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Master's Thesis of Public Administration

Contextual Analysis on the
Annual Inspection of the National
Assembly in Korea

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Abstract

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Democracy is a political structure to realize what people want. It adopts the doctrines of separation of power and check and balance in order to prevent the abuse of government power. In recent days, the growing demand for the role of government led to bigger government function and heightened the need to control the administration because it can threaten people's liberty by weakening these principles. The legislative branch has responded to this circumstance by enlarging oversight activities.

However, the growth of congressional oversight often aroused debates on its efficiency or effectiveness of the system. It is especially true in Korean Annual Inspection which is the periodic congressional oversight for all state affairs. Although previous researches indicated many problems, they just stuck to fragmentary aspects without paying much attention to its constitutional position. In addition, they did not consider the intrinsic characteristics of congressional oversight or suggest any objective criteria to judge efficiency or effectiveness, which made it difficult for feasible solutions to be proposed. Casting doubt on the way of past evaluations, this study focused on showing the current Korean Annual Inspection as objective as

possible and tried to interpret it in its context from constitutional viewpoint.

According to the data of Annual Inspections from 2000 to 2012, the scope of inspection has grown gradually which was followed by the increase of inputs like documents and witnesses and by the rise of the requests that the National Assembly required the administration to correct. Standing committees often held hearings in collective style to cover the extended scope in a limited time. Another salient feature is that the issues that have been dealt with have become more controversial. The rising number of witnesses and falling attendance rate implies that Annual Inspection handled more controversial issues which made people reluctant to be involved in. It is presumed that polarized politics might have triggered this phenomenon. Although it was not easy to see any significance from observed data, effectiveness can be guessed by comparing Korean oversight system with US. When compared with US system, Korean National Assembly is not located at the institutional center of overseeing the government. Since congressional oversight is not continuous, its influence is intermittent and limited. Especially in policy arena, the lack of authority in policy formation might be linked to the weak influence of Annual Inspection in policy control.

Annual Inspection needs to be understood in the context of checks and balances which implies that the ultimate role is to hold the government accountable. Even when the National Assembly cannot directly rectify the administration, it can contribute to people' s right to know and prevent improper

implementations. Beyond focusing on the function of finding faults, it is necessary to see how much control over the administration is done and how it is conducted. Even though there are many things to do, the National Assembly should first be equipped with thorough accountability and develop its capacity to the level of suggesting an alternative as a main actor of policy formation. When it is regarded as trustworthy by people, the National Assembly can carry out its duty to the fullest.

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1. INTRODUCTION

1.1. Background

Congressional oversight is one of the key functions of check and balance between powers. It is especially important in modern society because the need to check the executive is increasing with the growth of the government function. The same is true in Korea. Annual Inspection, which is Korean periodic congressional oversight for all state affairs, has expanded its scope in order to hold the government accountable.

However, there have been many controversies over the usefulness of Annual Inspection, especially with regard to efficiency and effectiveness. Some studies insisted that too many documents or witnesses were required while others criticized poor effectiveness or noncooperation of the executive. Behavioral or operational problems were often referred to. Sometimes it was argued that Annual Inspection should be abolished on the ground that only Korea adopts this comprehensive and inefficient method.

Even though there have been a lot of arguments, it does not seem that any good solution has been provided. The meaning of efficiency or effectiveness in Annual Inspection is not clear and no clue to guess the optimal level is suggested. In addition, previous researches did not pay much attention to the surrounding context. They made little effort to understand it under the whole oversight system or in Korean context, focusing on partial aspects of the

institution. Considering that oversight is the function of check and balance, it needs to be seen in a broader view.

In order to overcome these limitations, this study uses a different approach to Annual Inspection. It tries to comprehend it in the context of check and balance based on longitudinal and contextual analysis. Rather than directly discussing the efficiency or effectiveness of Annual Inspection, it first focuses on the changes of each factor by reviewing how oversight has changed from 2000 to 2012. After that, it attempts to interpret the results under the whole picture of Korean oversight system. In this step, it takes into consideration the traits of oversight and sometime gets some hints by comparing with US oversight system. In this way, this study tries to evaluate current Annual Inspection, seeing that it is a tool to hold the government accountable. This way might be instrumental to getting a profound understanding about Korean Annual Inspection and finding improvements.

1.2. Sociopolitical Context and Constitutional Change

As modern society became more complex and fast changing, the executive had more discretion and it caused the relationship between the legislative and the executive to change. This change put a question on the traditional doctrine of separation of power and started to require functional change between them. It is often linked to the growth of the power of the President and the decline in the influence of Congress. However, this transformation is linked to the

difficulty to hold the government accountable, which is less democratic governance.

One of the recommended ways to overcome this challenge is to strengthen congressional oversight along with giving more discretion to the President. In US, this transition is naturally realized in the 1970s (Aberbach, 2001). Unlike this, Korean political power continued to be inclined to the President. Since Korean War (1950–1953), national security and economic development have been major issues which made the President have more power. The history of despotic government under military regime lessened the role of the legislative branch. Under the current Constitution reformed in 1988, Congress at last gained significant power and continued to enlarge the influence over the executive branch. Congressional oversight has gone with this trend in general.

Korean Oversight system has been expressed overtly in the current Constitution and given shape by legislation. The current system consists of Annual Inspection of overall state affairs and Investigation into specific affairs. This system reflects the Korean history of the relationship between the legislative and the executive. Oversight was institutionally adopted for the first time in the First Constitution of 1948. Since there were no concrete descriptions about the target or main agent, the details were regulated later in the Act on the Inspection of 1953. It differentiated between general inspection and special inspection. The latter was similar to current investigation into specific affairs. The provision of congressional oversight disappeared in the Constitution under Yushin Regime which weakened

Congress’s checking function dramatically. However, it revived in 1988, along with the high demand for democracy. The current Constitution adopts two ways – periodic inspection into overall state affairs and investigation into specific affairs. Details are delegated to the Act on the Inspection and Investigation of State Administration.

Table 1. Institutions of Congressional Oversight in the Constitution and Law

Year	Provision in the Constitution	Laws
1948	<ul style="list-style-type: none"> • Inspection ※ Target & agent undescribed 	<ul style="list-style-type: none"> • Act on the Inspection was legislated in 1953
1972	(Abolished)	<ul style="list-style-type: none"> • Act on the Inspection was abolished in 1973 ※ Investigation was regulated in the National Assembly Act of 1975
1980	<ul style="list-style-type: none"> • Investigation 	
1988 (Current)	<ul style="list-style-type: none"> • Inspection (re-adopted) • Investigation 	<ul style="list-style-type: none"> • Act on the Inspection and Investigation of State Administration was legislated in 1988

1.3. Response in the National Assembly

To respond to the increasing needs to hold the government accountable, Congress enlarged its capacity and activities. According to the Act on the Inspection and Investigation of State Administration legislated in 1988, Annual Inspection can be conducted for 20 days during regular session and investigation is initiated when it is requested by not less than 1/3 of all assemblymen. In order to make a mood for easy investigation, the condition for starting investigation changed from one-third to one-fourth of assemblymen in 2000. In

2012, more flexibility of period has been added to Annual Inspection. Inspection period has changed from 20 days to no more than 30 days and it is regulated to be conducted before the regular session in order to escape busy days. It is a measure to have more time to look into the government affairs.

Table 2. Amendment of the Period and Time to Korean Congressional Oversight

Year	Annual Inspection	Investigation
1988	<ul style="list-style-type: none"> • 20 days • During regular session 	<ul style="list-style-type: none"> • Initiated by the Request of not less than 1/3 of all assemblymen • Period is determined by resolution
2000	(Same)	<ul style="list-style-type: none"> • Initiated by the Request of not less than 1/4 of all assemblymen • Period is determined by resolution
2012	<ul style="list-style-type: none"> • Not more than 30 days • Before the regular session (changeable by a resolution) 	(Same)

In 2007, Act on the Management of Public Institutions which unifies the management and supervision over public organizations into one law has been newly enforced. It resulted in the inclusion of many government-affiliated organizations into the target of inspection and this change brought some changes in the operation of oversight hearings.

Together with broadening oversight domain, Congress tried to raise its capacity and expertise. The number of assistants to help each member has increased by one person in 2010 to enlarge its capacity in legislation or oversight. In order to strengthen professionalism in

policy analysis, Korean legislature established new staff organizations. National Assembly Budget Office (NABO) has been established in 2003 to support the legislative activities on national finance and National Assembly Research Service (NARS) has been established in 2005 to address requests from members or committees of the National Assembly by undertaking researches and analyses.

Table 3. History of the Number of N.A. Members and Assistants under Current Constitution

Year	Number of Members	Assistants
1994	299 (Local Constituency Members + Proportional Representatives)	6
2000	273	6
2004	299	6
2010	299	7
2016	300 (Sejong Self-Governing City added)	7

1.4. Evaluation about Current System

In spite of the efforts made in the National Assembly, there have been doubts over the properness of current system. They are mainly about the efficiency and effectiveness of Annual Inspection. With regard to efficiency, many studies said excessive input was problematic. It also referred to inappropriate operation. These arguments alluded to the wasteful aspects in oversight activities. With regard to the effectiveness of oversight, main concern was the weak influence over the administration. These arguments pointed out the insincere feedback which was not enough to hold the government accountable (Lee, 2005; J. H. Lim, 2004; Yun & Hwang, 2016).

While many drawbacks were found in previous researches, it is still unclear what the main cause is. They might be institutional problems or operational problems. They might have originated from the behavior of actors or could be institutional problems. If it comes from the characteristic of oversight, there is a limitation on the improvement of efficiency and effectiveness. The congressional oversight might also be affected by political environment. For instance, the government type – whether it is a divided government or unified government – would affect the quality and quantity of oversight activities. This vagueness makes it difficult to find out feasible solutions to upgrade current system.

2. LITERATURE REVIEW

2.1. Congressional Oversight

2.1.1. The Relationship between Congress and the President

1) Separation of Power

Whatever the nature of government power is, the rationale of government should be to serve people. Democracy is the ideal form of political structure to realize this ideal. It adopts the doctrine of separation of power in order to prevent autocracy and protect the liberty of citizens. This doctrine implies that divided powers are totally independent. In order to prevent each authority from being abused, the powers are somewhat overlapped along with the separateness, which assumes struggles between branches. It makes the principle of checks and balances go with the separation doctrine (Fisher, 2007). In this sense, divided powers are better understood when it is expressed by “separate institution sharing power” (Haskell, Currinder, & Grove, 2010).

This interdependence between branches is also important for good government (Sheet & Sawyer, 2012). It is especially true in the relationship between Congress and the President because the legislature delivers what people want and the executive realizes it. However, there have been many skeptical views about this division of power, arguing that more unified or executive-centered form of government is more fitted in modern society. Mentioning desirable

governments, Waldo (2006) introduced several types of politics-administration relationship. Although he did not totally agree on the strict distinction between politics and administration in his argument, he appears to agree on the necessity to distinguish them to some extent (E.-Y. Lim, 2012). The growth of administrative power started to weaken the function of checks and balances between branches. According to Buckley V. Valeo (Polsby, 1976), the development of the administrative state has put great strain on that traditional principle. This strain has led to “the crisis of legitimacy” in public administration (Freedman, 1975) because it caused the power to accumulate in the President, which runs counter to the principle of checks and balances between power. However, as modern society requires more active role of the President or the executive branch, checks and balances are more meaningful to protect people’s liberty from the power (Fisher, 2007). In order to hold the government accountable, the legislative branch continued to enlarge its capacities, especially oversight power. Therefore, congressional oversight which is to review or supervise agencies and its activities needs to be understood in the context of check and balance.

2) Partisanship

Party system is another way to realize the hope of citizens, but it sometimes causes some conflicts in oversight. The relationship between Congress and the President is highly affected by their party, since it causes the power to be divided in a different form. Transforming the classical form of division, it makes some changes in

the function of checks and balances. Partisanship sometimes influences congressional oversight negatively through polarization. One of the main reasons of polarized politics starts from elections. Since each member is elected in its district, polarization in Congress is the reflection of the partisanship in the electorate. Nowadays the inclination to vote for the same party in the elections of Congressmen and the President has risen. In addition, overlapped political area among parties continued to disappear. The diversity of party or vote has become smaller. For instance, ticket splitting, which is a voting for different parties depending on issues, decreased in recent days. These changes show that partisanship in Congress become severe (Bond & Fleisher, 2000).

The main mechanism how partisanship mainly affects the relationship of powers is decided by government type which indicates whether the President belongs to Congress' majority party. It affects checking process like congressional oversight as well as decision-making process such as legislation or President's veto. In general, checking the government is more active under divided governments under which the main parties of two branches are different while agreement in Congress is more difficult.

Government type affects the status of presidential agenda in Congress. The probability of presidential agenda to appear on stage varies with the party control of Congress. In other words, the proportion of presidential agenda differs depending on whether it is under unified government or divided government. Under unified government, presidential agenda makes up greater portion of

congressional agenda and bills initiated by the President tend to pass easily in legislation. Converse situation arises under divided government. The trend that presidential initiatives often take up more part in the first half of a presidential term is majorly thanks to the unified government (Bond & Fleisher, 2000).

In partisan era, the way for Congress to run has different shape. One phenomenon that shows polarized politics visually is the increasing tendency of party vote which is the vote that follows party's decision regardless of each member's belief. Some people argue that intense partisanship trigger "gridlock" in government, contradicting one of the past arguments that individuals can play "pivot role" in voting rather than partisanship. It is true especially when the control of two branches is different (Bond & Fleisher, 2000). The tendency of polarized politics also appears in personnel of committees. Major party leaders tend to wield more powers nowadays than in the past. Since one of their powers is to make committee composition, they can assign members to committees that are more important to its agenda. Sometimes it can make ad hoc manipulation in conference committee¹ by sorting out a few members who are reluctant to support a certain party policy. Party leaders uses their power by changing the rule of allocating committee leaderships from seniority to loyalty (Bond & Fleisher, 2000).

The number of parties in Congress also affects the relationship between two branches. In the past, partisanship in US Congress was

¹ Conference committee is composed to mediate the differences of two bills passed by the House and Senate.

not so strong when it was under four-party system. Besides main stream factions (liberal Democrats, conservative Republicans), two cross-pressured factions (conservative Democrats, liberal Republicans) existed. These system provided room for members to act up to their beliefs or ideologies as well as to partisanship. It influenced the stance of Congress toward the President. These less partisan members added uncertainty to political environment, mitigating the effect of partisanship. As time passed, increasing partisanship changed Congress into two-party system causing the disappearance of political middle-zone and made the bargaining process more difficult. Interestingly, this change did not reduce uncertainty for the victory of majority party president. Although the president could get more support from his party, the diminishing support from opposition party counterbalanced that effect (Bond & Fleisher, 2000).

Increasing partisanship is often linked to inner culture or values. First, it tends to go with uncivility. Although mutual respect is the precondition to deliberate and to cooperate in a group, it is possible for each party to pursue its own interest. This tendency is more so when the politics are polarized. The problem is that the decline of comity triggers tensions between parties with making the legislative process more uncooperative. Second, it can weaken democratic values such as responsiveness or accountability. It is not clear whether the negative effect of rising partisanship overwhelms the positive effect, but it is likely to make each member stick to politics rather than to citizens (Bond & Fleisher, 2000).

In spite of large benefits from partisan affiliation, members sometimes alienate themselves from party. When the part image is not consistent with their constituency's preference, they would make individual political talks or defect from their party (Bond & Fleisher, 2000). It implies that partisanship starts from political incentive to be elected again. It also suggests a chance that polarized politics can be relaxed, but it is still a difficult question to answer.

2.1.2. Concept of Congressional Oversight

1) Definition

Congressional oversight is defined as “ Congressional review of the actions of federal departments, agencies, and commissions, and of the programs and policies they administer, including review that takes place during program and policy implementation as well as afterword” (Aberbach, 2001). In short, it is a process to know and assess what the administration does or did. Not only does it check wrongdoings, but also traces policy implementation. Congressional oversight is an important part of the function of check and balance (Haskell et al., 2010; Kaiser, 2006). Oversight is important because policies or programs that are decided in Congress are implemented by government agencies. Therefore, it is a key method to guarantee the public accountability of the executive branch. Since it is conceptually an indirect method as a process of obtaining information rather than a process of directly changing, it is often ensued by the legislation or appropriation (Haskell et al., 2010). In this sense, it is reasonable to

think of oversight as implied power in the Constitution regardless of whether or not it is enumerated.

Congressional oversight tends to be decentralized, unsystematic and unorganized since it is done by each members of Congress. In addition, it is often denounced for its big cost. It generates a lot of paperwork and requires agencies to explain their programs and expenditures. According to the managerial approach to public administration, overseeing activity may not be a good system because managerial effectiveness would be low (Rosenbloom, 1983). However, congressional oversight has democratic values representativeness, responsiveness and accountability to the citizen. Even though it looks like an expensive institution from an economic perspective, it should not be judged only by that kind of standards.

2) Purpose

The first goal of congressional oversight can be said to hold the government accountable, but the ultimate goal is to protect people' liberties by ensuring good government (Haskell et al., 2010). Oversight is an activity following the decision-making of legislature in order to lead the executive to comply with the legislative intent. Not only it watches over poor management or misuse but evaluates performance, efficiency or effectiveness of government activities (Kaiser, 2006). It is notable in that oversight takes an integral part in policy process. In the process of policy formulation and policy implementation, legislative or executive branch has its role in the both process although it has its own major role in each step. While the

President can participate in decision-making process by suggesting a bill or veto power, Congress has the right to oversee implementation which follows the legislative power of authorization and funding. It is because policy decision without proper implementation does not have any meaning as a public tool (Bond & Fleisher, 2000; Haskell et al., 2010). There were arguments to stress the function of oversight as a policy control mechanism (Dodd, 1979; McGrath, 2013). Dodd (1979) defined oversight as “to review and control policy implementation by the agencies and officials of the executive branch”. This understanding enlarges the purpose of congressional oversight beyond legitimacy. According to Kaiser (2006), the objective of congressional oversight encompasses the estimation of economic values such as efficiency and effectiveness in addition to keeping the legitimacy in the activities. Besides finding malfeasance, it contributes to the enhancement of the policy implementation. In this way, it serves to protect constitutional rights and to guarantee that the executive reflect public interests (Kaiser, 2006).

Oversight also functions as communication channel to rectify policy direction and to adjust implementation to real situations. Since there are many delegations to the executive and differences in understanding policies between two branches, this gap can be narrowed by this process. Considering that oversight is conducted during implementation as well as after implementation, it means more than fault-finding (Haskell et al., 2010). Both actors can be favorable to oversight when they can benefit from this communication, but they have different perspectives. While the agencies tend to focus on

practical aspect like efficiency or performance, Congress is more inclined toward social aspect like responsiveness or representativeness. The differences in perspectives can be adjusted by communication with each other.

Congressional oversight can be understood in advocacy context. Because members of Congress are likely to pursue their own interests or their constituents' interests in jurisdiction, they tend to be proponents rather than opponents of policy programs. It does not mean that committee units are uncritical of programs or agencies but that it needs to be understood that the relationship is not adversarial. In general, committees that are less advocacy-oriented tend to be more committed to review, prefer comprehensive way, and make frequent use of oversight hearings. The advocacy posture can change temporarily, but it does not continue permanently (Aberbach, 2001).

3) Techniques

There are various forms and techniques in oversight activities. It can be formal or informal, and manifest or latent (McCubbins & Schwartz, 1984). It ranges from formal actions such as committee hearings or reports by congressional support agencies to informal communication between Congress members and agency personnel. The most representative and official way is hearing, but the most frequently used skill is staff communication with agency personnel which is one of the informal methods. The effectiveness of oversight is correlated to frequency in general, but there are some exceptions. For instance, member's communication is an effective technique

compared to its frequency while congressional support agency's program evaluation is not so effective compared to its frequency (Aberbach, 2001).

Oversight activities can be classified into three types. Those are comprehensive reviews like reports from agencies, staff reviews that are done by their staff and piecemeal reviews like each member's communication with agencies. The most frequently used method is staff review because the timing of the study fits members' needs.

There are two types of oversight models which are police-patrol oversight and fire-alarm oversight. The former is an oversight method which is centralized and active. Like real police patrols, Congress reads documents or holds hearings in order to detect inappropriate activities. These activities also have effects to discourage that kind of activities. The latter is an oversight pattern to start investigation when any violation is reported to Congress in accordance with preset rules. It is less centralized or less active compared to the previous model (McCubbins & Schwartz, 1984). Most countries adopt this oversight model while Korea uses two models at the same time.

4) Process as an Information Acquisition

Getting information about what the government does is important in all activities of Congress, but it is especially true in oversight. Without knowing what the government does, it is almost impossible to control the government and hold it accountable. In addition, considering that oversight is conducted under many

restrictions, the power to acquire information has a special meaning. Seeking knowledge can be done in many ways. It is conducted in official or unofficial ways, in writing or orally. Information can come from individuals as well as agencies, and from non-public as well as public organizations. Among these things, it is highly probable that the key information comes from agencies and people directly related to those activities. In this sense, the congressional power to get information from agencies or persons concerned is the premise of effective oversight.

However, there are often conflicts over this process between two branches because there is no clear rule. While Congress has the power to require data for oversight, the President has the privilege of withholding certain information. The President has several powers to stand against Congress, two of which are the presidential immunity that is absolute immunity in civil suits for official acts and the executive privilege that is the authority of withholding information in certain area. The second privilege often conflicts with congressional oversight. It is especially true in the field of national security and foreign affairs, or in emergency situation. However, the permissible range of the privilege becomes more controversial nowadays. Even though these privileges are implied in the Constitution, complicated environment makes it difficult to know whether some information belongs to the privilege. In general, the boundary tends to be decided depending on political or partisan circumstances (Fisher, 2007).

One of the congressional powers to protect Congress' information-obtaining process is contempt power which can be used

when witnesses from public organization or witnesses of citizens deny statements in front of Congress. Contempt power has impacts to force witnesses to comply with the request of Congress. It is essential power to guarantee the effectiveness of congressional oversight, especially when investigating some controversial issues (Fisher, 2007).

5) Limits

The major limit of congressional oversight comes from the principle of separation of power, but the boundary is not clear. Since inspection or investigation does not directly make any change in the administration, it would hardly infringe on the authority of the President or the executive. When Congress requires agencies to take action, it can matter depending on issues. There is no hard and fast rule in this matter, so it is regarded as political questions (Haskell et al., 2010).

Privacy is another limit in oversight. Oversight should be done within the purpose of overseeing the state affairs, not with the intention of infringing upon someone's privacy. Fundamental human rights cannot be violated even though it is necessary for this process. Congressional oversight might sometimes be restricted on the ground of important national interest.

2.1.3. Characteristics surrounding Congressional Oversight

Since congressional oversight is part of the government functions, it needs to be understood in the political or social context. There are a couple of things that are useful in comprehending this function.

1) Members of Congress

Members of Congress have several stances. Most distinctive thing is that they have the role as a delegate of citizens and the role as a representative of constituents at the same time. These two roles often conflicts each other. As delegates, they participate in oversight based on check and balances, but the stance of representative makes them less inclined to oversight activity because of low political incentives. Their first priority is to be reelected and it makes them spend more time in laws and policies that are favorable to their constituency. In addition, the position as a committee member often makes them go with the interest of the agencies. This position makes them reluctant to apply strict criteria to agencies in its jurisdiction because it might be connected to the downscale of its authority (Aberbach, 2001; Haskell et al., 2010).

2) Types of Government (Partisanship)

The quality of oversight can vary depending on the parties of the President and Congress. Each entity struggles to take the initiative in agenda setting or legislation. This battle happens in Congress

usually combined with partisanship (Bond & Fleisher, 2000). How many victories the President can win is affected by whether the President party takes the control in Congress. Under unified government where the majority party in Congress is the President party, it is more likely that presidential agendas change into law rather than under divided government. This phenomenon in legislation process is same in congressional oversight. Oversight can be more severe under divided government because opposition party has more chance to be skeptical to government policies. However, it also depends more on political situation (Aberbach, 2001; Haskell et al., 2010).

3) Issue Dependence

Traditionally, the President has more power in the field of national defense or foreign policies. In economic crisis or national emergency, congressional reviews are considered to be limited. However, it is challenged more and more because it is difficult to find the boundary that harmonizes accountability and workability (Fisher, 2007; Haskell et al., 2010).

Besides, oversight hearing is a good chance for members of Congress to develop agenda. It is often used as a method of propaganda rather than oversight itself. It is why the testimony of celebrity is more welcome than that of experts in hearings. Since the majority party has more resources to decide witnesses, issues of oversight are affected substantially combined with partisanship.

2.2. Accountability & Economic Criteria

2.2.1. Accountability in Congressional Oversight

The natural law doctrine of John Locke, which says that civil law should contribute to individual liberties because people are endowed with certain unalienable rights, is reflected in American constitutionalism. The Declaration of Independence delivers this idea of individual liberties and the philosophy of government (Fisher, 2007). Waldo (2006) stressed “good life” as the end of state. Common idea suggested in these notions is that the government ought to be directed towards people. Therefore, accountability is the one of the core principles to support good government.

Conceptually, accountability is the duty to answer to citizens for past behaviors of government (Bond & Fleisher, 2000). The idea of accountability originated from the book-keeping in the field of accounting. It implies both listing important things and providing an account about them. Today, the growing complexity of modern administration led to more attention to public accountability in modern governance. It has become a central concept in democratic governance (Moran, Rein, & Goodin, 2008).

However, accountability is defined in many ways by different people because of the diverse situations surrounding public affairs. Public accountability has diverse appearance according to dimensions which are actors (who), accountable forums (to whom), the nature of the conduct (about what), accountability standards (by which), and the nature of the obligation (relationship between the actor and the

forum). The various types of accountabilities created by these dimensions are not mutually exclusive (Bovens, Goodin, & Schillemans, 2014).

The minimal conceptual consensus is that it is a relational concept like answerability and that it is kind of consequential activities like punishment. These diverse usage of accountability can be classified into “accountability as a virtue” and “accountability as a mechanism” (Bovens et al., 2014). Accountability as a virtue is related to objectives or performance of public organization or officials. When it focuses on the outcome, it has a close meaning to responsiveness or responsibility. In this case, it is a dependent variable of governance. When accountability is considered as a political or administrative mechanism, it is regarded as a process connected to answerability. Focusing on the relationship agents and the public, the main activities is to inform, interrogate, or to pass judgement on the conducts of the actors. In this case, accountability functions as an influencing factor as an independent variable. Congressional oversight, which is the activity to control the executive, is more close to this control mechanism.

Romzek and Dubnick (1987) regarded accountability as a strategy to manage the expectations from inside and outside the organization. Based on two control criteria, which are 1) the position of the source of agency control (inside or outside the agencies) 2) the degree of control over agency actions (high or low), they classified accountability into four types – bureaucratic accountability (internal & high), legal accountability (external & high), professional

accountability (internal & low), and political accountability (external & low). Each case assumes different actors and different relationship. Analyzing the case of Space Shuttle Challenger Explosion in 1986, Romzek & Dubnick (1987) stressed the importance of applying appropriate accountability mechanism that matches the nature of its task and the institutional context.

There are researches about public accountability in privatization (Gilmour & Jensen, 1998). The complexity of modern society has led to the transformation of governance, which is majorly explained by the involvement of private principle or organization. However, the delegation of public function to non-government agencies gave birth to the potential of accountability avoidance. In addition, it might cause the constitutional and democratic values to be weakened by economic principles or by the interests of private shareholders since private actors are not controlled by public regulations. In order to overcome this dilemma, Gilmour & Jensen (1988) suggested reinvention of accountability that is comparable to the transfer of public function. As a precondition, they tried to make more comprehensive and coherent definition of state action by identifying actors, functions, actions, and the safeguards to protect individual rights.

These diverse definitions of accountability allude to a bigger picture of accountability which is not limited to current activities. Even though government provides most public services, it can deliver the service in cooperation with private organizations, or sometimes decide to let business or community provide it of its own accord.

Considering that the duty of government is to satisfy social needs and that government can decide the way of provision, accountability cannot depart fully from the government even though it is not conducted by itself. Just as the government has implied power which is not enumerated in the constitution, it can intervene the affairs when people want the help (Fisher, 2007). That is, government is ultimately accountable for everything that happens in nation and. In this sense, accountability is the rationale for government's intervention.

With regard to congressional oversight, accountability can be different depending on the choice of issues and the way to be handled. Congressional oversight, which is another approach to implementation from the perspective of Congress, is also influenced by partisanship and the type of government since members of each party want to deal the issues that gives more political incentive. Under divided government that the President's party does not take the control of Congress, there are more chances that issues unfavorable to the executive are reviewed, which can be linked to more accountability (Bond & Fleisher, 2000).

2.2.2. Efficiency or Effectiveness of Congressional Oversight

1) The Meaning in Public Sector

Today efficiency and effectiveness are important issues in public organizations, which are the principles to obtain its goal. It is about the relationship between input, output and outcome. Conceptually, efficiency is defined as the ratio of output to input and

effectiveness is defined as the ratio of outcome to output. Although these are principles usually adopted in private area, they became main principles in public organization nowadays because of the increasing social needs and limited resources. However, there are some challenges in applying these principles to public sector because of the difficulty in measurement. The multiplicity of objectives and the difficulty of putting a price on non-market goods makes it difficult to estimate relevant factors (Mandl, Dierx, & Ilzkovitz, 2008).

Efficiency is a similar concept to productivity, but has a broader meaning. While the attention of efficiency is inclined to input factors as well as output, the attention in productivity is inclined to output levels in given input. Effectiveness, which is the relationship between used resources and objectives, is expressed by input-output or output-output ratio. Effectiveness is not easy to be objective because outcome can be chosen by political choice. In reality, it is not easy to distinguish these two values partly because the distinction between output and outcome is unclear in public affairs and partly because those are influenced by environmental factors. There also exists a matter of scope. Whether or not to take a certain factor into consideration affects the measurement of these values (Mandl et al., 2008).

Because of the characteristics that are too much dependent on quantifiable and value-free aspects, there have been some efforts to differently define efficiency and effectiveness in public affairs. Waldo (2006) introduced social efficiency, asserting that it does not make sense to exclude fundamental values of public affairs from this

concept. According to his argument, efficiency in public area should be interpreted socially or humanly since the purpose lies in the good life of individuals. Saying that efficiency is not a value in itself but a link among values, he put an emphasis on the efficiency in a given purpose. That is, he postponed whether or not something is done efficiently to what should be done efficiently.

2) Uniqueness in Congressional Oversight

Efficiency or effectiveness has a different meaning in congressional oversight because of the unique stance of Congress. Unlike the executive's point of view, efficiency or effectiveness in implementation is not the only value to be overseen. Democratic aspects should be also scanned in congressional oversight. The meaning of efficiency or effectiveness in oversight is largely affected by the trait of inspection or investigation. Considering that the goal is to guarantee the accountability of the government, visible outcome might not always the outcome that is required. Overseeing activity itself can be the just job that is needed.

With regard to congressional oversight, there are some difficulties in estimating the efficiency or effectiveness. First, the result might not appear apparently due to intrinsic characteristics. Congressional oversight is conducted during implementation as well as after implementation (Aberbach, 2001; Haskell et al., 2010). Oversight is not only a way of an investigation but also a communication process to rectify and narrow the gap between policy goal and its implementation. It implies that the effect of oversight is

not always expressed overtly. In addition, there are chances that efficiency and effectiveness look like it would not go in the same direction. Bribery or embezzlement or any other inappropriate actions may be prevented effectively by more active oversight activities while it might lower the efficiency due to increased input or decreased output. Second, the broadness and diversity of the context surrounding oversight make it difficult to get a satisfactory measurement. Since congressional oversight is the move of ultimate power based on the doctrines of separation-of-power and checks-and-balances, it is too much influenced by social or political mood. In addition, outcome is understood differently by different actors. As Mandl, Dierx and Ilzkovitz(2008) pointed out, outcome can be determined by political choice. Considering the different understanding about the objective of oversight, it does not appear to be easy to define the efficiency or effectiveness of congressional oversight.

There are some problems in the measurement. Corrective measure which is the actions that agencies have to take after congressional oversight is majorly used as quantitative output, but it can be categorized into different levels depending on situations, committees or even on congressional staffs who compose the report. The fact that the significance of an issue does not always go with the quantifiable estimation makes it difficult to find out any implication.

2.3. Oversight system of Korea and US

2.3.1. Korean Congressional Oversight

1) Overview

As mentioned above, Korean congressional oversight majorly consists of two official institutions. Annual Inspection, which is the annual supervision of overall state affairs, is conducted by competent standing committees in its jurisdiction. It is unique in that other countries do not adopt this kind of oversight institution. Since it is a police-control system that requires a lot of resources compared to the result, this intrinsic characteristic often bring about controversies over efficiency. In spite of this disadvantage, it was chosen by the framer of the Constitution as a self-reflection of the past despotic government. The second one is Investigation into specific affairs. It is conducted by a special or standing committee when requested by not less than 1/4 of all assemblymen. It is a more universal form as an official congressional oversight. Table 4 shows the difference between two institutions.

Table 4. Comparison of two Korean Congressional Oversight Institutions

	Annual Inspection	Investigation
Who	Competent standing committees	Special or standing committee
What	Overall state affairs	Specific affairs
Timing	Before the regular session (changeable by a resolution)	If requested by not less than 1/4 of all assemblymen
Period	Not more than 30 days	Decided by resolution

During Annual Inspection or Investigation, the standing committees or competent committees can obtain information from reports, documents, and testimonies. Committee members can hear reports from agencies and question-and-answer follows it. Each committee can require agencies to submit documents or compel witnesses to attend by its resolution.

Regarding documents, two things are controversial. The biggest problem is un-submission or poor submission. Even though the law mandates it, the punishment is not so effective in reality because it is often excused on the ground of the executive privilege. Another thing is the boundary of agencies that should submit documents. It especially matters in Investigation. While Annual Inspection is conducted by standing committees according to its jurisdiction, Investigation is done centering on issues. Since the investigation plan delineates the agencies to report or to submit documents, agencies that are not included in the plan tend to refuse to cooperate.

Information can be obtained orally from the testimonies of witnesses or reference witnesses and the appraisals of appraisers. There are some differences among them about whether or not it is a duty to testify. While witnesses and appraisers are obligated to attend and to say the truth, reference witnesses are not compelled to. For this reason, witnesses tend to be preferred in controversial issues while reference witnesses are chosen for less important testimonies.

When witnesses do not attend, lie, or commit contempt, they can be punished for those behaviors. If the given information is false,

the person concerned is punished for perjury. When witnesses fail to attend without justifiable reasons, they can be accompanied by public officials belonging to the National Assembly Secretariat. If overseeing activities are threatened or hindered, the National Assembly can use its contempt power which is the authority to punish the people who show contempt for its activities.

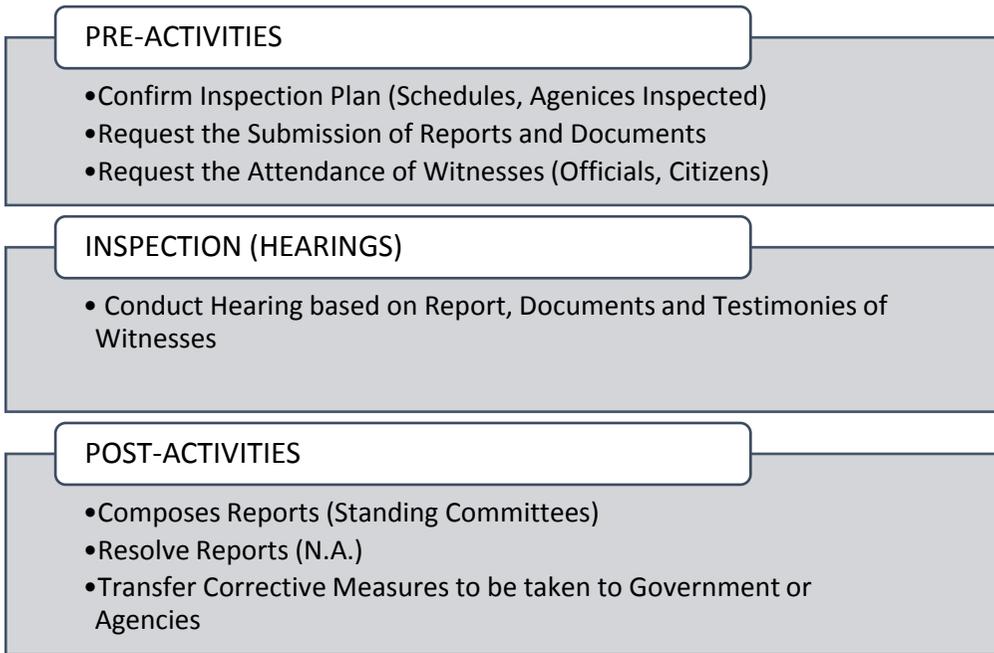
2) Annual Inspection

Annual Inspection is conducted in the form of hearing. The most distinctive thing is periodicity. It is kind of a mixed form of oversight hearings to review government activities and investigatory hearings to detect improper behaviors. The former is usually about policy or program implementation and the latter is more related to scandals or malfeasance. If an event in private sector is related to public affairs, it can be discussed in the hearings.

Annual Inspection is composed of three steps which are preparation, inspection hearings and post-activities. In a preparation stage, the standing committees decide agencies to be inspected, confirm inspection schedule, and obtain approvals by plenary session when it is necessary. After target agencies are decided, standing committees require agencies to report and submit documents, or require the attendance of a witnesses, appraisers or reference witnesses. Inspection is done in the form of hearing. It starts with the declaration of the session open, followed by administer oath to witnesses. It is usually conducted in the National Assembly but field inspection is sometimes conducted for verifying the truth. After the

inspection, standing committees draw up and submit progress report to the Speaker who is the chairman of the National Assembly. When unlawful or unreasonable things are found, the National Assembly deliver corrective measures that inspected organizations have to deal with. The Government or relevant agencies should address these requests without delay and report the results to the National Assembly.

Figure 1. Process of Congressional Annual Inspection



According to Act on the Inspection and Investigation of State Administration, most public organizations as well as state agencies can be the target of congressional inspection. However, there are some limitations on the range of oversight. For instance, inspection into local governments is limited to the duties delegated or subsidized. In case of local administrative agencies, local governments, or institutions subject to audit conducted by the Board of Audit and Inspection, they are inspected only when it is decided on the floor.

Table 5. Target Agencies of Congressional Annual Inspection

Type	Detail	Who Select
State Agencies	<ul style="list-style-type: none"> •Agencies established under the Government Organization Act and other Acts 	Decided in competent standing committee
Local government	<ul style="list-style-type: none"> •Special Metropolitan City, Metropolitan Cities, and Dos 	
Public institutions	<ul style="list-style-type: none"> •Public institutions referred to in Article 4 of the Act on the Management of Public Institutions •The Bank of Korea •The National Agricultural Cooperatives Federation •The National Fisheries Cooperatives Federation 	
Others	<ul style="list-style-type: none"> •Local administrative agencies •Local governments •Institutions subject to audit conducted by the Board of Audit and Inspection 	Decided on the floor

※ Source: Act on the Inspection and Investigation of State Administration

2.3.2. US Congressional Oversight

The U.S. is a nation that democracy is highly developed and has a history of strong Congress. Although the authority to oversee or investigate the executive is not written in the Constitution, it is interpreted that it is implied in the powers of Congress (Kaiser, 2006). However, this power was called a “neglected function” in the past. It was not preferred by Congressmen because it had a low political incentive compared to other activities. This tendency that had continued until the 1960s changed along with the growth of the executive, which raised the need to control them. Under the presidency of Lyndon Johnson and Richard Nixon in the 1970s,

Congress started to augment its power to check the executive. Congressional oversight has become important gradually since then (Aberbach, 2001).

According to CRS report to Congress, not only practical purposes but democratic principles underlie in the legislature's authority to oversee the executive. It is mainly because the origin of oversight is based on the constitutional purpose of a nation and the doctrine of checks and balance. Going beyond this purpose, oversight of the present time pursues many overlapping objectives and purposes including efficiency and effectiveness (Kaiser, 2006).

Table 6. Objectives and purpose of Congressional Oversight (Kaiser, 2006)

- | |
|---|
| <ul style="list-style-type: none">• Improve the efficiency, economy, and effectiveness of governmental operations• Evaluate programs and performance• Detect and prevent poor administration, waste, abuse, arbitrary and capricious behavior, or illegal and unconstitutional conduct• Protect civil liberties and constitutional rights• Inform the general public and ensure that executive policies reflect the public interest• Gather information to develop new legislative proposals or to amend existing statutes• Ensure administrative compliance with legislative intent• Prevent executive encroachment on legislative authority and prerogatives |
|---|

The most distinctive characteristic of US congressional oversight is that it has a well-equipped oversight system throughout government and society. Most public organizations or statues are connected to Congress organizationally or functionally, which makes

its oversight activities systematic and continuous (Haskell et al., 2010). Congressional Budget Office (CBO), Government Accountability Office (GAO) and the Inspectors General (IG) are directed to Congress and some regulations like Whistleblower Law and the Government Performance and Results Act (GPRA) support oversight institutionally.

Table 7. Congressional Oversight System in US

Statute supporting oversight		Duties & Characteristics
Congress	Oversight Committees (Both Chamber)	<ul style="list-style-type: none"> •Oversee the conduct of administration •Oversee policy (<i>effectiveness, etc.</i>)
	Subcommittees (<i>the House</i>)	<ul style="list-style-type: none"> •Conduct oversight in its jurisdiction (<i>Usually, for authorizing legislation</i>)
	Congressional Budget Office (CBO)	<ul style="list-style-type: none"> •Provide professional information for budget process
Government Accountability Office(GAO)		<ul style="list-style-type: none"> •Audit & Investigate illegal activities
The Inspectors General (IG)		<ul style="list-style-type: none"> •Ferret out wrongdoings in government program •Part of the executive branch (within the agencies) •Appointed by the President & Approved the by Senate, Report regularly to Congress
The Government Performance and Results Act (GPRA)		<ul style="list-style-type: none"> •Assess program's performance
Whistleblower Law		<ul style="list-style-type: none"> •Pass information to Congress (public official, citizen)

Congressional Budget Office (CBO) is one of the congressional supporting organizations. The main function is to provide professional information for budget process. Government Accountability Office

(GAO) audits the government agencies and investigates illegal activities. One notable thing is that it belongs to Congress, which is different from Korean system. This arrangement made it possible to distinguish between the role Congress and GAO, reducing the functional overlap and making room for policy oversight by Congress. The Inspectors General (IG) is a kind of internal controls in the agencies since it exists within agencies. The main purpose is to ferret out wrongdoings in the conduct of government. Most IGs are appointed by the President and approved the by Senate. Even though these offices are part of the executive, they have a portion of independence in business. They are required to report directly to Congress on a regular basis. The Government Performance and Results Act (GPRA) set a goal of assessing program's performance. Whistleblower Law facilitates the control by inner members or citizens and it compensates for other official institutions. If there is any violation, any people can pass the information to Congress. The precondition that whistle-blowing operates successfully is open society and protection of the reporter.

Congressional oversight is usually exercised through standing committee. Oversight and Government Reform Committee in the U.S. House of Representatives is the main investigative and oversight committee in Congress. It is granted broad jurisdiction. While oversight committee inspects all of governmental affairs, subcommittees conduct their duties in its jurisdiction.

Table 8. Committees of the U.S Congress²

Type	House	Senate
Standing Committees	<ul style="list-style-type: none"> · Agriculture · Appropriations · Armed Services · Budget · Education and the Workforce · Energy and Commerce · Ethics · Financial Services · Foreign Affairs · Homeland Security · House Administration · Judiciary · Natural Resources · <u>Oversight and Government Reform</u> · Rules · Science, Space, and Technology · Small Business · Transportation and Infrastructure · Veterans' Affairs · Ways and Means 	<ul style="list-style-type: none"> · Agriculture, Nutrition, and Forestry · Appropriations · Armed Services · Banking, Housing, and Urban Affairs · Budget · Commerce, Science, and Transportation · Energy and Natural Resources · Environment and Public Works · Finance · Foreign Relations · Health, Education, Labor, and Pensions · <u>Homeland Security and Governmental Affairs</u> · Judiciary · Rules and Administration · Small Business and Entrepreneurship · Veterans' Affairs
Special and Select Committees	<ul style="list-style-type: none"> · Permanent Select Committee on Intelligence · Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi 	<ul style="list-style-type: none"> · Aging (Special Committee) · Ethics (Select Committee) · Indian Affairs (Other Committee) · Intelligence (Select Committee)
Joint Committees	<ul style="list-style-type: none"> · Joint Economic, Joint Library, Joint Printing, Joint Taxation 	

The most public method of oversight held in committees or subcommittees is hearing. It is the most official method of Congress's activities such as authorization, funding and oversight. There are

² <https://www.congress.gov/committees>

different types of congressional hearings according to the purpose – legislative hearings, oversight hearings, investigatory hearings, and confirmation hearings. As the executive branches have different perspective on how to carry out the law, that is, how to implement the program, hearing is a useful tool to narrowing the difference of opinions.

3. RESEARCH METHOD

3.1. Previous Researches

There have been several deliberations about Korean Annual Inspection. They were about either operational or institutional issues and there were different views about who is the main actor that can improve current situation. In spite of these diverse approaches, the main concerns converge on the efficiency and effectiveness of current institutions.

In order to find out key factors for improvement, some studies concentrated on the inner aspect of oversight system. The most frequently mentioned issues were input factors such as the quantity of documents required to submit, the number of agencies to be inspected, or the period of inspection, which are closely related to efficiency (Lee, 2005; J. H. Lim, 2004; Yun & Hwang, 2016). Other studies paid more attention to effectiveness. Main concern was the reaction of government which was argued that it was not so strong as to make sufficient changes to hold the government accountable (Yun & Hwang, 2016). Some studies stressed the weakness of oversight tools. The quality of documents submitted and the usefulness of testimony did not come up to the level for effective oversight (J. H. Lim, 2004).

There were some other studies that tried contextual understanding. Some studies paid attention to partisanship. Analyzing the productivity based on the relationship between the President and Congress, Seung-Yong (2010) argued that, party politics affects the

productivity of Congress. In his study, Congress was more productive under divided government than the President does not belong to the majority party in Congress (Seung–Yong, 2010). It was indicated that the adoption of result report or witness was difficult under polarized circumstances. Other studies looked at oversight in the institutional context. Some discussed functional liaison between Congress and the Board of Audit and Inspection (Yun & Hwang, 2016). Some showed very skeptical view on the efficiency of Annual Inspection arguing that only investigation is necessary (Lee, 2005).

3.2. Research Direction

In spite of diverse efforts to find out the weak points of the current congressional oversight, there are several shortcomings in previous researches. First, most studies tend to focus on fragmentary aspects of Annual Inspection. It made them to stop at theoretical solutions. Secondly, when referring to the efficiency or effectiveness, they did not provide the clue for the appropriate level of oversight activities. Considering the sociopolitical circumstances surrounding congressional oversight, it would be basically very difficult to know the optimal state. Finally, little attention has been paid to the characteristic of oversight itself. Previous researches focused on inappropriate aspects based on quantitative data. However, the relationship between the executive branch and the executive branch can be cooperative and oversight happens during implementation as well as after implementation. In addition, the number of indications in

congressional oversight does not always matches the degree of accountability of the government. These make the performance of oversight less visible.

In order to overcome these obstacles, this study uses longitudinal and contextual analysis on the current Annual Inspection. Instead of explaining the phenomenon by constraint, this study tries to understand the overall trend and to find out any relationship or rationale based on the observation of some period.

It first focuses on showing the change of each oversight factor as objective as possible. Observed objects are input related factors and output/outcome related factors. Inspecting actor, agencies inspected, documents and witnesses are chosen as input related factors. Corrective measures are selected as output factor and response of agencies to corrective measures is seen as outcome. Inspection days and standing committee are observed and target agencies are also reviewed.

Next step is to look into the observations closely under the big picture. After identifying the trend of current institution, it seeks to figure out the trend first and searches any implications. In this step, the analysis is conducted considering the context of the whole oversight system, keeping it in mind that the ultimate goal of congressional oversight is to hold the government accountable. Comparison with US oversight is used when the necessity arises because it is possible that this kind of comparison would give insight that quantitative data cannot easily provide.

Table 9. The Structure of Analyzed Framework

Type	Observed Factor	Analysis Method
Input Related Factors	<ul style="list-style-type: none"> ● Inspection Period ● The number of standing committee & members 	<u>Longitudinal Analysis</u> <ul style="list-style-type: none"> ● Identify trend ● Find out any relationship or rationale <u>Contextual Analysis</u> <ul style="list-style-type: none"> ● Understand in the whole Oversight system ● Compare with US system
	<ul style="list-style-type: none"> ● The number of target agencies 	
	<ul style="list-style-type: none"> ● The number of documents ● The number of witnesses 	
Output/Outcome Related Factors	<ul style="list-style-type: none"> ● Corrective measures 	
	<ul style="list-style-type: none"> ● Response of agencies to corrective measures 	

In order to know current situation, data is collected for about a decade from 2000 to 2012. It is partly because about a decade is considered to be appropriate in revealing the recent trend, and partly because there was a not critical change in Annual Inspection during that period. This period can escape the influence of the change in quorum to start Investigation from 1/3 to 1/4 of assemblymen in 2000 and the legal change of Annual Inspection period from 20 days to 30 days in 2013. After that, it tries to catch any meaning from the results. Recognizing that Annual Inspection is a part of the congressional oversight, the results would be understood in the whole institutional context. Seeking to find out any significance based on the data, it especially focuses on the contextual position of Annual Inspection in the Korean congressional oversight. For better understanding, US oversight system is used as a comparison target.

All statistical data used in this research is based on the books of Statistics and Data Analysis of Parliamentary Audit and Inspection, which is published annually by Proceedings Bureau in the National

Assembly.

4. RESEARCH ANALYSIS OF ANNUAL INSPECTION

4.1. Input Related Factors

4.1.1. Activities of the National Assembly

While there has been no change in inspection days in statute, the real inspection days fluctuated a little bit depending on each year's situation. Since the time of inspection was decided to be very close to Korean Thanksgiving Day in most cases, it would affect the real inspecting days.

One notable thing is that the real hours spent on the inspection appear to decrease a little bit over time. While this decrease can be understood as the decrease of efforts, it also can be understood as the decrease of wasteful aspect such as overlapping questions and answers. Unfortunately, it is not clear in this data.

Table 10. Inspection Period

Year	Inspection period	Period (Real day)	Hour (Real hour)
2000	10/19~11/7	20(16)	1,902(1,356)
2001	9/10~9/29	20(18)	1,672(1,190)
2002	9/16~10/5	20(14)	1,435(1,070)
2003	9/22~10/11	20(16)	1,388(1,082)
2004	10/4~10/23	20(17)	1,599(1,258)
2005	9/22~10/11	20(16)	1,511(1,201)
2006	10/13~11/1	20(16)	1,521(1,221)
2007	10/17~11/4	19(13)	1,224(974)
2008	10/6~10/25	20(15)	1,046(1,070)
2009	10/5~10/24	20(15)	1,434(1,085)
2010	10/4~10/23	20(15)	1,398(1,045)
2011	9/19~10/8	20(15)	1,249(941)
2012	10/15~10/24	20(16)	1,326(1,015)

The number of standing committee which conducted Annual Inspection was almost constant ranging from 16 to 18. On the other hand, the total number of committee members had increased a little bit. Along with the change in the number of the National Assembly members in 2004 from 273 to 299, there was a jump in the total number of committee members and the number of Members holding additional post.

Table 11. The Number of Inspection Committees and Members

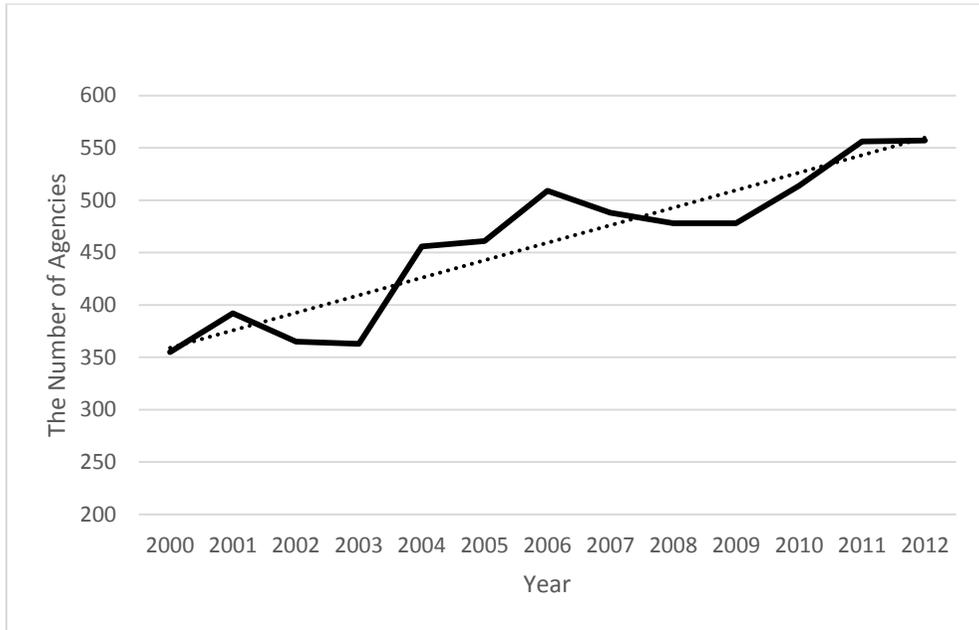
Year	The number of Committee	The total number of committee members	The number of Members holding additional post
2000	16	272	35
2001	18	269	35
2002	16	271	39
2003	16	248	51
2004	17	298	49
2005	17	294	49
2006	17	296	50
2007	17	298	50
2008	16	298	52
2009	16	289	52
2010	16	287	52
2011	16	283	52
2012	16	299	56

4.1.2. Target Agencies

The total number of agencies, which is the most important thing in inspecting activities, continued to increase as seen in Figure 2. Considering that the political incentive for oversight becomes lower after the election, it was expected to show a four-year pattern.

However, it is not clear in this data even though there is some fluctuation.

Figure 2. The Number of Agencies Inspected



If it is looked into more in detail, the change is different depending on the type of agency. Since 2009, the number of public institutions has increased dramatically while the number of local administrative agencies or other agencies, which are determined by the plenary session when necessary, has decreased sharply at the same period. This change is thought as the reflection of the social need to inspect public institutions which execute public policies. The more policies are executed by public agencies instead of state agencies, the bigger became the need to check them for accountability.

Figure 3. The Number of Inspected Agencies according to Types

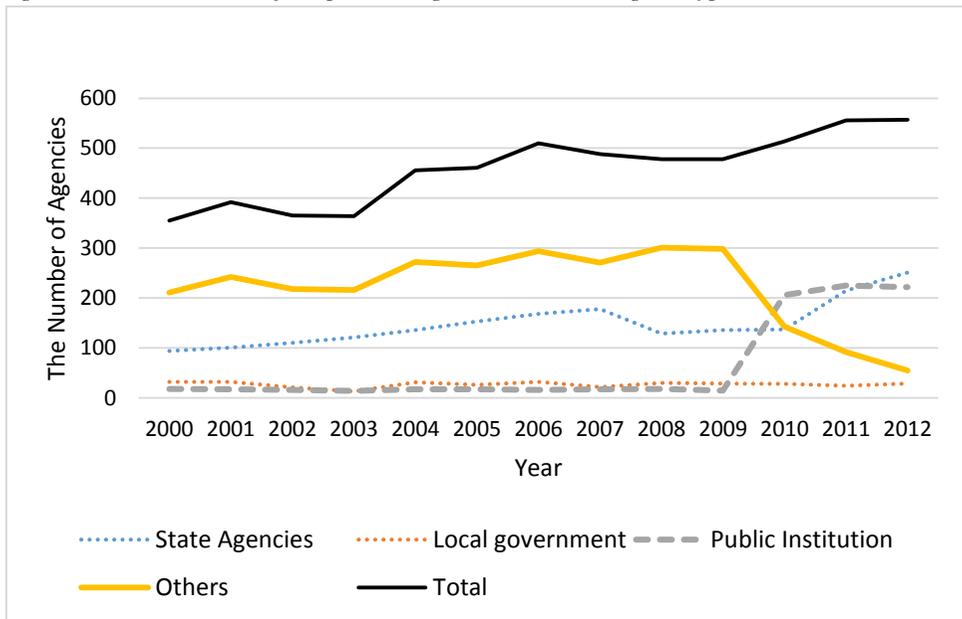


Table 12. The Number of Agencies Inspected according to Types

Year	State Agencies ³	Local Government ⁴	Public Institutions ⁵	Others ⁶	Sum
2000	94	32	18	211	355
2001	101	32	17	242	392
2002	110	21	16	218	365
2003	121	13	14	216	364
2004	136	31	17	272	456
2005	153	26	17	265	461
2006	168	32	16	294	510
2007	178	22	17	271	488
2008	129	30	18	301	478
2009	136	29	15	298	478
2010	137	28	206	143	514
2011	215	24	225	92	556
2012	251	29	222	55	557

Along with this increase of agencies, there had been changes in inspection practice in the National Assembly. Each committee has increased the frequency of collective hearing in which several agencies are inspected at the same time. This type of hearing happens when the functions of agencies are closely related or they are connected by delegation. The biggest one is the hearing that is

³ State agencies established under the Government Organization Act and other Acts

⁴ The Special Metropolitan City, Metropolitan Cities and Dos among local governments. Provided, that the scope of such inspection shall be limited to the delegated duties by the State and projects for which the State provides budgetary support, such as subsidies, etc.

⁵ Public institutions as prescribed in Article 4 of the Act on the Management of Public Institutions, the Bank of Korea, the National Agricultural Cooperatives Federation, and the National Fisheries Cooperatives Federation

⁶ Local administrative agencies, other than those referred to in subparagraphs 1 through 3, local governments and institutions subject to inspections conducted by the Board of Audit and Inspection under the Board of Audit and Inspection Act: Provided, that this shall be limited to cases determined as specifically necessary by the plenary session.

conducted at the end of inspecting period to wrap up the whole inspection. Figure 4 shows that collective style hearing composed of 4, 5, and 8 agencies continued to increase. The increase of the hearings with over 8 agencies, which were held at the end of inspection period in order to review the overall affairs, would give more comprehensive view about public affairs. At the same time, it is possible that it had put more burdens on agencies.

Figure 4. The Number of Agencies Inspected Together

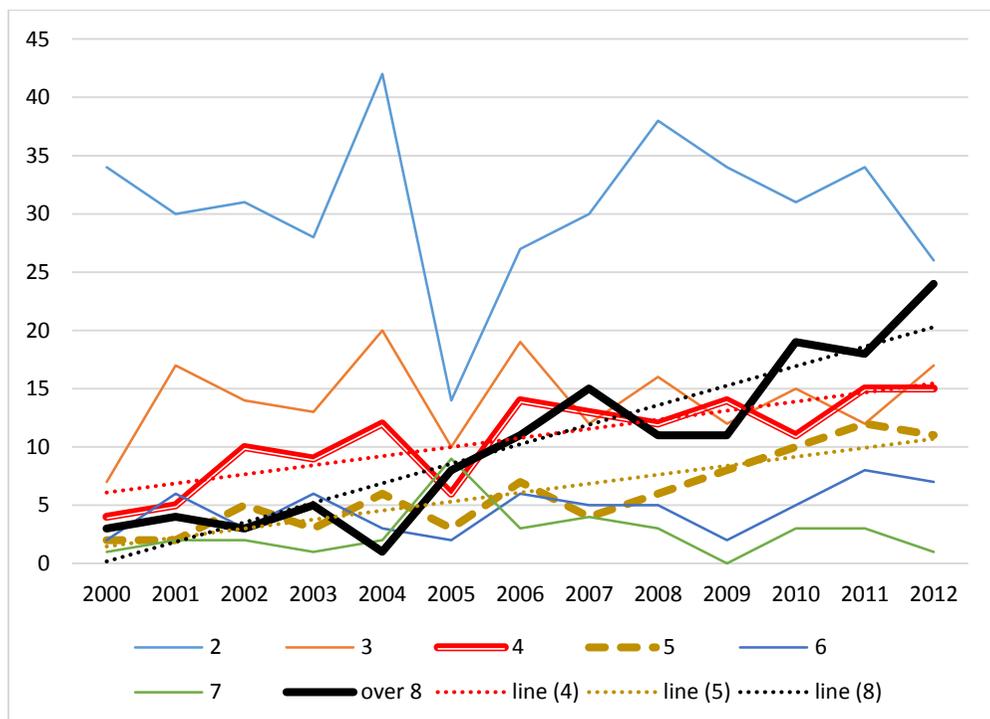


Table 13. The Number of Agencies Inspected Together

Year	The Number of Agencies Inspected Together						
	2	3	4	5	6	7	Over 8
2000	34	7	4	2	2	1	3
2001	30	17	5	2	6	2	4
2002	31	14	10	5	3	2	3
2003	28	13	9	3	6	1	5
2004	42	20	12	6	3	2	1
2005	14	10	6	3	2	9	8
2006	27	19	14	7	6	3	11
2007	30	12	13	4	5	4	15
2008	38	16	12	6	5	3	11
2009	34	12	14	8	2	0	11
2010	31	15	11	10	5	3	19
2011	34	12	15	12	8	3	18
2012	26	17	15	11	7	1	24

4.1.3. Documents and Testimonies

1) Documents

The number of documents required to submit has increased gradually even though there were some fluctuation. The change is generally proportionate to that of agencies although it does not exactly match up with the change in agencies. It is a natural phenomenon considering the overall trend of inspected agencies.

There are some characteristics that are not considered. Besides the total number, the quality or size of documents is also an important aspect even though it is not easily seen. In general, the burden of submission of documents is expected to increase incrementally because there is no principle in this communication and

N.A. assistants just add some more requirements to the previous year's request.

Figure 5. The Number of Documents Required to Submit

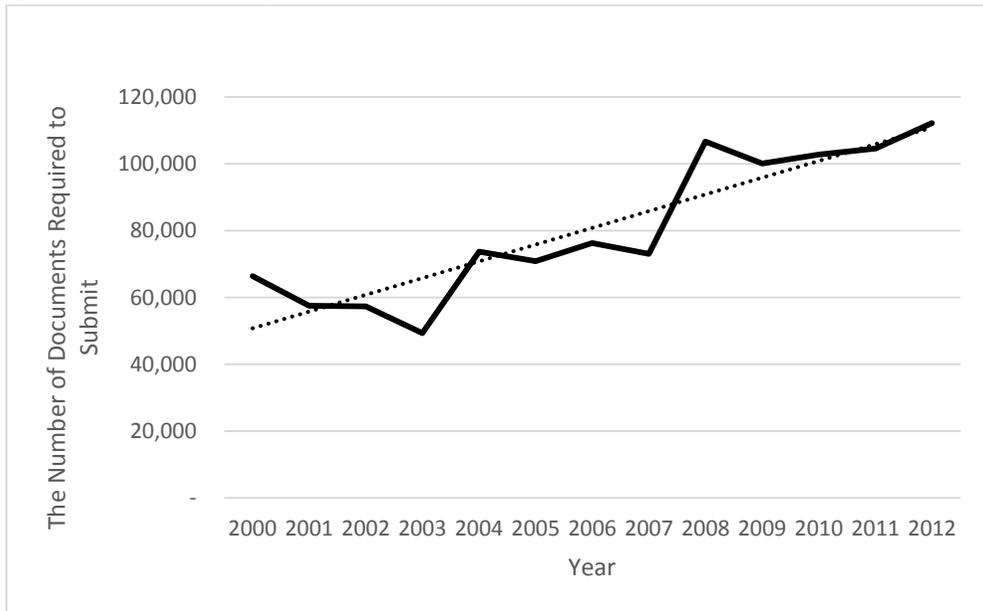


Table 14. The Number of Documents Required to Submit

Year	Number of member	Number of documents required		Sum	Number of documents per member
		Before Inspection	During Inspection		
2000	263	65,269	1,128	66,397	252
2001	253	55,723	1,824	57,547	227
2002	251	55,819	1,565	57,384	229
2003	251	48,490	874	49,364	197
2004	278	66,636	7,075	73,711	265
2005	274	68,978	1,859	70,837	259
2006	278	63,876	12,448	76,324	275
2007	278	68,883	4,178	73,061	263
2008	294	90,297	16,389	106,686	363
2009	281	90,895	9,231	100,126	356
2010	282	88,544	14,190	102,734	364
2011	278	88,784	15,790	104,574	376
2012	285	99,273	12,884	112,157	394

2) Witness, Reference Witness and Appraiser

Although the number of witnesses fluctuated, it appeared to have increased in general. On the other hand, the total number of reference witnesses shows a decreasing tendency. Overall, the sum of witness and reference witnesses shows a tendency to increase. Compared with the rising number of inspected agencies, it looks reasonable.

It is notable that the changes in the number of witness and reference witness are different. The only difference in the testimony of witness and reference witness is whether or not there is coerciveness. That is, while the attendance of witness is compelled by law, reference witness can attend at their own will. The transition of the testimony from spontaneity to forcibleness implies that issues

dealt in the inspection grow to be more controversial, being often connected with partisanship. This change might have made people reluctant to testify in front of the National Assembly. The drop of attendance rates in figure 7 reflects this tendency.

Figure 6. The Number of Witnesses and Reference Witnesses Required to Attend

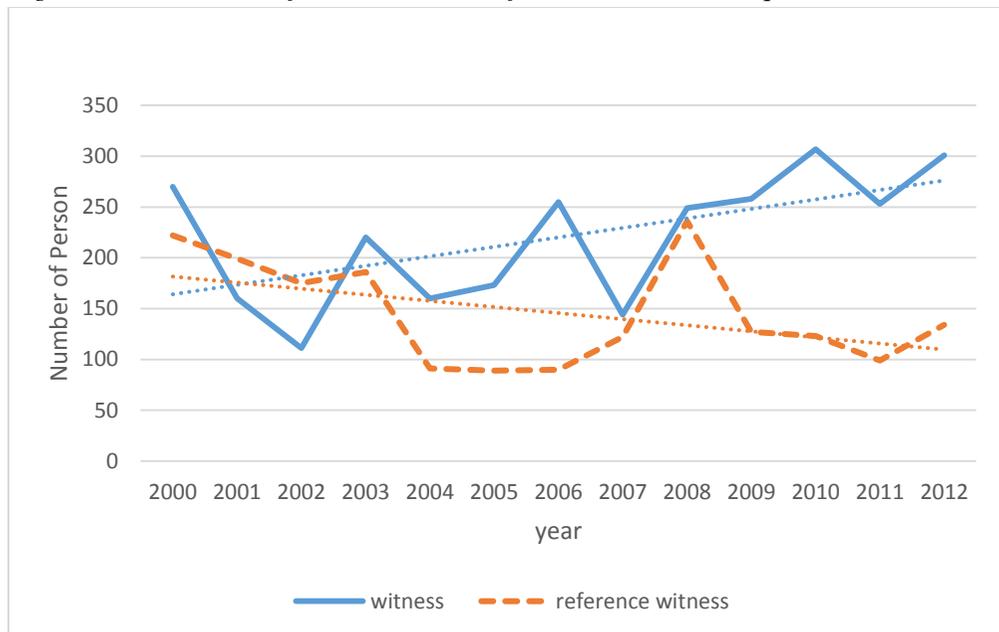


Figure 7. The Rate of Attendance of Witness and Reference Witness

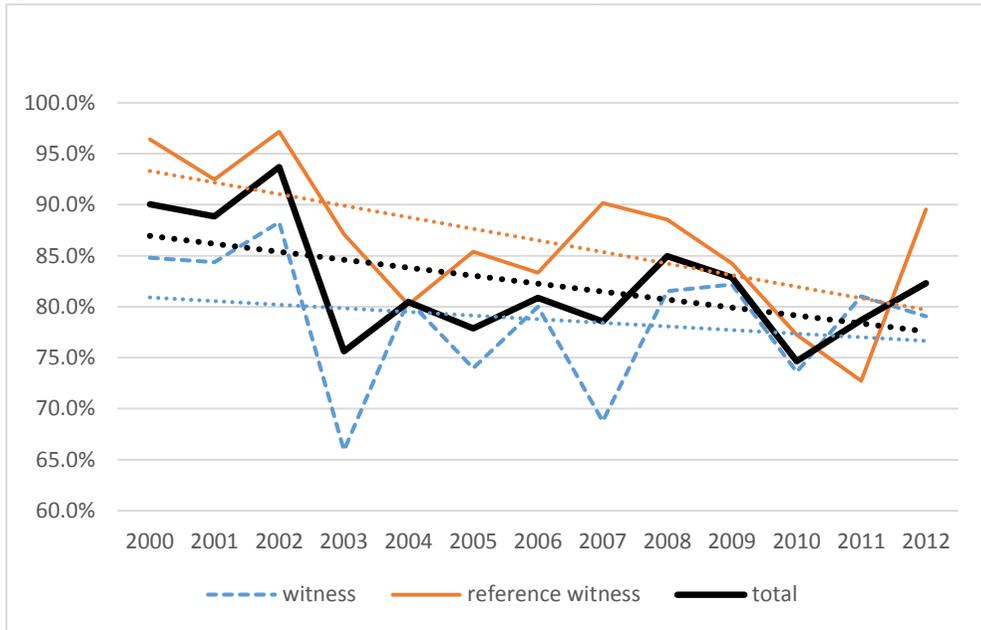


Table 15. The Rate of Attendance of Witness and Reference Witness

Year	Witness			Reference Witness			Total		
	Reque sted	Atten ded	Rate (%)	Reque sted	Atten ded	Rate (%)	Reque sted	Atten ded	Rate (%)
2000	270	229	84.8	222	214	96.4	492	443	90.0
2001	160	135	84.4	199	184	92.5	359	319	88.9
2002	111	98	88.3	175	170	97.1	286	268	93.7
2003	220	145	65.9	186	162	87.1	406	307	75.6
2004	160	129	80.6	91	73	80.2	251	202	80.5
2005	173	128	74.0	89	76	85.4	262	204	77.9
2006	255	204	80.0	90	75	83.3	345	279	80.9
2007	144	99	68.8	122	110	90.2	266	209	78.6
2008	249	203	81.5	236	209	88.6	485	412	84.9
2009	258	212	82.2	127	107	84.3	385	319	82.9
2010	307	226	73.6	123	95	77.2	430	321	74.7
2011	253	205	81.0	99	72	72.7	352	277	78.7
2012	301	238	79.1	134	120	89.6	435	358	82.3

Regarding this issue, there are several points to consider in the regulation. Most of all, perjury can be punished heavier than nonattendance depending on the situation. According to table 16, non-attendance is a better way to a witness who is suspected to be a criminal because the punishment can be lighter. Recognizing this aspect, related law was recently revised to stronger punishment for non-attendance, but there are something more to consider. Being a witness does not directly mean that someone is a criminal and attendance is a big duty for ordinary people. Even though it is effective to critical witnesses, higher penalty for not attending might be too severe for some witnesses. Secondly, there are few effective ways to control or punish the behavior when some witnesses run away in order to evade receiving the notice of attendance or being accompanied to attend. In addition, since Congress has limited authority to approach personal information like address or phone number, there is difficulty to execute the delivery. Finally, there is a limitation based on the separation of power. For instance, when witnesses required to be accompanied, they can refuse to do. Although the National Assembly can accuse witnesses, it cannot compel or punish them directly. Many debates are ongoing and bills are suggested to overcome this weakness.

Table 16. Crime and Punishment in Annual Inspection and Investigation

Offense	Punishment	Note
Offense of Non-Attendance	<ul style="list-style-type: none"> •Imprisonment with labor for not more than three years • Fine of not less than thirty million won but not more than ten million won 	
Contempt of National Assembly	<ul style="list-style-type: none"> •Imprisonment with labor for not more than five years •Fine not exceeding fifty million won 	Refusal an order of accompanying, etc.
Perjury	<ul style="list-style-type: none"> •Imprisonment with labor for not less than one year but not more than ten years 	

Table 17 shows the number of order of accompanying and that of accusation. These are mostly about witnesses. Order of accompanying is a way to compel attendance while accusation is a punishment for non-attendance, perjury or refusal of an order of accompanying. In spite of the increase of witness and decrease of attendance rate, these numbers did not go along with them or show a certain pattern. It alludes to the chance of discordance between violation and penalty.

Table 17. The Number of Order of Accompanying and Accusation

Year	Order of Accompanying	Accusation
2000	5	12
2001	2	2
2002	0	1
2003	12	24
2004	12	11
2005	1	15
2006	7	20
2007	0	3
2008	0	6
2009	0	4
2010	10	14
2011	1	8
2012	4	16

The number of witnesses that are not inspected was not so many as it is known. In appearance, it does not matter so much. However, it does not directly mean that they were asked enough. The increasing number of witnesses makes less chance for sincere question—and answer because of the time restriction. It is not easy to know from this data whether the problem starts from time limitation or too many witnesses, or whether or not there is any problem in the number of witness.

Table 18. Citizen Witnesses who are Not Asked during Inspection

Year	Not inspected	Reason
2000	2	.Suspension of Inspection
2001	2	.Change of the Attendance date
2002	4	.No need to inspect due to the absence of Main witness
2003	0	
2004	0	
2005	3	.Inspection delayed because of Chinese Kimchi issue
2006	0	
2007	5	.No execution of inspection
2008	2	.Not made oath
2009	5	.Change of witness(1), Suspension of Inspection (4)
2010	0	
2011	20	.No execution of inspection
2012	3	.Suspension of Inspection because of witness list

Lastly, figure 8 shows the number of appraisers but it is not easy to say any trend affirmatively. However, figure 9 shows that the rate of attendance went down. It is probably due to the weight levied on their remark. Even though the role of appraiser in inspection is to make an objective appraisal, appraisers can be accused of perjury for what they say. Like witnesses, they might not want to be involved in controversial issues.

Figure 8. The Number of Appraisers

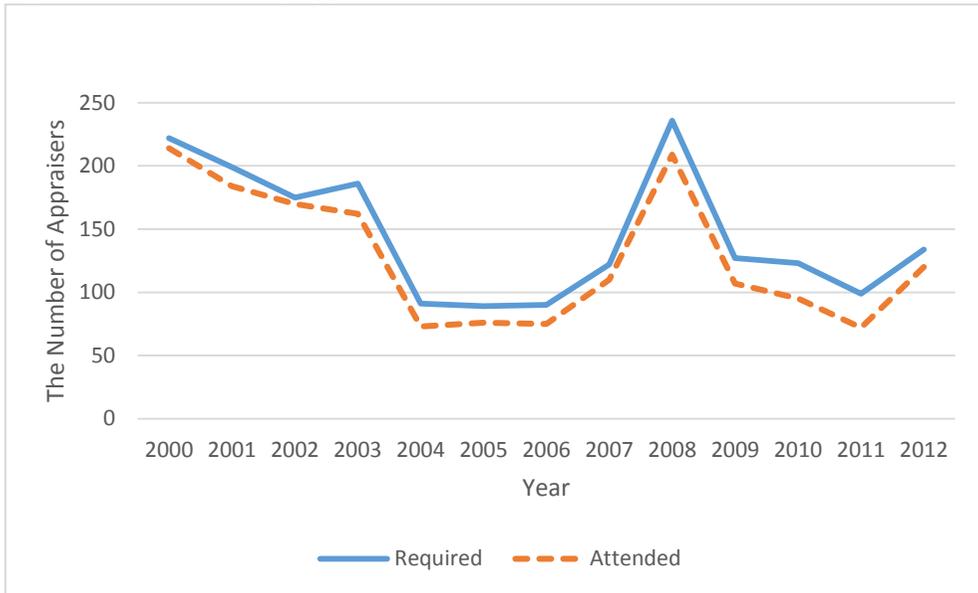


Figure 9. The Rate of Attendance of Appraisers

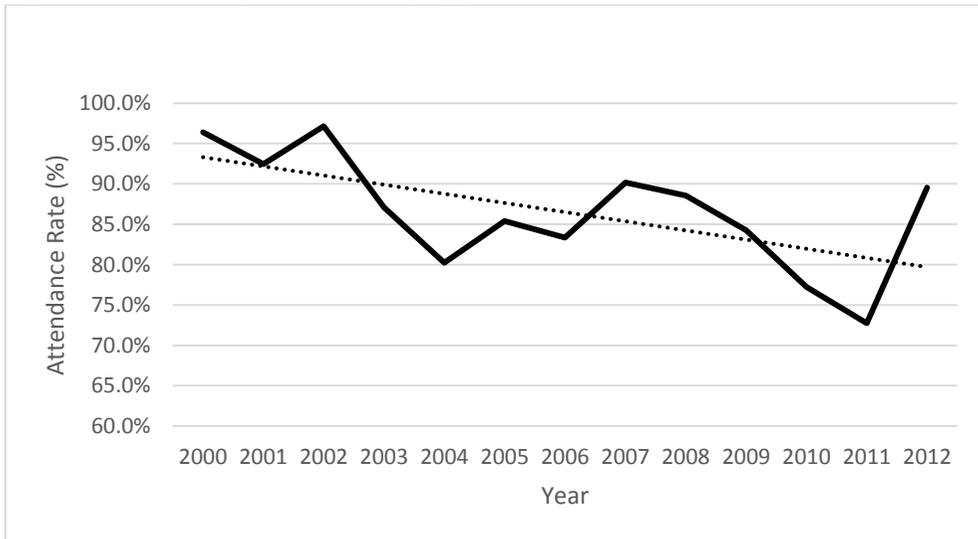


Table 19. Appraisers and Attendance

Year	Required	Attended	Acting Attendance	Not Attended	Voluntary Attendance
2000	222	214		8	
2001	199	184	4	14	
2002	175	170	1	4	
2003	186	162	1	24	
2004	91	73	5	15	172
2005	89	76	13	1	99
2006	90	75	7	8	
2007	122	110	12	0	
2008	236	209	27	0	5
2009	127	107	20	0	7
2010	123	95	28	1	1
2011	99	72	27	0	4
2012	134	120	11	3	

4.2. Output & Outcome Related Factors

4.2.1. Corrective Measures

The number of corrective measures, which is one of the indications of inspection, increased over the recent decades. It went with the number of agencies by and large. This alludes to a chance that this outcome factors is more dependent on the target agencies rather than on other things. It is partly because each agency tries to hold down the number under the level of previous year, which makes the number of corrective measures proportionate to the number of agencies.

Figure 10. The Number of Corrective Measures

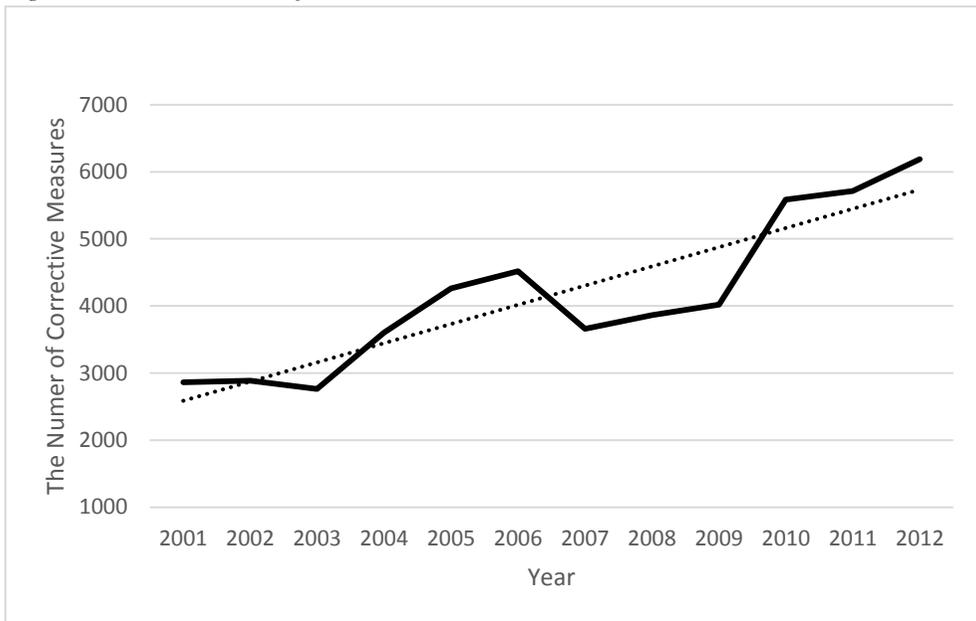


Table 20. The Number of Corrective Measures

Year	Corrective Measures
2000	-
2001	2864
2002	2884
2003	2763
2004	3604
2005	4261
2006	4519
2007	3658
2008	3863
2009	4019
2010	5587
2011	5716
2012	6190

4.2.2. Response of Agencies

Table 21 shows the required date of corrective measures and reported date from government. Even though Annual Inspection was held in similar period, the date of resolution to require corrective measures or the reported date from government was not regular. It does not show the effectiveness directly, but it is assumed that this report from agencies can be used for other congressional activities in the near future.

Table 21. Dates that NA required to Take Measures and Dates reported by Agencies

Year	The Date of Resolution to Require Corrective Measures	The Reported Date from government
2000	12/8, 12/15	2001
2001	12/21	2002/3/4
2002	11/11	2003/3/3
2003	12/24	2004/3/4
2004	12/14, 12/30	2005
2005	2006/2/10	2006/5/3
2006	12/26	2007/2/28
2007	11/26	2008/2/29
2008	2009/1/15	2009/2/27
2009	2010/1/6, 2/25, 4/22	2010/5/20
2010	2011 3/16, 5/1	2011/6/1
2011	2012 1/2, 3/2	2012/2/27, 4/9
2012	2012 3/5, 3/22, 6/28	2013/7/25

It is regulated that the Government or relevant agencies should deal with matters without delay, but it takes some time to do it. According to Proceedings Bureau in the National Assembly, corrective measures decided by a resolution of the plenary session are delivered to the Ministry of Government Administration and Home

Affairs, which takes the role to distribute them to each agency while the return or report from those agencies is done directly to Congress based on executive Ministry. Agencies are required to take follow-up actions and report within one month in practice, but it can vary depending on the situation of each agencies. It is the reason why it takes a few months.

However, there is something left to be desired. Even though the Government or relevant agencies should address matters without delay which are subject to corrective measures and the National Assembly can take appropriate measures, official disciplinary measures is not regulated in the institution for unsatisfactory response. It is especially true in policy arena.

Regarding effectiveness, comparison with US oversight system can give more insight that the previous data did not give. The appreciable thing in US oversight is that it adopts fire-alarm oversight model and puts Congress at the center of the system. Most overseeing agencies belong to Congress or the result is reported to Congress. Even though intermittent oversight is conducted, standing organizations like oversight committee or subcommittee makes oversight continuous and powerful. By putting Congress at the center of oversight, the US makes a fire-alarm oversight more effective, which might be the reason that investigation is enough to control the government.

Another characteristic of US system is that it goes together with the decision-making power. Authorizing or reauthorizing power makes oversight effective because the executive cannot help

following the decision from Congress in order to get the permit to do something. It is different from Korea in that the National Assembly does not take the initiative in most of the policies and control policies by examining budget in most cases. This lack of authority is one of the reasons to make oversight less effective.

Table 22. Comparison of Institutions to oversee the Government

Types	US Oversight	Korean Oversight
Congressional Oversight	<ul style="list-style-type: none"> •Organization-centered :Oversight committee / subcommittee •Fire-alarm Model 	<ul style="list-style-type: none"> •Activities-centered : Inspection, Investigation • Police-patrol & Fire-Alarm model
Audit & Investigate	<ul style="list-style-type: none"> •GAO •Belong to Congress 	<ul style="list-style-type: none"> •The Board of Audit and Inspection •Belong to the President
Internal Control	<ul style="list-style-type: none"> •IG •Report to Congress 	<ul style="list-style-type: none"> •Department of each agency •Report to the Head
Whistle-blow	<ul style="list-style-type: none"> •Report to Congress 	<ul style="list-style-type: none"> •Report to heads or relevant agencies (not to Congress)

5. CONCLUSION

5.1. Summary of Analysis

This study has focused on the current trend and underlying rationale of Korean Annual Inspection which is parliamentary inspection of all state affairs. In short, the scope has grown gradually and issues that had been dealt with have become more controversial. The rising amount of used resources and corrective measures as output is the reflection of the growing need to hold the government accountable, proportional to the increasing government activities. Standing committees have kept up with this change by adjusting its inspection process in the form of collective hearing, which might partly explain the decrease of real time spent during Annual Inspection. The rise in the number of witnesses and the gradual decline in attendance rate suggest that Annual Inspection deals with more controversial issues, which makes people reluctant to say something in front of Congress. Much of this tendency is presumed to be caused by polarized politics. Regarding effectiveness, it was not possible to get any visible result directly from the data, but it seems to be related to the whole system of congressional oversight.

5.2. Several Points to Consider

Even though this research pursued comprehensive understanding in the context, it might not be enough to understand it

fully. Since Annual Inspection is conducted in diverse situation, more things need to be included. For instance, if other Korean oversight institutions or political context are considered together, it might help to provide better findings.

In order to get a more profound understanding about the property of the usefulness of Korean Annual Inspection, it is also necessary to take into account the general characteristics of congressional oversight. One thing is the intrinsic trait of oversight itself. It is kind of information-getting process to check what the government is doing although it often affects policy implementation by communication or follow-up actions. In addition, the knowledge acquired in oversight can be used in examining legislation or appropriation. These traits make congressional oversight look less efficient or effective. Another thing for reflection is that congressional oversight provides less political incentive than other activities. Since congressmen are chosen by election, they are easily inclined to the role of representative of its constituents rather than the role of delegate of all citizens. The stance as a committee member often makes them less strict overseer because they don't want to reduce their influence on its jurisdiction. Political or social context is also important factor to be considered. In general, the relationship between Congress and the President affects congressional oversight. Whether it is unified government or divided government affects the stance of Congress toward the government. The balance of power can be different depending on issues. National security and economic crisis

are favorable issues to the President, which is likely to weaken congressional oversight.

Above this, Korean uniqueness needs to be included for getting more insight into Korean parliamentary inspection. The first one is that Korean Annual Inspection is police–patrol oversight model, which spends lots of resources in monitoring all state affairs as well as detecting certain issues. In spite of this shortcoming, it plays important role because current oversight system does not appear to provide enough conditions for controlling the government. Since Korean institutions for overseeing government activities – the Board of Audit and Inspection, internal control in the executive and whistle–blower – do not belong to or are not directed to the National Assembly, Korean congressional investigation lacks continuity of supervision. Annual Inspection compensates for this weakness to some extent. Current situation in Korea gives environment favorable to the President. Not only does the state of truce after the Korean War put more weight on national security but also recent economic difficulties are linked to the demand of more efficient government. This situation make people want more powerful and efficient President and less intervention from Congress.

5.3. Congressional Oversight in Check and Balance

In spite of recent efforts to improve Annual Inspection, it is still doubtful whether the current system is effective, efficient or whether it is enough to hold the government accountable. However,

congressional oversight needs to be approached from a bit more positive perspective. Congressional oversight can contribute to boosting the accountability of government in another way. Even when Congress cannot directly rectify the administration through oversight, it contributes to people's right to know and prevent any improper implementation. Beyond focusing on the function of finding faults, it is necessary to see how much control over the executive is done and what role Congress performs. That is, congressional oversight should be understood under the doctrine of checks and balances.

Contrary to popular concerns, the change in Korean Annual Inspection appears to be reasonable in general. Rather, Korean National Assembly does not look like it is not endowed with insufficient power to hold the government accountable. It is partly due to external circumstances like divided nation and economic condition and partly due to internal reasons like polarized politics or weak intra-check system, which makes it difficult for National Assembly to win enough confidence to augment its power for the present. To overcome these obstacles and fulfill its mission, the National Assembly should be equipped with accountability and use its power properly. The role as a delegate of all citizens rather than as a representative or party member needs to be recovered. Beyond faultfinding activities, Congress should be able to suggest an alternative as a main actor in policy formation. When it is regarded as trustworthy by people, it can get the sufficient amount of power to balance the executive. Probably it is the way to overcome the negative views and fulfill its duty.

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국문초록

민주주의는 국민의 요구를 담아내는 정치체제로서 권력분립과 견제와 균형의 원칙을 근간으로 하고 있다. 오늘날 높아진 사회적 수요로 인하여 행정부의 역할이 증대되었는데, 이로 인하여 책임성 확보를 위한 행정 통제의 필요성 또한 높아졌다. 이를 위하여 국회는 감사 또는 조사 등을 통하여 행정부 집행에 대한 통제를 확대시켜 왔다.

그러나 이러한 활동의 효율성 및 효과성에 관해서는 논란이 계속되어 왔으며, 특히 국정전반에 대하여 실시되는 국정감사에 대해서는 다양한 지적이 있어 왔다. 그러나 대부분의 경우 국회통제의 본질적 속성이나 한국의 제도적·역사적 맥락을 간과한 측면이 있고, 객관적으로 판단할만한 비교 기준이 제시되지 않아 현재 상황에 대한 정확한 진단을 내리기에는 부족한 점이 있었다. 이러한 기존 방식의 한계를 극복하기 위하여 본 연구는 2000년부터 2012년까지의 국정감사 활동결과를 바탕으로 현행 국정감사를 객관적으로 살펴보고 제도적 맥락 속에서 이해함으로써 견제와 균형이라는 헌법적 가치가 실현되고 있는지를 확인하는데 초점을 두었다.

최근 10여년간의 국정감사의 특징 중 하나는 그 대상범위가 확대되어 왔다는 점이다. 투입되는 문서 및 증인이나 활동결과로서의 시정요구사항 또한 함께 증대되어 왔다. 한편, 상임위원회는 수개의 기관을 합동감사 또는 종합감사의 형태로 그 운영상의 효율을 도모하였다. 또 다른 특징은 국정감사가 더욱 논쟁적이 되고 있다는 점이다. 증언이 강제되어 있는 증인에 대한 출석요구의 증가와 그렇지 않은 참고인 출석요구의 감소, 그리고 각각의 출석률의 감소는 이러한 점을 방증해주고 있다. 효과성의 경우 그 정도를 가늠할 만족할만한 데이터는 없었으나, 미국의 국정통제시스템과 비교해 볼 때 한국 국회는 전체 국정통제기능의 중심에 있지 않을 뿐 아니라 그 기능이

단편적이고 제한적임을 확인할 수 있었다. 특히 정책감사와 관련하여서는 정책수립단계에서의 권한 부족이 정책통제단계인 국정감사에 일정한 영향이 있는 것으로 보인다.

견제와 균형이라는 헌법적 관점에서 보면 국정감사는 의의는 위법·부당한 집행의 발견보다는 정부의 책임성 확보에 있는 것으로 이해될 필요가 있다. 비록 이러한 감사활동이 행정부집행에 직접적인 영향을 미치지 않더라도 국민의 알 권리를 증진시키고 부적절한 집행을 예방함으로써 본래 목적을 달성하는데 기여할 수 있다. 따라서, 가시적 또는 직접적 결과에만 집착하기보다는 정책집행에 대한 통제활동이 적절히 이루어지는가를 살펴볼 필요가 있다. 이러한 역할을 수행하기 위하여 국회는 정책적 대안을 제시할만한 책임성과 전문성을 구비해야 할 것이다. 국회가 정책결정자로서의 신뢰를 회복하여야만 국정통제가 원활히 이루어지고 궁극적으로 국가가 국민이 바라는 바를 실현할 수 있도록 하는 본연의 임무를 다할 수 있을 것이다.