

# Pride and Prosecution in the Korean Ministry of Justice

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by Maximilian Ernst

Since fall 2019, the South Korean Ministry of Justice has been the backdrop for an aggregation of political scandals, with former Minister Cho Kuk and incumbent Minister Choo Mi-ae at the centre. The former stepped down after only 35 days in office due to investigations into himself and his family, whereas the latter has used her authority to reshuffle the Prosecutor's Office and staff it with new personnel, allegedly in order to shield the government and her party, including Cho Kuk himself, from investigations by that very office. In combination, their actions provide the political opposition, notably the newly formed conservative United Future Party, with ammunition to argue that Moon Jae-in's government, and more broadly his Democratic Party (DP), are more preoccupied with covering up their past transgressions than implementing the reforms they had promised to the electorate.

Cho Kuk, a legal expert, book author, and professor at Seoul National University, was nominated as Minister of Justice on 9 August 2019, replacing Park Sang-ki. Previously, he had been acting as Senior Secretary to the President for Civil Affairs. His mission as Justice Minister was to reform the Prosecutor's Office, a traditionally powerful entity in Korea, lending itself to bribes and corruption, and more generally enabling the ruling party to suppress political opponents. Cho may have seemed like the right guy for the job, as he has been an advocate of equality and called out other

The South Korean Ministry of Justice has emerged as the epicentre of political turmoil since fall 2019. The main protagonists are former Justice Minister Cho Kuk, who is under investigation for legal and ethical transgressions, and current Minister Choo Mi-ae, who reshuffled the Prosecutor's Office amid investigations into political allies of President Moon Jae-in and his Democratic Party. The two close allies of President Moon have made the Democratic Party vulnerable to the accusation of hypocrisy and of pursuing a governance style in which their cause justifies all means. While President Moon's traditional supporters remain unimpressed by these developments, they could sway swing voters, making up about 40% of the electorate. The scandals within the Ministry of Justice, together with the economy, unemployment, the peace process with North Korea, and the management of the COVID-19 outbreak, are expected to influence the April 2020 Legislative Elections.

politicians for their unethical behaviour. By the time President Moon nominated him for the ministerial position, however, Cho and his wife had already been under investigation for a number of transgressions, including plagiarism, tax delinquencies, and illicit business activities. Perhaps the tip of the iceberg was the forgery of academic achievements for his daughter to be accepted into medical school,

which made the Korean public realise that the Cho family used their money, connections, and power for their own advantage, much the way former Korean political elites have. Given that President Moon and Cho Kuk themselves had promised to end 'old evils' such as cronyism and corruption, many Koreans saw this as the ultimate hypocrisy.

When President Moon eventually appointed Cho as Minister of Justice on 9 September 2019, without endorsement of the National Assembly, many critics of the government were angered, resulting in anti-Cho protests of hundreds of thousands of participants. On 14 October, after only 35 days in office, Cho resigned his post. Despite his short term, he had managed to initiate prosecutorial reforms, which were subsequently approved by the cabinet. The changes include a restructuring of the Prosecutor's Office and the strengthening of suspects' rights. With the prosecutorial reforms on the way, Cho announced he would leave the post of Justice Minister and the continuation of the reforms in the hands of a capable successor, no longer burdening the President with the legal issues of his family.

According to a Gallup Poll last October, President Moon's approval rating dropped for the first time below 40% in the wake of the Cho Kuk scandal. On the other hand, 64% welcomed Cho Kuk's subsequent resignation, 26% would have liked to see him continue his post, and 10% expressed indifference on the matter. It remains to be seen, possibly in the April 2020 election, whether Cho's resignation appeased the electorate, or whether the frustrations with Moon's government ran deeper and persisted. After Cho's resignation, the post of Minister of Justice was vacant for two and a half months, during which negative headlines slowly faded, only to make room for the next scandal, again originating from the Ministry of Justice.

On 2 January 2020, President Moon appointed Choo Mi-ae, former leader of the DP, as new Minister of Justice. Choo had served as judge before she was recruited by former President Kim Dae-jung to go into politics and won her first National Assembly seat in 1996. She got re-elected into the National Assembly four more times. Choo played a key-role in managing the impeachment motion against former president Park Geun-hye and emerged as one of Moon's closest allies in the 2017 presidential and 2018 local elections. Her mission for 2020 was to continue reforming and rebalancing the almighty Prosecutor's Office.

On 9 January, merely one week into her tenure, Choo reshuffled altogether 32 prosecutor posts, selectively replacing those prosecutors who allegedly were loyal to Prosecutor General Yoon Seok-yeol. In addition, the opposition maintains, she filled the ranks with people that are loyal to her, in an attempt to weaken the position of Yoon. Since many of the reshuffled prosecutors had been working on investigations into political allies of President Moon, including Cho Kuk, it appeared to critics that her main ambition was to cover up mistakes and transgressions of party-colleagues. Choo Mi-ae, the central figure in this spectacular fight over control of the Prosecutor's Office, has been called "kingmaker" by Korean media in the past, having held office and supported the successful campaigns of former presidents Kim Dae-jung and Roh Moo-hyun, as well as current president Moon Jae-in. With negative headlines stemming from her ministry since January, she may turn out to be a "king-breaker" if the travails in her ministry continue to persist until elections in April.

On 15 April 2020, Koreans will vote on the composition of the National Assembly for the next four years. With incumbent President Moon's five-year term having entered its second half late

last year, this election will be interpreted as the electorate's evaluation of Moon's presidency. If his party were to lose its plurality in the National Assembly (currently the DP leads a majority coalition with the Bareunmirae-, Justice-, Democracy and Peace, and New Alternative Parties), he could become a lame duck president, unable to press on with the judicial and economic reforms he promised. The DP can be sure of the

votes of its traditional supporters, among them human rights groups, environmental campaigners, and pro-North Korea engagement activists. But for swing voters, which are estimated to be around 40%, the incidents in the Ministry of Justice may turn out to be a key factor in their voting decision, together with the economy, unemployment, progress in relations with North Korea, and the management of the COVID-19 outbreak.

## ABOUT THE AUTHOR

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Maximilian Ernst is a PhD researcher at the KF-VUB Korea Chair and affiliated with the International Security Cluster at the IES. His PhD research focuses on security in East Asia, specifically Chinese foreign policy and military strategy in the Asia Pacific region.

[maximilian.ernst@vub.be](mailto:maximilian.ernst@vub.be)

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Institute for European Studies  
Pleinlaan 5  
B-1050 Brussels  
T: +32 2 614 80 01  
E: [info@ies.be](mailto:info@ies.be)  
[www.ies.be](http://www.ies.be)



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