



Abstract

Plans to Improve the Central Government's Administrative Rules for the Local Autonomy : Focusing on the Administrative Rules of the Ministry of the Interior and Safety

Today, the function of the government is gradually expanded and specialized as the nature of the country changes into a social state. As a result, the number of administrative rules is increasing naturally, and the number of administrative rules affecting local autonomy is also very large.

However, administrative rules and their expansion inevitably result in an infringement or restriction of local autonomy. Local governments may be subject to various restrictions under the administrative rules of the central government in carrying out their own affairs in their functions and authorities. In the end, this study begins with the question of whether it is possible to enact administrative rules that have a practical effect on the autonomy of local governments.

In order to solve this problem, this study derives the limitations of administrative rules in the area of local autonomy based on the analysis and review of the actual cases of the Ministry of the Interior and Safety. For the purpose of resolving the limitations of autonomous functions or autonomy, which are the main contents of the constitutional local autonomy system, this study argues that it is necessary to interpret more strictly the Principles of Statutory Reservation and Legislative Delegation under the Constitution or to modify existing interpretations. In conclusion, this study presented the direction or standard of readjustment of administrative rules to guarantee local autonomy in four aspects: first, minimizing the number of administrative rules governing local

governments; second, preparing the grounds for the establishment of administrative rules at the legal stage; third, expanding the application of the Rule against Blanket Delegation; fourth, strictly applying the Principle of Re-delegation.

Keyword Local Autonomy, the Principle of Statutory Reservation, the Rule against Blanket Delegation, the Principle of Re-delegation, Local Autonomy System, Ministry of the Interior and Safety, Acts and Subordinate Statutes, Administrative Rule