴ To see some similarities between the Constitution of the United States and the 1987 Constitution of the Philippines, see the provisions for the written submission of the President to the House of Representatives in the event of inability to perform his duties³⁵ and also regarding the vacancy of the office of President and Vice President simultaneously.

The Philippines adheres to a presidential system of government, in which the President and Vice President are directly elected by the people with

companies investing in the Philippines. In this phase, the Philippine presidential system was thoroughly tested. Read in Donald S. Zagoria, Raymond Bonner, and Carl H. Landé, "Waltzing with a Dictator: The Marcoses and the Making of American Policy," *Foreign Affairs* 66, no. 1 (1987): 205, <https://doi.org/10.2307/20043354>; See and compare also G. Sidney Silliman and Lela Garner Noble, "11 Citizen Movements and Philippine Democracy," in *Organizing for Democracy* (University of Hawaii Press, 1998), 280–310, <https://doi.org/10.1515/9780824844592-014>.

²⁸ Albert F. Celozza, *Ferdinand Marcos and the Philippines: the political economy of authoritarianism*. (Boston: Greenwood Publishing, 1997).

²⁹ Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge University Press, 2003), <https://doi.org/10.1017/CBO9780511559341>; The Philippines is also the country that uses the oldest presidential system in the Southeast Asian region. See Mark R. Thompson, "The Philippine Presidency in Southeast Asian Perspective: Imperiled and Imperious Presidents but Not Perilous Presidentialism," *Contemporary Politics* 24, no. 3 (May 2018): 325–45, <https://doi.org/10.1080/13569775.2017.1413503>.

³⁰ James Putzel, "Survival of an imperfect democracy in the Philippines," *Democratization* 6, no. 1 (1999), <https://doi.org/10.1080/13510349908403603>.

³¹ MV Paez-Hidalgo, "Socio-Demographic Profile of the Members of the 1986 Constitutional Commission," *Philippine Journal of Public Administration* 31, no. 1 (1987).

³² Kent Eaton, "Restoration or Transformation? Trajos versus NGOs in the Democratization of the Philippines," *The Journal of Asian Studies* 62, no. 2 (Mei 2003): 469–96, <https://doi.org/10.2307/3096246>.

³³ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*. Op. Cit.

³⁴ Bastiaan van de Loo, "The failure of the Philippine presidential system," *Asia Europe Journal* 2, no. 2 (Juli 2004), <https://doi.org/10.1007/s10308-004-0093-9>.

³⁵ Article 7, Section 11 of the 1987 Constitution of the Philippines and Sections 3 and 4 of the Constitution of the United States, Twenty-Fifth Amendment.

only a limited term of office of 6 years.³⁶ The limitation of power also reaches the legislative realm, where the senate is limited to its term of office cannot be 2 times the constitutional period of the Philippines separating powers in its Constitution, namely executive power, legislative power (senate and DPR)³⁷ and also judicial power.³⁸ The 1987 Constitution of the Philippines, which consists of 18 sections, regulates in quite detail the powers of the President contained in Article 7, Sections 16 to 22, including the power to form ministries,³⁹ as the commander-in-chief of the armed forces, the ⁴⁰ President's judicial rights (clemency-amnesty),⁴¹ conduct foreign policy (international agreements),⁴² and budget policies in the State Budget.⁴³ In addition to the Constitutional level, the President's power is also regulated at the legal level known as the '*Administrative Code Of 1987*', in Chapter II it is regulated regarding the President's power, including the power to set general and permanent regulations, government actions as the head of government, determination of legal status in certain circumstances, administrative policies and the President's position as Commander-in-Chief of the armed forces.⁴⁴

³⁶ Article 7, Section 4, 1987 Constitution of the Philippines: *The President and the Vice-President shall be elected by direct vote of the people for a term of six years.*

³⁷ See in Article 6, Section 6, 1987 Constitution of the Philippines: *The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.*

³⁸ Susan Rose-Ackerman, Diane A Disierto, dan Natalia Volosin, "Leveraging Presidential Po: Separation of Powers without Checks and Balances in Argentina and the Philippines.," *Berkeley Journal of International Law* 29, no. 1 (2011).

³⁹ See Article 7, Section 16, 1987 Constitution of the Philippines: *President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in his in his Constitution.*

⁴⁰ See in Article 7, Section 18, 1987 Constitution of the Philippines: *The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion.*

⁴¹ See Article 7, Section 19, 1987 Constitution of the Philippines: *Except in cases of impeachment, or as otherwise provided in this Constitution, the President may grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction by final judgment. He shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.*

⁴² See Article 7, Section 20-21, 1987 Constitution of the Philippines: *The President may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board, and subject to such limitations as may be provided by law. The Monetary Board shall, within thirty days from the end of every quarter of the calendar year, submit to the Congress a complete report of its decisions on applications for loans to be contracted or guaranteed by the Government or government-owned and controlled corporations which would have the effect of increasing the foreign debt, and containing other matters as may be provided by law.*

⁴³ See Article 7, Section 22, 1987 Constitution of the Philippines: *The President shall submit to the Congress within thirty days from the opening of the regular session, as the basis of the general appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.*

⁴⁴ Administrative Code of 1987, Book I, Title I, Chapter II.

The 1987 Philippine Constitution regulates several things under which the positions of President and Vice President can be vacant at the same time. The requirements to become President of the Philippines are that you are an administratively legitimate citizen of the Philippines (at least the last 10 years of being administratively registered) and born naturally to a Filipino citizen, can read and write and the minimum age is 40 years old.⁴⁵ These conditions must absolutely be met by a President. If the President-elect fails to meet the requirements as stipulated in Article 7, Section 2 of the 1987 Philippine Constitution where it is known prior to the inauguration, then the President cannot be inaugurated. In these conditions, the Vice President will act as President until the (new) President is elected and qualified. The Vice President cannot necessarily become the President of the Philippines, but rather as a temporary substitute President. During the term of office, if the President dies or shall *become permanently disabled*, the Vice President rises to become President.

If the Vice President who is to be elevated to the position of President is also in a condition of death or permanent disability, then the Chairman of the Senate will act as President until the President and Vice President are elected and inaugurated as President and Vice President of the Philippines. There is a replacement level if it turns out that the Chairman of the Senate is also unable to replace the vacancy of the position of President and Vice President at the same time, namely the Speaker of the House of Representatives. These provisions are contained in Article 7, Section 7 of the 1987 Constitution of the Philippines:

The President-elect and the Vice-President-elect shall assume office at the beginning of their terms. If the President-elect fails to qualify, the Vice-President-elect shall act as President until the President-elect shall have qualified. If a President shall not have been chosen, the Vice-President-elect shall act as President until a President shall have been chosen and qualified. If at the beginning of the term of the President, the President-elect shall have died or shall have become permanently disabled, the Vice-President-elect shall become President. Where no President and Vice-President shall have been chosen or shall have qualified, or where both shall have died or become permanently disabled, the President of the Senate or, in case of his inability, the Speaker of the House of Representatives shall act as President until a President or a Vice-President shall have been chosen and qualified.

Next, the provisions regarding the vacancy of the position of President and Vice President simultaneously are also regulated in Article 7, Section 8 of the 1987 Philippine Constitution. This article has a construction almost similar to Article 7, Section 7 of the 1987 Constitution of the Philippines, the difference is in the reason that the office of President is vacant, if in Article 7, Section 8 of the 1987 Constitution of the Philippines is death, permanent *disability, removal from office, or resignation of the President*. There are new conditions in Section 8, namely *removal from office, or resignation of the*

⁴⁵ Article 7, Section 2 of the 1987 Constitution of the Philippines.

President, conditions that are not in Section 7. If the position of President turns out to be vacant, then the Vice President immediately replaces him as President until the end of his term. If, the Vice President who is to be elevated to the position of President is also in a state of death or permanent disability, then the Chairman of the Senate will act as President until the elected President and Vice President are qualified and inaugurated as President and Vice President of the Philippines. The takeover of the Senate Speaker of the vacant positions of President and Vice President simultaneously in the 1987 Philippine Constitution is in order to prevent intra-executive competition, where the government is built on the basis of pre-electoral coalition agreements so that when the President and Vice President who are no longer in office open up difficult intra-executive competition so that the takeover of the interim President by the Speaker of the Senate is a rational choice in maintaining stability.⁴⁶

There is a replacement level if it turns out that the Chairman of the Senate is also unable to replace the vacancy of the position of President and Vice President at the same time, namely the Speaker of the House of Representatives. These provisions are contained in Article 7, Section 8 of the 1987 Constitution of the Philippines:

In case of death, permanent disability, removal from office, or resignation of the President, the Vice-President shall become the President to serve the unexpired term. In case of death, permanent disability, removal from office, or resignation of both the President and Vice-President, the President of the Senate or, in case of his inability, the speaker of the House of Representatives, shall then act as President until the President or Vice-President shall have been elected and qualified.

To facilitate the comparison between the construction of the two Articles, the author describes it in the following table:

Table 1 Conditions and Substitutes for Vacancy of Concurrent President and Vice President Positions in the Philippines

	Article 7, Section 7 of the 1987 Constitution of the Philippines	Article 7, Section 8 of the 1987 Constitution of the Philippines
Reasons for the Vacant Presidential Position	<ol style="list-style-type: none"> 1. Not eligible (before appointment)/ <i>President-elect fails to qualify.</i> 2. Death/Death 3. Permanently disabled/ <i>shall have become permanently disabled.</i> 	<ol style="list-style-type: none"> 1. Death/Death 2. Permanently disabled/ <i>shall have become permanently disabled.</i> 3. Removed <i>from office</i> 4. Resignation <i>of the President</i>
Successor to the President	<ol style="list-style-type: none"> 1. The election of a new President (for reasons of ineligibility prior to the inauguration), the Vice President serves as the 	Vice President (Ascended to President)

⁴⁶ David Wurfel, *Filipino Politics. Development and Decay* (Ithaca: Cornell University Press, 1988).

	interim President—and will later return to the Vice President if a new President is elected.	
	2. Vice President (for reasons of death and permanent disability)	
If the Vice President is unable to remain	Speaker of the Senate Speaker of the House of Representatives (If the Speaker of the Senate is absconding)	Speaker of the Senate Ketu DPR (If the Speaker of the Senate is absent)

The 1987 Philippine Constitution does not provide for the details of the presidential powers exercised by the Speaker of the Senate or the Speaker of the House of Representatives (if the Senate is in the minority). The 1987 Philippine Constitution does not mention the type of positions that replace the President and Vice President as in Indonesia (the acting president)—so that, according to the authors of the Philippine Constitution, does not distinguish between the acting president and the President. Moreover, the Chairman of the Senate or the Speaker of the House of Representatives (if the senate is obstructed) is a person who gets a direct vote from the people who does not raise problems in the presidential system, especially the first wave of thought that questions the legitimacy of a position.⁴⁷ In Article 7, Section 8 of the 1987 Philippine Constitution, it explains: *the President of the Senate or, in case of his inability, the speaker of the House of Representatives, shall then act as President until the President or Vice-President shall have been elected and qualied.* There is no phrase about the acting president, which reads "*shall then act as President*" so that in the name of the 1987 Philippine Constitution the Speaker of the Senate or the Speaker of the House of Representatives (if the senate is obstructed) ascends to President.

The 1987 Philippine Constitution provides for a fairly detailed mechanism for electing a new President and Vice President to replace the vacant positions of President and Vice President simultaneously. The arrangement is up to the day, hour and duration of the election. Congress is required to convene on the third day from the day of the vacancy of the President and Vice President simultaneously. The session must be held in the morning at 10:00 a.m. on that day without the need for an official summons to members of Congress. The agenda of the session was carried out to form and ratify laws that regulate the special *election of the new President and Vice President*. The special election must be held for a minimum of 45 days and a maximum of 60 days, calculated from the start of the session by the Congress (3 days from the time the President and Vice President are vacant at the same time). The law regulating the special election will have the content of the mechanism for the election of the new President and Vice President in accordance with the provisions of Article 7, Section 10 of the 1987 Philippine Constitution, especially related to the time of implementation.

⁴⁷ Rose-Ackerman, Disierto, dan Volosin, "Leveraging Presidential Po: Separation of Powers without Checks and Balances in Argentina and the Philippines." *Op.Cit.*

The law governing the special election must be completed in a short time, namely 7 days from the start of the Congress session. The Constitution of the Philippines stipulates that Congress shall not delay the session and the holding of special elections shall not be delayed. The entire series is written in Article 7, Section 10 of the 1987 Philippine Constitution:

The Congress shall, at ten o'clock in the morning of the third day after the vacancy in the offices of the President and Vice-President occurs, convene in accordance with its rules without need of a call and within seven days enact a law calling for a special election to elect a President and a Vice-President to be held not earlier than forty-five days nor later than sixty days from the time of such call. The bill calling such special election shall be deemed certified under paragraph 2, Section 26, Article VI of this Constitution and shall become law upon its approval on third reading by the Congress. Appropriations for the special election shall be charged against any current appropriations and shall be exempt from the requirements of paragraph 4, Section 25, Article VI of this Constitution. The convening of the Congress cannot be suspended nor the special election postponed. No special election shall be called if the vacancy occurs within eighteen months before the date of the next presidential election.

Then, who conducts special elections for the new President and Vice President, whether the election is conducted by Congress or directly elected by the Filipino people? The 1987 Philippine Constitution does not regulate in detail the mechanism of *special elections*, in the 1987 Philippine Constitution there are only 3 provisions that regulate special elections, namely in Article 6, Section 9 which regulates the vacancies of the Senate and House of Representatives, Article 9, Section 11, *The Commission on Elections*, which regulates the funding of *special elections* and Article 7, Section 10 of the Constitution which relates to the election of the President and Vice President because they are vacant at the same time. To answer the above question, whether elections are conducted by Congress or directly elected by the people, several sources of constitutional laws and conventions that have been applied in the Philippines can be used.

In the trajectory of the history of the Philippine constitution, there is a provision in Batas Pambansa BLG. 883 concerning *An Act Calling A Special Election For President and Vice President, Providing For The Manner of the Holding Thereof, Appropriating Funds Therefor, And For Other Purposes*.⁴⁸ Batas Pambansa BLG. 883 was established a few years before the 1987 Philippine Constitution and as the last presidential election followed by Ferdinand Marcos on February 7, 1986, which was supposed to be held in 1987. The reason for holding *the special election* at that time was the unstable national conditions, strengthening the support of the United States, the strengthening of the military regime until the Marcos dictatorship in running the government.

The special election at that time was attended by 4 candidates, namely Ferdinand Marcos, Corazon Aquino, Ruben Canoy and Narciso Padila. Marcos

⁴⁸ "Republika Ng Pilipinas," n.d.

emerged victorious, but the victory was followed by accusations of widespread and systemic corruption, collusion and nepotism in the electoral process,⁴⁹ which ultimately led to the birth of the people power movement through the *Epifano de los Santos Avenue* Revolution (EDSA).⁵⁰ Political changes were so rapid from 1985-1987 in the Philippines that it was entirely facilitated by a presidential system in which the President was directly elected by the people.⁵¹ In Batas Pambansa BLG. 883, it regulates the timing of special elections, the mechanism for electing the President and Vice President who are directly elected by the people, the terms of office, which are 6 years, to the technical aspects of holding elections by the Philippine General Election Commission. This is stated in the Pambansa BLG Limits. 883, as follows:

Section 1.

Special election for President and Vice-President. - There shall be a special election for President and Vice-President on February 7, 1986.

Section 2.

Direct vote and term of office. – The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the tenth day following their proclamation and shall end at noon on the thirtieth day of June of the sixth year thereafter.

Section 3.

Filing of certificate of candidacy. - No person shall be elected President or Vice-President unless he files a sworn certificate of candidacy not later than December 11, 1985.

Until today, there has never been a special election and there has never been a vacant President and Vice President at the same time. If in the future this will happen, then based on legal and historical sources, the Equality Convention and the 1987 Constitution of the Philippines, the election of the President and Vice President who replace the previous vacant office will be carried out directly by the people.

b. Constitutional Framework in South Korea

Korea has a geostrategic location that is quite difficult in terms of security because it is flanked by three major powers, namely China, Japan and Russia. The struggle for the state's existence and influence on the Korean peninsula was faced with the Japanese occupation that began in 1910 and ended with Japan's unconditional surrender to the Americans in August

⁴⁹ Antonio Santos, *Power Politics in the Philippines: The Fall of Marcos* (Quezon City: Center for Social Research, 1987).

⁵⁰ Surabhi Chopra, "The Constitution of the Philippines and transformative constitutionalism," *Global Constitutionalism* 10, no. 2 (Juli 2021): 307–30, <https://doi.org/10.1017/S2045381721000174>.

⁵¹ Francis Fukuyama, Björn Dressel, dan Boo Seung Chang, "Facing the perils of presidentialism?," *Journal of Democracy* 16, no. 2 (2005), <https://doi.org/10.1353/jod.2005.0026>.

1945.⁵² The end of World War II had an impact on Korea with the split of North Korea occupied by the Soviet Union and South Korea occupied by the United States. Ideological and important differences between the Soviet Union and the United States became the main factors that led to the separation between north and south.⁵³ The Soviet Union supported the establishment of a communist government in the north, while the United States supported the establishment of a non-communist government in the south.

In 1948, the two zones proclaimed the establishment of their respective states. On September 9, 1948, North Korea established the Democratic People's Republic of Korea with the support of the Soviet Union, while South Korea established the Republic of Korea with the support of the United States on August 15, 1948.⁵⁴ The support of the United States was sharpened by Dean Rusk who after secession served as Secretary of State. Dean Rusk supported the involvement of the United States in the Korean War (1950-1953) as part of the UN forces defending South Korea from the North Korean invasion.⁵⁵ During his tenure as Minister of Foreign Affairs, Rusk also provided significant political, military, and economic support to South Korea in their efforts to defend independence and develop their country's economy.⁵⁶

South Korea's official independence as a sovereign state was on August 15, 1948. Preparations for South Korea's independence have been prepared in a short period of time before independence under the supervision of the *United Nations Temporary Commission on Korea (UNTCOK)*⁵⁷ which is tasked with holding presidential elections and forming the Constituent Assembly to draft the Constitution of South Korea. Syngman Rhee, who lived in exile in the United States for 35 years, returned to South Korea and was elected President on May 10, 1948,⁵⁸ elected by the National Assembly by a ballot.⁵⁹ On May 31, 1948, the Constituent Assembly was formed, chaired by Syngman Rhee, who began his historic task by appointing a Constitutional

⁵² Seongyi Yun, "Democratization in South Korea: Social Movements and Their Political Opportunity Structures," *Asian Perspective* 21, no. 3 (1997), <https://doi.org/10.1353/apr.1997.a921122>.

⁵³ "The political system of the Republic of Korea. BRIEFING Continental democracies," European Parliamentary Research, 2022.

⁵⁴ *Ibid.*

⁵⁵ Hyug Baeg Im, "The US role in Korean democracy and security since cold war era," *International Relations of the Asia-Pacific* 6, no. 2 (2006), <https://doi.org/10.1093/irap/lci134>.

⁵⁶ *Ibid.*

⁵⁷ The UN Interim Commission for Korea was established as an effort by the United Nations to assist in organizing fair and free elections in Korea. The commission's main task is to ensure the democratic conduct of elections and monitor the electoral process to ensure its integrity. The United Nations Interim Commission for Korea operated from 1947 to 1948, and after national elections in 1948, the Republic of Korea (South Korea) was officially established as an independent country on August 15, 1948. After the establishment of the Republic of Korea, the role of the commission ended, and the United Nations recognized the newly formed South Korean government.

⁵⁸ Bruce Cumings, *The Origins of the Korean War: Liberation and the Emergence of Separate Regimes, 1945-1947* (New Jersey: Princeton University Press, 1981).

⁵⁹ Chung In Moon, "South Korea in 2008: From crisis to crisis," *Asian Survey* 49, no. 1 (2009), <https://doi.org/10.1525/as.2009.49.1.120>.

Drafting Committee consisting of 30 assembly members plus 10 experts to draft the Constitution of South Korea.⁶⁰

The initial phase of the committee was to discuss the architecture of the South Korean Constitution and its important features in the administration of government. In terms of the system of government, there are two opposing currents of thought, namely between Chin O Yu who proposes the implementation of a parliamentary system, and Syngman Rhee who wants a presidential system of government.⁶¹ Chin O Yu believes that if the parliamentary system is adopted in the architecture of the Constitution, it can create harmony between the legislature and the executive in running the government. Chin O Yu's parliamentary intervention in the executive was highlighted by Chin O Yu, so that the government avoided executive impasses.⁶² Chin O Yu's proposal was strongly opposed by Syngman Rhee about the parliamentary system by highlighting the advantages of the presidential system. Syngman Rhee believes that if South Korea adopts a presidential system, the government will be more stable and accompanied by national political leadership will facilitate the development of the country. This stability is considered necessary because it greatly supports the struggle against North Korean communism, for him the parliament causes chaos in the government. Syngman Rhee also learned lessons from the Japanese occupation in 1910, Korea could be colonized at that time easily because the national situation was filled with internal factional disputes and resulted in factional struggles. The parliamentary system, according to Syngman Rhee, will produce such a struggle so that national unity will not be realized.⁶³ Syngman Rhee's rejection of the parliamentary system was quite harsh, as he threatened to hold a nationwide civil movement if Chin O Yu's proposal was passed.⁶⁴

The middle way was finally taken by the committee, which was to combine the presidential and parliamentary systems by removing several provisions on the motion of no confidence against the executive and legislature that led to the dissolution of the institution. South Korea finally brought together the two main currents of the system of government (presidential and parliamentary) in its Constitution which was passed on July 17, 1948 with a total of 103 articles. The results of the meeting can be seen in several contents, there is a President who acts as the head of government and is accompanied by the Vice President as a substitute if the President is absent.⁶⁵ The President and Vice President are simultaneously elected by the South Korean National Assembly.⁶⁶ The Constitution affirms

⁶⁰ *Ibid.*

⁶¹ Honp'ob Chin-O Yu, *A Commentary Constitution*. (Seoul: Myong Se Tang, 1952).

⁶² *Ibid.*

⁶³ Chi Young Pak, "The Third Republic Constitution of Korea: an Analysis," *Western Political Quarterly* 21, no. 1 (1968), <https://doi.org/10.1177/106591296802100109>.

⁶⁴ *Ibid.*

⁶⁵ Grażyna Strnad, "The Sixth Republic under Roh Tae Woo: The Genesis of South Korean Democracy," *Polish Political Science Yearbook* 39, no. 1 (Maret 2010): 204–25, <https://doi.org/10.15804/ppsy2010011>.

⁶⁶ Article 53 Constitution of the Republic of Korea (1948): *The President and Vice President shall be elected by the National Assembly by secret ballot. The election of the President and Vice President shall be determined by the concurring vote of two-thirds of the*

that the President is the chief executive⁶⁷ with a Prime Minister who is typical of South Korea who is limited to leading the cabinet,⁶⁸ the Prime Minister is appointed by the President with the approval of the National Assembly—not elected/appointed by the National Assembly (parliament).⁶⁹ The architecture of the South Korean Constitution, which compromises theoretical and historical debates between the presidential and the parliamentary—gives rise to an academic debate, Loewenstein calls it a neo-presidential system that differs from the French semi-presidential model.⁷⁰ Some cynical views also surfaced, such as Chi Young Pak who said his content contained Constitutional ambiguity from the beginning.⁷¹

The Constitution of South Korea has undergone many changes, starting in 1952 there was an amendment to the Constitution of South Korea which imposed the direct election of the President and Vice President by the people. It was proposed by the Liberal Party (government) in 1951 which proposed an amendment to the Constitution in November 1951, the proposal was to ensure the re-election of Syngman Rhee as President. In 1952, despite being in tense conditions due to the Korean War, South Korea successfully held a presidential election and Syngman Rhee managed to retain his position. The Liberal Party proposed the next amendment in order to extend Syngman Rhee's term because at that time the President could only be elected for two terms,⁷² and Syngman Rhee's term would end in 1956. Rhee cannot run for a third term unless the Constitution is amended. The Liberal Party introduced a constitutional amendment to remove these restrictions, which narrowly passed.⁷³

The downfall of President Syngman Rhee occurred in 1960 in what became known as the April Revolution. In 1960, President Syngman Rhee won the Presidential election for the fourth time in a row. However, this election allegedly involved significant fraudulent practices. Many South

members of the National Assembly in the presence of two-thirds of the members duly elected and seated. In case no candidate receives two-thirds of the votes, a second ballot shall be taken. In case no candidate receives two-thirds of the votes in the second ballot, a run-off balloting shall be conducted between the two candidates who received the highest number of votes and the candidate who received the plurality of the votes in the run-off balloting shall be elected.

⁶⁷ Article 51 Constitution of the Republic of Korea (1948): *The President shall be the head of the executive branch of Government and shall represent the Republic in external relations.*

⁶⁸ Strnad, "The Sixth Republic under Roh Tae Woo: The Genesis of South Korean Democracy." *Op.Cit.*

⁶⁹ Article 69 Constitution of the Republic of Korea (1948): *The President shall appoint the Prime Minister with the consent of the National Assembly. When the National Assembly convenes after a general election, the appointment of the Prime Minister shall be confirmed by the National Assembly. The ministers shall be appointed by the President. The total number of ministers shall be not more than 15 and not less than 8. No military personnel shall be appointed Prime Minister or minister unless he has resigned from active service.*

⁷⁰ Karl Loewenstein, *Political Power and the Governmental Process* (Chicago: University of Chicago Press, 1957).

⁷¹ Chi Young Pak, "The Third Republic Constitution of Korea: an Analysis." *Op.Cit.*

⁷² Article 55 Constitution of the Republic of Korea (1954): *The President and Vice-President shall hold office for a term of four years. However, re-election to consecutive terms shall be permissible for one time only.*

⁷³ Chi Young Pak. *Op.Cit.*

Koreans are dissatisfied with his authoritarian government and alleged fraud in the election. As allegations of cheating became more widespread, student and civil society protests began to erupt across South Korea. Finally, on April 26, 1960. President Syngman Rhee announced his resignation after years in power.⁷⁴ His resignation was aimed at stopping the escalation of violence and preventing a possible civil war in South Korea. After the resignation of President Syngman Rhee, South Korea went through a transition period with four changes of presidential acting officials. After the interim government, the 2nd permanent President, Yun Bo-son, who was the former Minister of Finance and Trade during President Syngman's administration, was elected.⁷⁵

The resignation of President Syngman Rhee paved the way for a period of political transition in South Korea. The decline of Syngman Rhee is a sign of South Korea entering the Constitution of the Second Republic which is accompanied by an amendment to the Constitution of South Korea that evaluates the failure of the presidential system that gave birth to an authoritarian President, thus leading to the implementation of a parliamentary system. Amendments were proposed on June 10, 1960 which introduced a parliamentary accountability system, a parliamentary accountability system to strengthen judicial power, including the establishment of the Constitutional Court. On November 29, 1960, the fourth amendment was promulgated, there was no longer a Vice President but rather the Prime Minister replaced his function.⁷⁶

The Constitution of the Second Republic was intended to remedy the weaknesses of the first republican system by experimenting with using a parliamentary system that concentrated all important Constitutional powers in the National Assembly.⁷⁷ The question of South Korea's constitution is not over despite a series of amendments and the rise and fall of the President, coupled with the rule run by the military.⁷⁸ From 1961-1987 there has been a series of overhauls of the government and the Presidency with diverse backgrounds, and it has not made South Korea a stable country in all fields. The presidential and parliamentary systems, which had been experimented with in the 1948-1987 phase, had their own weaknesses, where the parliamentarians applied in the second republic phase, were considered to have more weaknesses, especially regarding political instability.⁷⁹

⁷⁴ Chi Young Pak.Op.Cit.

⁷⁵ J Mark Mobius, "The Japan-Korea Normalization Process and Korean Anti-Americanism," *Asian Survey* 6, no. 4 (Maret 1966): 241-48, <https://doi.org/10.2307/2642122>.

⁷⁶ Since then, South Korea has not had a Vice President. The Prime Minister replaces the Vice President. The position of the Prime Minister in South Korea is different from the position of the Prime Minister in Parliamentary countries which separate the functions of the Head of State and the Head of Government. However, the Prime Minister's position in South Korea is as "Vice President". This is because in its history, at the beginning of the South Korean government, there was a Vice President, but the name of the position was changed to Prime Minister. See in J. Mark Mobius.Op.Cit.

⁷⁷ Chaihark Hahm, *The Constitution of South Korea: A Contextual Analysis* (Berlin: Bloomsbury Publishing, 2023).

⁷⁸ Chi Young Pak, "The Third Republic Constitution of Korea: an Analysis."Op.Cit.

⁷⁹ Over a period of less than forty years, South Korea has undergone nine revisions of the Constitution. In other words, each revised Constitution lasts less than four and a half

South Korea places great importance on stability and avoids fragmentation because the country has always been overshadowed by North Korea as a great enemy and a time bomb for South Korea.⁸⁰ The major pre-1987 evaluation of the system of government, which later became the reason behind the amendment of the 1987 Constitution of South Korea, namely, political leadership in the past that was personal so that it allowed its control outside the Constitution, the apathy of the people and the lack of pressure groups on every government policy, the lack of the role of the judiciary in balancing other powers and the prolonged social and economic problems that contributed to the rise of dictatorial power that is personal.⁸¹ From the evaluation, finally the spirit of the amendment to the South Korean Constitution is to maintain the continuity of democratic institutions through an independent and strong executive (President) on the one hand, on the other hand to create effective supervision to prevent the birth of dictatorship.⁸² South Korea implements a separation of powers that separates executive, legislative and judicial powers. South Korea's legislative power is the *National Assembly*, which is also directly elected by the people,⁸³ with a minimum number of members of the National Assembly of 200 people.⁸⁴ The term of office of the National Assembly is not the same as that of the President, which is 4 years.⁸⁵

The amended Constitution and the Presidential Election Act of 1987 provided for the election of the President by direct and secret ballot, ending sixteen years of indirect presidential elections under the previous two governments. The 1987 Constitution affirms that South Korea's sovereignty is in the hands of the people and that sovereignty is the source of all power in South Korea.⁸⁶ Democratization is supported by the guarantee of political

years. In eight of these nine revisions, the main issue was the restructuring of power. Through this process, South Korea has tried almost every system of government known to modern democracies, including the presidential system, the parliamentary system, and the direct and indirect electoral process. Hakjoon Kim, "The Influence of the American Constitution on South Korean Constitutional Development Since 1948," *Asian Perspective* 16, no. 2 (1992): 25-42.

⁸⁰ Over a period of less than forty years, South Korea has undergone nine revisions of the Constitution. In other words, each revised Constitution lasts less than four and a half years. In eight of these nine revisions, the main issue was the restructuring of power. Through this process, South Korea has tried almost every system of government known to modern democracies, including the presidential system, the parliamentary system, and the direct and indirect electoral process. *Ibid.*

⁸¹ Chi Young Pak, "The Third Republic Constitution of Korea: an Analysis." *Op.Cit.*

⁸² *Ibid.*

⁸³ Article 40 Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The legislative power shall be vested in the National Assembly.*

⁸⁴ Article 41 (2) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The number of members of the National Assembly shall be determined by law, but the number shall not be less than 200.*

⁸⁵ Article 42 of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The term of office of members of the National Assembly shall be four years.*

⁸⁶ Article 1, (2) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The sovereignty of the Republic of Korea shall reside in the people, and all state authority shall emanate from the people.*

rights and protection from discrimination in any form.⁸⁷ South Korea guarantees that no law at any level will restrict the political rights of any of its citizens. The⁸⁸ President of South Korea is directly elected by the people with a term of office of 5 years and cannot be re-elected,⁸⁹ which means that the President who serves only has a 1-term opportunity. In the current exercise of executive power, there is no Vice President, whose roles and functions are replaced by the Prime Minister appointed by the President with the 'consent' of the National Assembly,⁹⁰ which functions to assist the President and coordinate the executive ministries.⁹¹

In the 1987 Constitution, there is no provision that affirms the Prime Minister as the head of government. If in the appointment of the Prime Minister, the President requires the approval of the National Assembly—where the approval is legally binding, then in the dismissal of the Prime Minister, the role of the National Assembly is only limited to making recommendations,⁹² which are not legally binding and the President is not obliged to implement the recommendations.⁹³ The Prime Minister is empowered by the Constitution to recommend the appointment of the Head of Ministry to the President for appointment,⁹⁴ thus the authority to form the ministry rests with the Prime Minister who proposes it to the President—and the President cannot necessarily appoint the Head of Ministry without a proposal from the Prime Minister. In addition to the President, Prime Minister, Head of Ministry, in executive power there is a body called the *State Council*.

The State Council is composed of the President, the Prime Minister and other members appointed by the President on the recommendation of the

⁸⁷ Article 11 (1) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *All citizens shall be equal before the law, and there shall be no discrimination in political, economic, societal or cultural life on account of sex, religion or social status.*

⁸⁸ Article 13 (2) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *No restrictions shall be imposed upon the political rights of any citizen, nor shall any person be deprived of property rights by means of retroactive legislation.*

⁸⁹ Article 70 of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The term of office of the President shall be five years, and the President shall not be reelected.*

⁹⁰ Article 86 (1) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The Prime Minister shall be appointed by the President with the consent of the National Assembly*

⁹¹ Article 86 (2) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The Prime Minister shall assist the President and shall direct the Executive Ministries under order of the President.*

⁹² Article 63 (1) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The National Assembly may pass a recommendation for the removal of the Prime Minister or a State Council member from of 274 fice.*

⁹³ Yuki Onishi, "Tsuyoi Daitouryou Toiu Kankoku Seiji-No Gensou: Kokumusouri Ninmei-to Daitouryou Hisyositsu [The Myth of 'Strong President' in Korean Politics: Appointment of the Prime Minister and the Presidential Office]," in *Seiji-Teki Eguzekutxibu-No Hikaku Kenkyuu [Comparative Studies on Political Executives]*, ed. M. Ito (Tokyo: Waseda University Press, 2008), 131–153. Quoted in Yuki Asaba, "Presidentialism in Korea: A Strong President and a Weak Government," in *Presidents, Assemblies and Policy-Making in Asia* (London: Palgrave Macmillan UK, 2013), 40–58, https://doi.org/10.1057/9781137315083_3.

⁹⁴ Article 94: *Heads of Executive Ministries shall be appointed by the President from among members of the State Council on the recommendation of the Prime Minister.*

Prime Minister.⁹⁵ *The State Council* acts as a consultative council that considers the strategic policies of the country to be taken by the President,⁹⁶ including: the outline of the direction of the country, the declaration of war, foreign relations, the proposal for amendments to the Constitution, the state budget policy, the emergency constitutional law in all sectors, military affairs, the request for an extraordinary session in the National Assembly, the awarding of the mark of honor, the judicial rights of the President, the limitation of the jurisdiction of the ministries, Allocation of executive powers, evaluation of state administration, coordination of ministerial policies, dissolution of political parties, examination of petitions submitted to the executive, appointment of public officials and the results of the work of officials at the executive level.⁹⁷ *The State Council* serves as an advisory body and has the authority to examine important decisions made by the President before they are implemented. The Council of State does not have direct power in decision-making, but it has a strong consultative function.⁹⁸

Referring to the series of South Korean government systems, ranging from the President, the Prime Minister, *the State Council*, to the legislative power by the National Assembly, some scholars identify South Korea as a country that implements a semi-Presidential system. Fitra Arsil said that the South Korean phenomenon is part of a modification of the features of the parent government system, namely parliamentary (UK) and presidential (United States).⁹⁹ The modification is commonly carried out by adopting countries as an effort to create stability and the result of adjustment to the national situation.¹⁰⁰ Semi-presidential or semi-parliamentary depending on which direction the power pendulum is leaning, if it is more inclined to the executive, then like South Korea, which is semi-presidential, on the other hand, if the power pendulum is more to the parliament, then it is said to be semi-parliamentary.¹⁰¹

If you look at the design of the South Korean executive, the influence of parliamentary authority on the executive is fairly minimalist, starting from the direct election of the President by the people not from the parliament, the National Assembly is limited to approving (accepting/rejecting) the Prime Minister's proposal submitted by the President—not to determine who the Prime Minister's official is, the National Assembly is limited to recommending (not binding) the dismissal of the Prime Minister, the Prime Minister who acts not as the head government—but only the functions of the Vice President and the coordinator of ministries to the *check* mechanism against the

⁹⁵ Article 87 Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The members of the State Council shall be appointed by the President on the recommendation of the Prime Minister.*

⁹⁶ Article 88 Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The State Council shall deliberate on important policies that fall within the power of the Executive.*

⁹⁷ Article 89 Korea (Republic of)'s Constitution of 1948 with Amendments through 1987.

⁹⁸ Larry Diamond dan Doh Chull Shin, *Institutional Reform and Democratic Consolidation in Korea* (Stanford: Hoover Institution Press, n.d.).

⁹⁹ Fitra Arsil, *Teori Sistem Pemerintahan: Pergeseran Konsep dan Saling Kontribusi Antar Sistem Pemerintahan di Berbagai Negara* (Depok: Rajagrafindo Persada, 2017).

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

President which is built through an internal mechanism by the *State Council*. South Korea's semi-presidential system reflects an attempt to divide power between the President and the national assembly, combining elements of the presidential and parliamentary systems. The goal is to strike a balance between executive stability provided by the President and government accountability represented by the national assembly.¹⁰²

The classification of South Korea as semi-presidential has colored the theoretical debate among scholars that has been quite protracted. Elgie defines the semi-presidential system as a regime led by the President with permanent office through direct elections, and accompanied by the Prime Minister and the cabinet responsible to the legislature.¹⁰³ Elgie argued that although South Korea does not recognize the Prime Minister's responsibility to the legislature, but the appointment of a Prime Minister that requires legislative approval is considered as a dependence on the relationship between the executive and the legislature—it is possible for the legislature to withhold approval and finally the executive is impasse because only the Prime Minister can form a ministry—the President is limited in approving/rejecting the proposal from the Prime Minister regarding the cabinet.¹⁰⁴

Shugart has the opposite opinion with Elgie, he interprets a system of presidential systems almost similar to Elgie's, in which the survival of the cabinet and the Prime Minister is in the legislature and the legislature begins to be appointed and dismissed—all dependent on the legislature. With this in mind, Shugart assesses that South Korea is not semi-presidential, but presidential because the survival of the cabinet and the Prime Minister is in the hands of the President and the National Assembly is limited in recommending dismissal—something that is not legally binding for the President.¹⁰⁵ Both Elgie and Shugart, both have the same meaning of semi-presidential inspired by Maurice Duverger's thought which explains the semi-presidential character in 3 ways: The direct election of the President by the people, the powerful power of the President, and the life and death of the cabinet and the Prime Minister depending on the parliament.¹⁰⁶

Looking at the semi-presidential theoretical discourse of South Korea, it is even more interesting to see how the political experience has occurred. In Asaba's note, although the recommendation to dismiss the Prime Minister from the National Assembly against the President is not legally binding, in practice the President has never once rejected the recommendation. The

¹⁰² Onishi, "Tsuyoi daitouryou toiu kankoku seiji-no gensou: kokumusouri ninmei-to daitouryou hisyositsu [The Myth of 'Strong President' in Korean Politics: Appointment of the Prime Minister and the Presidential Office]."Op.Cit.

¹⁰³ Robert Elgie dan Sophia Moestrup, *Semi-presidentialism outside Europe: A comparative study, Semi-Presidentialism Outside Europe: A Comparative Study*, 2007, <https://doi.org/10.4324/9780203954294>.

¹⁰⁴ *Ibid.*

¹⁰⁵ Matthew Søberg Shugart, "Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns," *French Politics* 3, no. 3 (2005), <https://doi.org/10.1057/palgrave.fp.8200087>.

¹⁰⁶ Maurice Duverger, "A New Political System Model: Semi - Presidential Government," *European Journal of Political Research* 8, no. 2 (1980), <https://doi.org/10.1111/j.1475-6765.1980.tb00569.x>.

consideration of the executive minority party is the key reason why the President never rejected the proposal of the National Assembly, the President as much as possible avoided executive-legislative fragmentation through the neglect of recommendations.¹⁰⁷ For example, in 2001, the National Assembly issued a recommendation for the dismissal on September 3, 2001 to Lim Dong Won, who served as the Minister of Unification in charge of South and North Korean relations. At that time, the President's party was the minority and the opposition was the majority party, so President Kim Dae Jun implemented the recommendations of the opposition-controlled National Assembly.¹⁰⁸

The basic commitment of the drafters of the South Korean Constitution from the beginning was to compromise the presidential and parliamentary systems into a system that scholars call semi-presidential. In the event of a presidential vacancy, in the trajectory of South Korea's history has provisions that change according to the political situation behind the drafting of amendments. In the 1948 Constitution of the Republic of South Korea, which is the first Constitution, it regulates the condition of vacancy in the Presidential Office, but the 1948 Constitution does not detail the reasons behind the dismissal of the President such as impeachment, death and so on. The reason for the vacancy of the Presidential position is still general, written in the 1948 Constitution '*for any reason*'.¹⁰⁹ Any reason can make the position of President vacant and when there is a vacancy, the Vice President will take over the position of President. If it turns out that the Vice President is also obstructed so that there is a vacancy at the same time as the President and Vice President, then the Prime Minister will take over the position of President,¹¹⁰ with a duration of 30 days starting from the vacancy of the positions of President and Vice President. At the same time, the National Assembly held elections to fill the new President and Vice President.¹¹¹ The Prime Minister is appointed by the President with the approval of the National Assembly¹¹²—the same mechanism as the Constitution in force today in South Korea (1987).

The next constitution, namely the 1954 South Korean Constitution, changed several provisions in the previous Constitution, such as abolishing the position of Prime Minister and changing the electoral system. South Korea's 1954 constitution also does not specify the conditions that can cause the office of President to become vacant. Any reason can make the position

¹⁰⁷ Asaba, "Presidentialism in Korea: A Strong President and a Weak Government." Op. Cit.

¹⁰⁸ *Ibid.*

¹⁰⁹ Article 52 Constitution of the Republic of Korea (1948): *In case the President is unable to execute his office for any reason.*

¹¹⁰ Article 52 Constitution of the Republic of Korea (1948): *In case the President is unable to execute his office for any reason, the Vice-President shall act for him and in case both the President and Vice-President are unable to perform their duties, the Prime minister shall act for the President.*

¹¹¹ Article 56 Constitution of the Republic of Korea (1948): *The election for the President and Vice-President shall be held no later than 30 days before the expiration of the term of the proceeding President and Vice-President. The vacancy of the President or Vice-President shall be filled without delay by election in the National Assembly.*

¹¹² Article 69 Constitution of the Republic of Korea (1948): *The President shall appoint the Prime Minister with the consent of the National Assembly.*

of President vacant and when that vacancy occurs, the Vice President will take over the position of President until the end of his term.¹¹³ If it turns out that the Vice President is also obstructed so that there is a vacancy at the same time as the President and Vice President, then *the State Council* in the order determined by law will take over the position of President. The ¹¹⁴ *State Council* at that time was appointed by the President,¹¹⁵ as an assistant to the President in deciding important policies—although *the State Council* was appointed by the President, its survival depended on the parliament, because if a motion of no confidence in the *State Council* was issued, the *State Council* would have to resign from its position.¹¹⁶

Next, the 1960 Constitution of the Republic of South Korea abolished the position of Vice President and revived the position of Prime Minister. South Korea's 1960 constitution does not specify the conditions that can cause the office of president to become vacant. Any reason can make the President's office vacant and when there is a vacancy, the *President of the House of Councillors*, the Speaker of the House of Representatives and the Prime Minister will exercise the President's power in stages.¹¹⁷ In the 1962 Constitution of the Republic of South Korea, in the event of a vacancy in the position of President, the Prime Minister or one of the members of the State Council will become President in a tiered order (the priority is the Prime Minister).¹¹⁸ In this Constitution, the Prime Minister rises to the first priority of replacing the President with permanent obstruction. The 1969 Constitution of the Republic of South Korea has the same provisions as the 1962 Constitution of the Republic of South Korea¹¹⁹ and the 1972 Constitution of the Republic of South Korea¹²⁰ in the event of a vacancy in the position of President, namely replaced by the Prime Minister or one of the

¹¹³ Article 55, (2) Constitution of the Republic of Korea (1954): *In case a vacancy exists in the office of the President, the Vice-President shall succeed the President during the remaining period of the term.*

¹¹⁴ Article 52 Constitution of the Republic of Korea (1954): *In case the President is unable to execute his office for any reason, the Vice-President shall act for him and in case both the President and Vice-President are unable to perform their duties, the Prime minister shall act for the President.*

¹¹⁵ Article 69 Constitution of the Republic of Korea (1954): *The Members of the State Council shall be appointed by the President.*

¹¹⁶ Article 70-II Constitution of the Republic of Korea (1954): *Any member of the State Council shall forthwith resign when a resolution of non-confidence shall have been adopted against him by the House of Representatives.*

¹¹⁷ Article 52 Constitution of the Republic of Korea 1960: *In case of the removal of the President from his office or inability to exercise his power, the President of the House of Councillors, the Speaker of the House of Representatives and the Prime Minister shall successively exercise the power of the President.*

¹¹⁸ Article 70 Constitution of the Republic of Korea 1962: *In case of vacancy in the office of the President or of his inability to perform his duties, the Prime Minister or one of the members of the State Council, in the order of priority as determined by law, shall act as the President.*

¹¹⁹ Article 70 Constitution of the Republic of Korea 1969: *In case of vacancy in the office of the President or of his inability to perform his duties, the Prime Minister or one of the members of the State Council, in the order of priority as determined by law, shall act as the President.*

¹²⁰ Article 48 Constitution of the Republic of Korea 1972: *In case of vacancy in the Office of the President or of his inability to discharge the powers and duties, the Prime Minister and the members of the State Council in the order of priority as determined by law shall act as the President.*

members of the State Council will become the President in a tiered order (the priority is the Prime Minister).

The 1980 Constitution of the Republic of South Korea has the same provisions as the previous 3 Constitutions in terms of the vacancy of the position of President, namely being replaced by the Prime Minister or one of the members of the State Council,¹²¹ but there is a difference in the formulation of the norm in Article 46, namely there is an affirmation of the position of the President who is replaced, namely the successor exercises the powers and duties of the President—a formula that was not in the previous Constitution. In the 1980 Constitution of the Republic of South Korea it is written "*..the President to discharge the powers and duties of the presidency...*" which means the powers and duties of the presidency.

The last constitution of South Korea was the 1987 Constitution of the Republic of South Korea which made major changes to the previous presidential election which was not immediately changed directly by the people.¹²² In the Constitution, the architecture built in a semi-presidential framework aimed at maintaining government stability is outlined in the process of impeachment of the President, Prime Minister, and Head of Executive Ministry which must go through a judicial process at the Constitutional Court submitted by the National Assembly through a motion of impeachment.¹²³ This means that the National Assembly cannot necessarily unilaterally dismiss officials in executive power—even in dismissing the Prime Minister, the National Assembly is limited to making recommendations that are not legally binding.¹²⁴ In the event of a vacancy in the President's office, the President's position will be replaced by the Prime Minister or a member of the State Council in priority matters. This is written in Article 71 of the Constitution of the Republic of Korea 1987: *If the ofce of the presidency is vacant or the President is unable to perform his duties for any reason, the Prime Minister or the members of the State Council in the order of priority as determined by law shall act for him.*

After the implementation of the 1987 Constitution of the Republic of South Korea, there were two impeachment motions submitted by the National Assembly, namely the impeachment attempt of President Roh Moo-Hyun in 2004 and President Park Gyeun-hye in 2016. President Roh Moo-Hyun received a motion for impeachment from his political opponents in the National Assembly, but the attempt failed because the Constitutional Court

¹²¹ Article 46 Constitution of the Republic of Korea 1980: *In case of a vacancy in the office of the President, or the inability of the President to discharge the powers and duties of the presidency, the Prime Minister or the members of the State Council in the order of priority as determined by law shall act as the President.*

¹²² Article 67 Constitution of the Republic of Korea 1987: *The President shall be elected by universal, equal, direct and secret ballot by the people.*

¹²³ Article 65 Constitution of the Republic of Korea 1987: *In case the President, the Prime Minister, members of the State Council, heads of Executive Ministries, judges of the Constitution Court, judges, members of the Central Election Management Committee, members of the Board of Audit and Inspection, and other public ofcials designated by law have violated the Constitution or other laws in the performance of ofcial duties, the National Assembly may pass motions for their impeachment.*

¹²⁴ Article 63 Constitution of the Republic of Korea 1987: *The National Assembly may pass a recommendation for the removal of the Prime Minister or a State Council member from ofCe.*

rejected the impeachment motion on the grounds that there was no violation of the law committed by President Roh Moo-Hyu, President Roh Moo-Hyun finally returned to office as President after his power was temporarily frozen.¹²⁵ The successful impeachment of President Park Gyeun-hye in 2016 was because President Park Gyeun-hye's close friend, Choi Soon-sil had used President Park Gyeun-hye's influence to get in touch with *chaebol*/conglomerate. The impeachment of President Park Gyeun-hye was filed on December 9, 2016 with 234 votes and 56 against.¹²⁶ Outside the arena of power, civil society held *candlelight protests* for days, as an expression of disappointment with President Park Gyeun-hye,¹²⁷ Shin considered the movement an effort to clean up and improve the country's order that had been undermined by South Korea's elites.¹²⁸

The Constitutional Court granted the motion of impeachment filed by the National Assembly, 6 judges agreed and 3 judges rejected. The impeachment of President Park Gyeun-hye is the first instance of a president being removed from office since the country's democratization in 1987.¹²⁹ On the day when the Constitutional Court granted the impeachment, Prime Minister Hwang Kyo-ahn immediately took over the position of President (interim) at 19.30 local time and immediately occupied *Cheong Wa Dae*/Blue House (Presidential Palace). South Korea does not recognize the distinction between the President and the President's temporary officials, so (whoever) replaces the President according to the Constitution, immediately occupies *Cheong Wa Dae* and serves as President.¹³⁰ After Hwang Kyo-ahn temporarily served as President, South Korea held a *special election* and President *Moon Jae In* was elected as the 19th President of South Korea in May 2017.¹³¹

The entire Constitution of South Korea (1948-1987) does not regulate in detail what powers the President exercises by his successors, namely the Prime Minister and Members of the State Council. The 1987 South Korean Constitution does not mention the type of position of successor to the President as in Indonesia (acting presidential functionary)—so that according to the writer of the South Korean Constitution does not distinguish between the President's temporary official and the President, the power of the President's temporary official is constitutionally the same as that of the President, written in Article 71 "..... *as determined by law shall act for him*.¹³² The power of the President of South Korea is regulated in several articles, including in Articles 74-83 of the 1987 South Korean Constitution. In the

¹²⁵ Kim Da-sol, "Revisiting Roh Moo-hyun impeachment," *koreaherald*, 2016.

¹²⁶ Grace Gandhi, "Parlemen Korea Selatan Tetapkan Pemakzulan Presiden Park Besok," *Tempo*, 2016.

¹²⁷ Gi Wook Shin dan Rennie J. Moon, "South Korea after impeachment," *Journal of Democracy* 28, no. 4 (2017), <https://doi.org/10.1353/jod.2017.0072>.

¹²⁸ Gi Wook Shin, "South Korea's democratic decay," *Journal of Democracy*, 2020, <https://doi.org/10.1353/jod.2020.0048>.

¹²⁹ BBC News, "Park Geun-hye: South Korea lawmakers vote to impeach leader," *Bbc.Com*, 2016.

¹³⁰ Igor Scheurkogel, "Reform of the South Korea Single-Term Presidential System," 2016.

¹³¹ Shin, "South Korea's democratic decay." *Loc.cit.*

¹³² Article 71 Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *If the ofce of the presidency is vacant or the President is unable to perform his duties for any reason, the Prime Minister or the members of the State Council in the order of priority as determined by law shall act for him.*

Article, it is emphasized that the President serves as the commander-in-chief of the armed forces, which further provisions are regulated in the law.¹³³

South Korea's 1987 constitution also gives the power to form *Presidential Decrees*, in¹³⁴ order to implement a law¹³⁵ and also appoint public officials who aim to carry out the interests of a law.¹³⁶ The President has flexible power to take fiscal action in order to deal with domestic and foreign turmoil caused by any reason.¹³⁷ The President has the right to grant judicial rights such as amnesty and restoration of rights that are limited in nature, meaning that the President needs the approval of the National Assembly in granting these judicial rights.¹³⁸ In addition to judicial rights, the President can also give only marks and other honors that in exercising this power do not need the approval of the National Assembly.¹³⁹

South Korea's constitution regulates the mechanism for electing a new President to replace the vacant previous President's office. In the trajectory of the history of the South Korean Constitution, there are 4 models of filling the new President who replaces the vacancy of the Presidential office, namely election by the National Assembly, there is no new Presidential election where the successor of the President serves until the end of the previous President's term, elected by the Presidential Election Council and directly elected by the people.

The first model, the election of the President by the National Assembly, is contained in the first Constitution of South Korea, namely the 1948 Constitution of South Korea where the National Assembly elects a new President and Vice President if there is a vacancy in the positions of President and Vice President. The timing of the election is not regulated in detail, the 1948 Constitution of South Korea only provides for the election '*without delay*'—without delay from the day on which the positions of President and Vice President are vacant at the same time.¹⁴⁰ The second filling model is not

¹³³ Article 74 Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The President shall be Commander-in-Chief of the Armed Forces as prescribed by the Constitution and law.*

¹³⁴ Article 75 of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *The President may issue presidential decrees concerning matters delegated to him by law with the scope specifically de281and also matters necessary to enforce laws.*

¹³⁵ As of now, South Korea has 823 *Presidential Decrees*. See "Statutes of the Republic of Korea," n.d.

¹³⁶ Article 78 Constitution of the Republic of Korea 1987: *The President shall appoint public of281cials as prescribed by the Constitution and law.*

¹³⁷ Article 76 Constitution of the Republic of Korea 1987: *In time of internal turmoil, external menace, natural calamity or a grave nancial or economic crisis, the President may take in respect to them the minimum necessary nancial and economic actions or issue orders having the effect of law, only when it is required to take urgent measures for the maintenance of national security or public peace and order, and there is no time to await the convocation of the National Assembly.*

¹³⁸ Article 79 Constitution of the Republic of Korea 1987: *1. The President may grant amnesty, commutation and restoration of rights as prescribed by law. 2. The President shall receive the consent of the National Assembly in granting a general amnesty.*

¹³⁹ Article 80 Constitution of the Republic of Korea 1987: *The President shall award decorations and other honors as prescribed by law.*

¹⁴⁰ Article 56 Constitution of the Republic of Korea 1948: *The election for the President and Vice-President shall be held no later than 30 days before the expiration of the term of the*

to hold a new presidential election, meaning that the President's successor serves until the end of the previous President's term. This model is found in 3 South Korean Constitutions, namely the 1962 Constitution of the Republic of South Korea,¹⁴¹ the 1969¹⁴² Constitution of the Republic of South Korea and the 1972 Constitution of the Republic of South Korea¹⁴³. In this second model, the 1972 Constitution of the Republic of South Korea has a difference from the others, namely if the vacancy of the President's office becomes less than 1 year of the remaining term of the previous President, there is no new election and his successor serves until the end of the remaining term of the previous President. On the other hand, if the vacancy occurs for more than 1 year, an election will be held by *the National Conference* to elect a new President within 3 months.¹⁴⁴

The third model is chosen by the Presidential *Electoral College*¹⁴⁵ which is *ad hoc*. When there is a vacancy in the Presidential office, the Presidential Election Council is formed and within 3 months a new President must be elected. The last model of filling vacancies in the office of President is through direct election by the people. The model is in the 1954 Constitution of the Republic of South Korea with an election duration of 3 months must have elected a new President,¹⁴⁶ the 1960 Constitution of the Republic of South Korea (no duration)¹⁴⁷ and the 1987 Constitution of the Republic of South Korea. In the 1987 Constitution of the Republic of South Korea, if there is a vacancy in the Presidential Office, an election will be held and within 60 days a new President must be elected.¹⁴⁸ Regarding the election mechanism

proceeding President and Vice-President. The vacancy of the President or Vice-President shall be filled without delay by election in the National Assembly.

¹⁴¹ Article 69, (2) of the Constitution of the Republic of Korea 1962: *In case of vacancy in the office of the President, the successor shall hold office during the remaining term of his predecessor.*

¹⁴² Article 69, (2) of the Constitution of the Republic of Korea 1969: *In case of vacancy in the office of the President, the successor shall hold office during the remaining term of his predecessor.*

¹⁴³ Article 45 Constitution of the Republic of Korea 1972: *At the expiration of the term of office of the President, the National Conference for Unification shall elect a successor at least thirty days before the term of the incumbent President expires. In case of vacancy in the office of the President, the National Conference for Unification shall elect a successor within three months. However, if the remaining term of office of the President is less than one year, a successor shall not be elected. In case of vacancy in the office of the President, the term of a successor shall be the remaining term of his predecessor.*

¹⁴⁴ *Ibid.*

¹⁴⁵ The Presidential Election Council is a Presidential electorate directly elected by the people, where this Council will be dissolved automatically on the first day of the President's office. See Articles 40 and 41 of the 1980 Constitution of the Republic of Korea.

¹⁴⁶ Article 55 Constitution of the Republic of Korea 1954: *In case of vacancies in both the office of the President and the office of the Vice-President, a member of the State Council selected in the order specified by law and in accordance with the provisions of Article 52 shall act as President. Within three months after the date on which such vacancies occurred, an election for President and Vice-President shall be held.*

¹⁴⁷ Article 56 Constitution of the Republic of Korea 1960: *In case of a vacancy in the office of the President, an election shall be held immediately.*

¹⁴⁸ Article 68, (2) of Korea (Republic of)'s Constitution of 1948 with Amendments through 1987: *In case a vacancy occurs in the office of the President or the President-elect dies, or is disqualified by a court ruling or for any other reason, a successor shall be elected within sixty days.*

whether direct or indirect, the 1987 Constitution of the Republic of South Korea does not regulate in detail, it can be found in South Korea's *Public Official Election Act*, in which the rules are known as 'special elections' similar to the model in the Philippines. In Article 35 of the *Public Official Election Act*, it is emphasized about:

An election to fill up a presidential vacancy or reelection (excluding a reelection provided for in paragraph (3); hereafter the same shall apply in paragraph (2)) shall be held within 60 days from the time when the cause for holding the election becomes definite, but the election day shall be publicly announced by the President or acting President by no later than 50 days before the election day.

In Article 45 of the *Public Official Election Act*, it is emphasized when the special election can be held and must be completed. The special election for the President begins from the day from the 'cause' of the vacancy of the President and within 60 days from that date, the new President must have been elected through direct election by the people. According to Article 200 of the *Public Official Election Act*, the interim successor of the President (the Prime Minister) is charged with the obligation to notify the General Election Commission that there has been a vacancy in the Presidential Office for some reason, since then 60 days are counted when the information has been received by the General Election Commission.¹⁴⁹ The following is a summary of all the descriptions in this section:

Table 2 Presidential Election, Successor, Mechanism and Duration of Filling Presidential Vacancies in South Korea

Constitution of the Republic of South Korea	Presidential Election (By the People/by Parliament)	Replacement of Vacancies for Concurrent Presidential and Vice President Positions	Mechanism for Electing New Presidents and Vice Presidents	Duration of Presidential and Vice Presidential Elections
Constitution of the Republic of South Korea 1948	elected by the National Assembly. (Art. 53)	Premier (Art. 52)	elected by the National Assembly. (Art.56)	None
Constitution of the Republic of South Korea 1954	elected by the people. (Art.53)	<i>State Council</i> (Art. 52)	Elections by the people (Art.55)	3 Months (Art. 55)
Constitution of the Republic of South Korea 1960	Elected by the National Assembly (Art. 53)	1. Member of the <i>State Council</i> , 2. The Speaker of the House of Representatives and	Election by the people (Art. 56)	None

¹⁴⁹ "Public Official Election Act," n.d.

		3. Premier. (Art. 52)		
Constitution of the Republic of South Korea 1962	Elected by the People (Art. 64)	1. Premier 2. Member of <i>the State Council.</i> (Art. 70)	The President's successor, holding office for the remainder of the previous President's term. (Art. 69)	The President's successor, holding office for the remainder of the previous President's term. (Art. 69)
Constitution of the Republic of South Korea 1969	Elected by the People (Art. 64)	1. Premier 2. Member of <i>the State Council.</i> (Art. 70)	The President's successor, holding office for the remainder of the previous President's term. (Art. 69)	The President's successor, holding office for the remainder of the previous President's term. (Art. 69)
Constitution of the Republic of South Korea 1972	Elected <i>The National Conference for Unification</i> (National Conference consists of delegates elected by general election) (Art. 39)	1. Premier 2. Member of <i>the State Council.</i> (Art. 48)	1. The President's successor, holding office for the remainder of the previous President's term. (if the remaining term is less than 1 year). 2. If it is more than 1 year, then <i>the National Conference for Unification</i> elects a new President. (Art. 45)	1. Successor to the President, holding office for the remainder of the previous President's term (if the remaining term of office is less than 1 year) 2. If it is above, then 3 months must have elected a new President. (Art. 45)
Constitution of the Republic of South Korea 1980	<i>Presidential electoral college</i> (Presidential electors elected)	1. Premier 2. Member of <i>the State Council.</i> (Art. 46)	The Presidential Election Council will be newly formed (Art. 43)	3 months (Art. 43)

	through general elections). (Art.39)			
Constitution of the Republic of South Korea 1987	Directly elected by the people (Art. 67)	1. Premier 2. Member of <i>the State Council.</i> (Art. 71)	By the People through Special Election (Public Official Election Act, Art. 35, 2009- 02-12, Partial Amendment National Election Commission No. 9466)	60 Days (Art. 68)

IV. CONCLUSION

The study raises a very rare but profoundly important issue for the survival of the state: the simultaneous absence of executive power—a rare constitutional tragedy that demands systemic readiness from every state. Using a comparative approach, this article explores how South Korea and the Philippines, two Asian countries with well-established presidential systems, devised succession schemes capable of guaranteeing the continuity of government without serious disruption, even in emergency situations such as presidential impeachment. These two countries show that the existence of a clear, operational, and constitution-based multi-layered succession line is a key factor in preventing power vacuums that can cause political instability.

On the contrary, Indonesia still faces fundamental problems in the institutional design of power succession. The provisions of the task force handed over to three ministers—Foreign Affairs, Interior, and Defense—in a collective-collegial unit, actually opens up a new space of uncertainty if one or all of them are obstructed simultaneously. The absence of a replacement figure or line of substitution for the position creates a structural vacuum that poses a high risk in maintaining the continuity of government in times of crisis.

However, Indonesia has its own advantages in the aspect of constitutional legitimacy. The special election mechanism by the People's Consultative Assembly to elect a new President and Vice President is a rational and efficient choice, especially in the context of a large archipelagic country like Indonesia that faces not light geographical and logistical challenges. This mechanism not only avoids wasting time and resources, but also maintains political stability by remaining within the framework of a democratic representative system. The Philippines presents an interesting challenge for Indonesia, although both are inspired by the United States Constitution in the development of its national constitution, but in the affairs of the acting president, Indonesia becomes the Minister of Foreign Affairs, the Minister of Home Affairs and the Minister of Defense becomes the acting president. The Philippines became the Chairman of the Senate as the acting president. This is an offer for further research development to contextually

examine the two countries, both of which were inspired by the United States Constitution.

Thus, lessons learned from South Korea and the Philippines must be used as a critical reference for Indonesia to strengthen a more robust and layered legal design of succession of power. In the midst of the increasing complexity of global challenges and potential domestic crises, the resilience of the constitutional system should not be built on normative assumptions alone, but should be based on a concrete, flexible, and anticipatory institutional architecture. It is time for Indonesia to perfect its executive succession system, not just to patch up structural weaknesses, but to ensure that the wheels of government never stop spinning—even in the worst of circumstances.

REFERENCE

- Agamben, Giorgio. *State of Exception Translated by Kevin Attell*. Chicago: University of Chicago Press, 2004.
- Agoncillo, Teodoro Andal. *The Revolution Second Phase: History of the Filipino People*. University of the Philippines, 1990.
- Albert, Richard. “The Constitutional Politics of Presidential Succession.” *Hofstra Law Review* 29, no. 3 (2011): 498–576.
- Arsil, Fitra. *Teori Sistem Pemerintahan: Pergeseran Konsep dan Saling Kontribusi Antar Sistem Pemerintahan di Berbagai Negara*. Depok: Rajagrafindo Persada, 2017.
- Asaba, Yuki. “Presidentialism in Korea: A Strong President and a Weak Government.” In *Presidents, Assemblies and Policy-making in Asia*, 40–58. London: Palgrave Macmillan UK, 2013. https://doi.org/10.1057/9781137315083_3.
- Asshiddiqie, Jimly. *Pengantar Ilmu Hukum Tata Negara*. Jaka: Rajawali Pers, 2015.
- Bertrand, Jacques. *Nationalism and Ethnic Conflict in Indonesia*. Cambridge University Press, 2003. <https://doi.org/10.1017/CBO9780511559341>.
- Budi, Iwan Setia, dan Adi Prabowo Supriyono. “Separation And Distribution Of Power In The Concept Of A Democratic State In Indonesia.” *Constitutional Law Society* 3, no. 1 (31 Maret 2024): 25–35. <https://doi.org/10.36448/cls.v3i1.64>.
- Celoza, Albert F. *Ferdinand Marcos and the Philippines: the political economy of authoritarianism*. Boston: Greenwood Publishing, 1997.
- Chi Young Pak. “The Third Republic Constitution of Korea: an Analysis.” *Western Political Quarterly* 21, no. 1 (1968). <https://doi.org/10.1177/106591296802100109>.
- Chopra, Surabhi. “The Constitution of the Philippines and transformative constitutionalism.” *Global Constitutionalism* 10, no. 2 (Juli 2021): 307–30. <https://doi.org/10.1017/S2045381721000174>.
- Crompton, Crompton, Samuel Willard, Rahmat Herutomo, dan Y. Istiyono

- Wahyu. *100 Pertempuran Yang Berpengaruh Di Dalam Sejarah Dunia (100 Battles That Shapped World History)*. Pondok Cabe, Ciputat: Karisma Publishing Group, 2007.
- Cummings, Bruce. *The Origins of the Korean War: Liberation and the Emergence of Separate Regimes, 1945-1947*. New Jersey: Princeton University Press, 1981.
- Da-sol, Kim. "Revisiting Roh Moo-hyun impeachment." *koreaherald*, 2016.
- Damaitu, Emanuel Raja. "PLURALISM AND SOCIAL JUSTICE IN PANCASILA DEMOCRACY: BETWEEN IDEALS AND REALITY." *Constitutional Law Society* 4, no. 01 (27 Maret 2025): 1-17. <https://doi.org/10.36448/cls.v4i01.103>.
- Diamond, Larry, dan Doh Chull Shin. *Institutional Reform and Democratic Consolidation in Korea*. Stanford: Hoover Institution Press, n.d.
- Duverger, Maurice. "a new political system model: semi-presidential government." *European Journal of Political Research* 8, no. 2 (1980). <https://doi.org/10.1111/j.1475-6765.1980.tb00569.x>.
- Eaton, Kent. "Restoration or Transformation? Trapos versus NGOs in the Democratization of the Philippines." *The Journal of Asian Studies* 62, no. 2 (Mei 2003): 469-96. <https://doi.org/10.2307/3096246>.
- Elgie, Robert, dan Sophia Moestrup. *Semi-presidentialism outside Europe: A comparative study. Semi-Presidentialism Outside Europe: A Comparative Study*, 2007. <https://doi.org/10.4324/9780203954294>.
- European Parliamentary Research. "The political system of the Republic of Korea. BRIEFING Continental democracies," 2022.
- Fukuyama, Francis, Björn Dressel, dan Boo Seung Chang. "Facing the perils of presidentialism?" *Journal of Democracy* 16, no. 2 (2005). <https://doi.org/10.1353/jod.2005.0026>.
- Furr, Nathan, dan Susannah Harmon. *The Upside of Uncertainty: A Guide to Finding Possibility in the Unknown*. Cambridge: Harvard Business Review Press, 2022.
- Gandhi, Grace. "Parlemen Korea Selatan Tetapkan Pemakzulan Presiden Park Besok." *Tempo*, 2016.
- Groves, Bryan N. "Fighting the last war: Is presidential hindsight 20-20?" *Presidential Studies Quarterly* 53, no. 1 (2023). <https://doi.org/10.1111/psq.12821>.
- Hahm, Chaihark. *The Constitution of South Korea: A Contextual Analysis*. Berlin: Bloomsbury Publishing, 2023.
- Hamdi Muluk. "Demokrasi Presidensial: Sebuah Assesmen Awal." *Jurnal Prisma* 35, no. 3 (2016).
- Hedman, Eva-Lotta, dan John Sidel, ed. *Philippine Politics and Society in the Twentieth Century*. Routledge, 2005. <https://doi.org/10.4324/9780203992012>.

- Hedman, Eva Lotta E., dan John T. Sidel. *Philippine politics and society in the twentieth century: Colonial legacies, post-colonial trajectories. Philippine Politics and Society in the Twentieth Century: Colonial Legacies, Post-Colonial Trajectories*, 2005. <https://doi.org/10.4324/9780203992012>.
- Howell, William G., dan Terry M. Moe. "The strongman presidency and the two logics of presidential power." *Presidential Studies Quarterly* 53, no. 2 (2023): 145–68. <https://doi.org/10.1111/psq.12830>.
- Im, Hyug Baeg. "The US role in Korean democracy and security since cold war era." *International Relations of the Asia-Pacific* 6, no. 2 (2006). <https://doi.org/10.1093/irap/lci134>.
- Kim, Hakjoon. "The Influence of the American Constitution on South Korean Constitutional Development Since 1948." *Asian Perspective* 16, no. 2 (1992): 25–42.
- Linder, Wolf, dan Sean Mueller. "Consensus Democracy: The Swiss System of Power-Sharing." In *Swiss Democracy*, 2021. https://doi.org/10.1007/978-3-030-63266-3_5.
- Linz, Juan J. "The Perils of Presidentialism. Journal of Democracy." *Journal of Democracy* 1, no. 1 (1990): 51–69.
- Loewenstein, Karl. *Political Power and the Governmental Process*. Chicago: University of Chicago Press, 1957.
- Logemann, J. H. A. *Over de theorie van een stellig staatsrecht (tentang teori suatu hukum tata Negara positif), terjemahan oleh Makkatutu & JC Pangkerejo*. Bandung: Penerbit Ichtar Baru Van Hoeve, 1975.
- Loo, Bastiaan van de. "The failure of the Philippine presidential system." *Asia Europe Journal* 2, no. 2 (Juli 2004). <https://doi.org/10.1007/s10308-004-0093-9>.
- McCall, Fiona. "Breaching the laws of God and man': secular prosecutions of religious offences in the interregnum parish." In *Church and People in Interregnum Britain*. London: University of London Press, 2021.
- Mobius, J Mark. "The Japan-Korea Normalization Process and Korean Anti-Americanism." *Asian Survey* 6, no. 4 (Maret 1966): 241–48. <https://doi.org/10.2307/2642122>.
- Moon, Chung In. "South Korea in 2008: From crisis to crisis." *Asian Survey* 49, no. 1 (2009). <https://doi.org/10.1525/as.2009.49.1.120>.
- News, BBC. "Park Geun-hye: South Korea lawmakers vote to impeach leader". Bbc.Com, 2016.
- Onishi, Yuki. "Tsuyoi daitouryou toiu kankoku seiji-no gensou: kokumusouri ninmei-to daitouryou hisyositsu [The Myth of 'Strong President' in Korean Politics: Appointment of the Prime Minister and the Presidential Office]." In *Seiji-teki eguzekutxibu-no hikaku kenkyuu [Comparative Studies on Political Executives]*, diedit oleh M. Ito, 131–153. Tokyo: Waseda University Press, 2008.
- Paez-Hidalgo, MV. "Socio-Demographic Profile of the Members of the 1986

- Constitutional Commission." *Philippine Journal of Public Administration* 31, no. 1 (1987).
- "Public Official Election Act," n.d.
- Puspita Sari A.P, Aulia Oktarizka Vivi, Indah Satria, dan Angga Alfian. "THE PRESIDENT'S TERM OF OFFICE IS THREE PERIOD IN THE IMPLEMENTATION OF THE GOVERNMENT SYSTEM IN INDONESIA." *Constitutional Law Society* 2, no. 2 (30 September 2023): 167–77. <https://doi.org/10.36448/cls.v2i2.56>.
- Putzel, James. "Survival of an imperfect democracy in the Philippines." *Democratization* 6, no. 1 (1999). <https://doi.org/10.1080/13510349908403603>.
- Ramadhan, Febriansyah. "Pemakzulan Yoon Suk Yeol, Korea Selatan: Mengenal Hukum Suksesi Kepresidenan." *HukumOnline.com*, 2025. <https://www.hukumonline.com/berita/a/pemakzulan-yoon-suk-yeol--korea-selatan--mengenal-hukum-suksesi-kepresidenan-1t67f6aa61e5313/>.
- Ramadhan, Febriansyah, I Gede Agus Kurniawan, I Gede Druvananda Abhiseka, Putu Wahyu Widiartana, dan Roqiyul Maarif Syam. "Towards a structural constitution: contribution of Presidential Succession Law to the Constitution of Indonesia." *Legality : Jurnal Ilmiah Hukum* 33, no. 2 (30 Juli 2025): 361–95. <https://doi.org/10.22219/ljih.v33i2.40203>.
- Ranawidjaja, Usep. *Hukum Tata Negara Indonesia Dasar-Dasarnya*. Jakarta: Ghalia Indonesia, 1983.
- Relacion, April Farell M., dan Grace C. Magalzo. "System of Checks and Balances in the Philippine Presidential Form of Government." *Journal of Multidisciplinary Studies* 3, no. 2 (2014). <https://doi.org/10.7828/jmds.v4i1.632>.
- "Republika Ng Pilipinas," n.d.
- Roosevelt, Franklin D. "Proclamation 2148 – Establishment of the Commonwealth of the Philippines." *The American Presidency Project*, 1935.
- Rose-Ackerman, Susan, Diane A Disierto, dan Natalia Volosin. "Leveraging Presidential Po: Separation of Powers without Checks and Balances in Argentina and the Philippines." *Berkeley Journal of International Law* 29, no. 1 (2011).
- Santos, Antonio. *Power Politics in the Philippines: The Fall of Marcos*. Quezon City: Center for Social Research, 1987.
- Scheurkogel, Igor. "Reform of the South Korea Single-Term Presidential System," 2016.
- Shin, Gi Wook. "South Korea's democratic decay." *Journal of Democracy*, 2020. <https://doi.org/10.1353/jod.2020.0048>.
- Shin, Gi Wook, dan Rennie J. Moon. "South Korea after impeachment." *Journal of Democracy* 28, no. 4 (2017).

<https://doi.org/10.1353/jod.2017.0072>.

Shugart, Matthew Søberg. "Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns." *French Politics* 3, no. 3 (2005). <https://doi.org/10.1057/palgrave.fp.8200087>.

Silliman, G. Sidney, dan Lela Garner Noble. "11 Citizen Movements and Philippine Democracy." In *Organizing for Democracy*, 280–310. University of Hawaii Press, 1998. <https://doi.org/10.1515/9780824844592-014>.

"Statutes of the Republic of Korea," n.d.

Stenson, Kristopher. "Caesar, Pompey, and the CoLLapse of the First Triumvirate," 2010. <https://research.libraries.wsu.edu/>.

Strnad, Grażyna. "The Sixth Republic under Roh Tae Woo: The Genesis of South Korean Democracy." *Polish Political Science Yearbook* 39, no. 1 (Maret 2010): 204–25. <https://doi.org/10.15804/pps2010011>.

"The 1899 Malolos Constitution," n.d.

Thompson, Mark R. "The Philippine presidency in Southeast Asian perspective: imperiled and imperious presidents but not perilous presidentialism." *Contemporary Politics* 24, no. 3 (Mei 2018): 325–45. <https://doi.org/10.1080/13569775.2017.1413503>.

Wurfel, David. *Filipino Politics. Development and Decay*. Ithaca: Cornell University Press, 1988.

Yu, Honp'ob Chin-O. *A Commentary Constitution*. Seoul: Myong Se Tang, 1952.

Yun, Seongyi. "Democratization in South Korea: Social Movements and Their Political Opportunity Structures." *Asian Perspective* 21, no. 3 (1997). <https://doi.org/10.1353/apr.1997.a921122>.

Zagoria, Donald S., Raymond Bonner, dan Carl H. Landé. "Waltzing with a Dictator: The Marcoses and the Making of American Policy." *Foreign Affairs* 66, no. 1 (1987): 205. <https://doi.org/10.2307/20043354>.