

South Korea: Final Constitutional Court hearing on president's impeachment

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The final hearing in the impeachment trial of South Korean President Yoon Suk-yeol took place Tuesday, with the legal teams for both the prosecution and Yoon making their closing arguments. The Constitutional Court, which is overseeing the proceedings, will now deliberate, with a decision predicted in mid-March.

The trial began after the Democratic Party-controlled National Assembly impeached Yoon on December 14 for attempting to declare martial law less than two weeks earlier. Yoon has been accused of violating the constitution by declaring martial law on the evening of December 3 in the absence of a “national emergency,” and for failing to notify parliament or his cabinet.

A team led by the Democrats (DP) and representing the National Assembly served as the prosecution. One of its lawyers, Song Du-hwan, stated Tuesday, “It became clear through evidence examination during the impeachment trial and the related investigation that [Yoon] violated the constitution and laws through a series of insurrectionary actions.”

Yoon’s lawyers, however, argued that the impeachment as well as separate criminal charges related to insurrection should be dismissed. Yoon has repeatedly and absurdly claimed that the martial law declaration was an “act of governance” necessitated by the Democrats’ blocking of the government budget and other legislation. “It cannot be denied that the state created by the opposition party is a state of national emergency,” said his lawyer, Lee Dong-chan.

While the Democrats are the opposition party, they and a handful of minor allies control 192 seats in the 300-seat National Assembly. This has led to sharp clashes with Yoon and his People Power Party (PPP), which has ruling-party status since it holds the presidency and thus the administration.

Lee also argued that the Constitutional Court should

follow the profoundly anti-democratic ruling of the US Supreme Court in July 2024 that granted immunity to the US president for any actions taken while in office. Essentially, Lee argued that Yoon had every right to establish a presidential dictatorship in order to break the opposition of parliament.

Yoon appeared at Tuesday’s hearing as well, denouncing the Democratic Party-led opposition as “anti-state forces” aligned with North Korea to justify his martial law declaration. This he has frequently done during the trial, seeking to whip up the far-right.

He issued a pro-forma apology, suggesting that if he were reinstated, he could resign before the end of his term in 2027. Yoon added that he would “swiftly push for a constitutional amendment, doing my best to produce a constitution and political structure that fit the changes in our society.” This could include allowing two-term presidents, effectively strengthening the executive’s power.

At present South Korean presidents hold a single, five-year term. However, a constitutional revision has been floated for years to allow presidents to hold office for two terms of four years each.

The “changes in society” that Yoon was responding to are the country’s growing economic and social crisis. The Bank of Korea (BOK) predicts that South Korea’s economy will only grow 1.5 percent this year. The BOK also announced on January 23 that the economy had grown by just 2 percent last year and 1.4 percent growth in 2023.

Tens of thousands of jobs have been destroyed in key industries over the past year. In 2024, the construction industry lost 49,000 jobs, the biggest drop since 2013, according to Statistics Korea. Manufacturing lost 6,000 jobs while the wholesale and retail industry 61,000 jobs. The downward trend has continued into January.

The working class is increasingly hostile to the erosion of living conditions, which was demonstrated when the PPP was trounced in last April's general parliamentary election. South Korea, like every country, now faces the prospect of being targeted by the Trump administration for tariffs and other economic penalties. This will only further exacerbate working-class unrest.

The eight justices that currently comprise the Constitutional Court will now deliberate on Yoon's political fate. If Yoon is removed from office, a presidential election must be held within 60 days. For that to take place, six justices must vote in favor to remove a sitting president. Ordinarily there are nine justices on the bench, but one seat has been vacant since October when three seats opened up.

In December, acting President Choi Sang-mok, a member of Yoon's cabinet, agreed to confirm a justice recommended by the DP and another by the PPP. Choi has refused to confirm the final court judge, Ma Eun-hyeok, another DP-recommended candidate, reducing the chances of Yoon's removal.

In addition to the impeachment trial, the president also faces a criminal trial. While presidents in general have immunity from prosecution for crimes while in office, this does not apply to charges of insurrection. Yoon has been held in a detention center since being arrested and indicted in January. On February 20, Yoon appeared in court for a preliminary hearing, becoming the first sitting South Korean president to face criminal proceedings.

A political crisis looms. It is entirely possible that the Constitutional Court reinstates Yoon even as he sits behind bars during his criminal trial. Under South Korean criminal law, a defendant can remain in detention for six months following an indictment, meaning Yoon could be held until July 25 if a verdict in his case has not been reached. The trial would then proceed without his detention.

Lee Yun-ju, a law professor at Myongji University, told the *Korea Herald* last week that Yoon "will likely attempt to sway public opinion and unite his far-right supporters by raising multiple controversies and politicizing the (criminal) trial." Yoon's supporters, though few in number, have held numerous protests and several violent riots, including in January by attacking the Seoul Western District Court, which

issued the arrest warrant for Yoon.

Yoon and his supporters have been emboldened by the pro-capitalist Democrats and their allies in the Korean Confederation of Trade Unions (KCTU), who, despite their posturing about protecting "democracy," have done everything in their power to demobilise the mass protests and prevent strikes that began in December in opposition to Yoon's dictatorial moves.

The KCTU has not called any major strikes in opposition to Yoon or the attacks on jobs. The strikes that did take place in December were short, token walkouts, some of which had already been planned before Yoon's martial law declaration. These were all quickly shut down in collaboration with the Democrats.

In contrast to the two million that took part in huge demonstrations at the height of December's protests to demand Yoon's impeachment, the rallies against Yoon in Seoul last weekend saw little more than 50,000 in attendance, as the DP has covered up the serious political crisis that still exists.

As economic conditions decline in South Korea, the Democrats are far more terrified of a movement of the working class than of Yoon, and the possibility that demonstrators would begin to put forward demands going beyond Yoon's impeachment that challenge bourgeois rule.



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