

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)

Integration: A New way for Chinese Legal Information Services

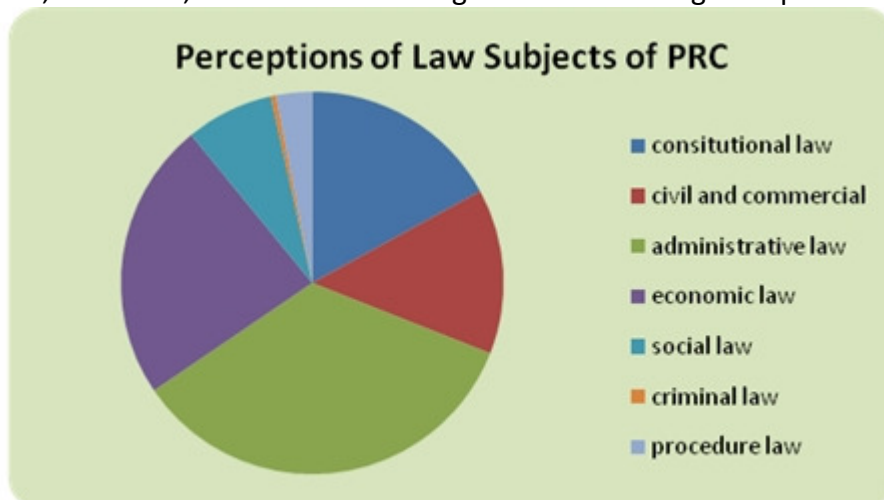
TIAN Wei, Manager, International Legal Services , Tongfang Knowledge Network, China

FAN Jing-yi, Reference librarian, China University of Political Science and Law Library

The links between various jurisdictions reveal the demand for acquiring foreign legal resources. This happens to Chinese law researchers worldwide. The vague language in many laws and regulations, the unified format of judicial opinions and perplexing framework of law authorities confuse many researchers especially entry level ones. In the past, people relied on reference books or expert publications to find the connection between laws. But this is difficult for Chinese law researchers. Basically, China's legal system has a relatively short history compared to most other jurisdictions though some Chinese scholars believe China's legal tradition and culture date back over 2,000 years. The changes and modifications of law significantly impact on search behaviors. This brings opportunities for computer-aided search systems as outlined in this paper.

Chinese Legal System- Socialism with Chinese Characteristics legal system

Since cases are not allowed to be cited as precedents in China, laws and regulations are the only binding sources to implement the law in China. The Socialism with Chinese Characteristics legal system which consists of 7 categories and 3 levels of laws and regulations has been established now, it has been claimed(王维澄 1999). The seven categories include constitutional, civil and commercial law, administrative law, economic law, social law, criminal law and litigation and non-litigation procedural law.

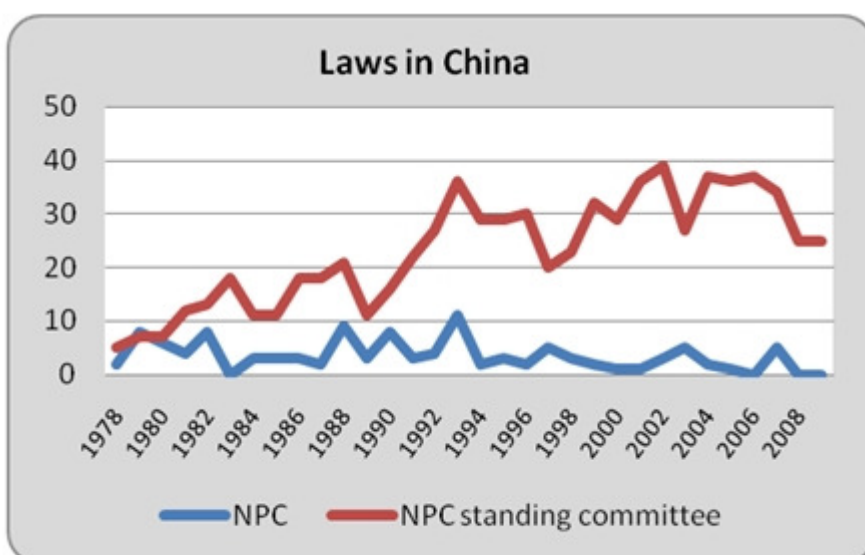


Numbers of effective laws under all subjects after 1949

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)

Up to April 2010, 233 laws, 690 regulations promulgated by the State Council and almost 9,000 regulations issued by local legislative bodies accounted for the 3 levels of laws and regulations in China(刘晓林 2010). The main tasks for legislation are modifying key laws in the existing system and revising unsuitable provisions to improve existing legislation. The second task, also called Packing Legislation (*Baoguo Lifa*), is becoming an emerging issue for researchers now. In 2009, 141 articles in 59 laws and 8 entire laws conflicting with current laws were removed. The diminishment of conflicts in the system means China is trying to fulfill its ambition in codification. It is good news that with greater openness of governmental information, more and more government agencies are moving to online information to assist citizens.



Legislations by NPC and standing committee (1978-2009)

Although cases are not officially binding sources, they still play an essential role. In 2009, the Supreme People's Court (SPC) heard 13,318 cases and ruled on 11,749 as reported by the chief judge to the NPC. Over 11 million cases had been tried in other courts. In 2005, the SPC issued the Outline of Second Five Years Reform (*Renmin Fayuan Diergewunian Gaigegangyao*). It emphasized the importance of establishing and improving the case guidance system to comply with uniform standards and guidance for lower courts. The SPC has the duty to set up standards of selection, processing, and publishing cases. The case guidance system should gradually help judges and lawyers to establish recognizable standards in the courtroom. It will be very necessary in the future to collect and annotate cases as guidance. The SPC Gazette is regarded as the best resource now.

Besides laws and regulations and cases, many legal scholarly publications assist researchers to look into the law. These materials include law review papers, dissertations and theses, conference proceedings, legal newspapers, gazettes and bulletins, books and so on.

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA**Newsletter No. 56 (July 2010)**

Transplantation from other jurisdictions and debates about certain legislation and techniques also promotes these materials among researchers.

Scholarly journals

Undoubtedly, the number of law reviews and journals in Chinese grew considerably in the last decade. As a rough estimate, the number is over 200 titles in China covering law, criminology, public security and so on. Some law reviews, like Peking law review (*Beida Falu Pinglun*) and Tsinghua Law review (*Qinghua Falu Pinglun*), are produced by graduate students. According to the legal and regulatory framework in publishing and the press, most law schools choose to publish law reviews as serial publications rather than journals. 21 law journals are listed in the China Social Science Citation Index (CSSCI) directory including China Legal Science (*Zhongguo Faxue*), Chinese Journal of Law (*Faxue Pinglun*) and Legal Science (*Faxue*) which have been published from 1956 until now.

Official gazettes

Most government agencies have produced gazettes since the 1980s. Several official gazettes published by the Chinese government are highly cited by both academics and practitioners. These are the State Council Gazette of the People's Republic of China (*Zhonghua Renmin Gongheguo Guowuyuan Gongbao*), which is published on an irregular basis by the Legal Affairs Bureau of the State Council, and the Gazette of the Standing Committee of the National People's Congress of the People's Republic of China (*Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Gongbao*), published on an irregular basis by the Standing Committee of the National People's Congress. In 1985 the Chinese Supreme People's Court began to publish the Gazette of the Supreme People's Court of the People's Republic of China (*Zhonghua Renmin Gongheguo Zuigao Renmin Fayuan Gongbao*) on a quarterly basis. Publishing court documents, court-issued regulations and procedures, advisory opinions and descriptions of cases, the Supreme People's Court Gazette is one of the best newer sources of Chinese law available now.

Bar Journals

There are a few bar journals publicly published in China for reasons similar to those above. Chinese Lawyer (*Zhongguo Lvshi*) is the most popular bar journal for lawyers in China produced by the All Chinese Lawyers Association (*Zhonghua Quanguo Lvshi Xiehui*). Some local lawyers' associations publish their own internal publications for the purpose of communication and collaboration.

Legal Newspapers

Chinese legal newspapers are another major category of legal publications useful to the Western researcher and practitioner. A national law newspaper, the Legal Daily (*Fazhi Ribao*) is supervised by the Ministry of Justice. The continuous nature of its coverage makes the Legal Daily a rich source in Chinese law for most current law and theory discussions. The People's Daily (*Renmin Ribao*) has been authorized to publish official versions of laws and regulations as a primary source. Some other newspapers

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)

like the People's Court Daily, and the Intellectual Property Daily are also very good sources for given areas.

Legal dissertations and theses

Chinese legal education is growing at an unbelievable speed. In 1978, there were only 2 law schools in China and now there are 634. There are over 190 law schools and research institutions authorized to issue the LL.M degree and 38 of them were entitled to grant the PhD. in law as of 2009. Since dissertations and theses are good and detailed resources in response to social phenomena or new legislation, they are becoming essential sources to monitor the current legal environment in China.

Yearbooks

Yearbooks in China reflect the official viewpoint and are funded by public expenditure. They are useful for understanding the whole picture of legal development in China. The contents cover legislation, judicial interpretation and leading cases, central and local legal systems and their development, education and publishing, comments on law subjects, statistics and so on. The foremost is the Law Yearbook of China produced by the China Law Society since 1987.

Besides that, there are over 1,000 new titles and 30,000 law books, reference materials, encyclopedias, internal documents and other materials in the marketplace. They come from both official and private channels. Legal information is scattered on different shelves of the library. Online searching for primary sources is strongly welcomed by the younger generation for its convenient features. Therefore, how to manage and organize the information in a logical and efficient way has become a big challenge for publishers and government offices.

Initiatives in Developing Chinese Legal Information

The law library has been widely accepted as the center of training, guidance and a reference center in legal education. Cross-disciplinary and international law skills training have been regarded as a focus for legal education reform.

- Service initiatives

1. Comprehensive

Traditionally, researchers need to find different locations for resources in both electronic and print information formats to meet their demands. To provide a one-stop service would greatly benefit users. All the vendors are trying to set up long product lines to meet this demand in the market. In the past, only highly selective cases were available in the market through serial publications like People's Court selective cases (*Renmin Fayuan Anlixuan*). Due to the requirement for transparency, some judicial sectors started to release their own leading cases called selective judicial opinions (*Youxiu Caipan Wenshu*) on their website. So it is still a big challenge for both vendors and researchers to gather all the influential cases. This happens to laws and regulations especially local regulations. They are produced by private

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)

publishers, who make great efforts to build strong collaboration with government agencies.

2. Contextualization

Information exists on the network. Its authority and effectiveness need to be clarified by comparing and following Legislation law (*Lifa Fa*) and other systematic regulations. In addition, connections and relationships among legal documents require the application of a smart hyper-link service. Legal terms have their own context and comparisons would be helpful. For instance, sometimes law means laws and regulations in a broader sense and on other occasions it just means laws promulgated by the NPC and its standing committee. The true meaning of each term needs to be defined in context.

3. Law in Action

Law in Action is a legal theory associated with legal realism which alleges that law should be applied in society rather than statutes and cases. Legal information is helpful to assist researchers in evaluating and assessing search results. Although research is one key process of intellectual work, computer-assisted research would definitely save energy and time. Providing more choices would allow researchers to design flexible strategies.

- Regulatory Initiatives

According to Provision for Regulation Compilation Editing and Publishing (*Faguihuibian Bianji Chuban Guanliguiding*) issued by the State Council and its implementation rules issued by GAPP, foreign publishers are not allowed to publish Chinese laws and regulations(陈立风 2007). Only a few government agencies are responsible for publishing laws and regulations through official publishing houses. Other publishers need to get approval from GAPP for law and regulation publishing. As a rough estimate, there are over 60 publishing houses now in this field. Digitalized laws and regulations are also required to follow this administrative provision. Foreign publishers need to cooperate with local publishers to enter this market. Any activities breaking the law would risk suspension or termination in the market.

- Business Initiatives

Cost is a parameter in the business world. Legal researchers ask for fast tracking of legislation. This requires two basic perspectives: stability of publication and reliable vendors. Since free laws and regulations are available through most search engines, there are some victims at a time of recession. The high cost of

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)

editing and processing data also leaves the survivors in an embarrassing situation. But a lower quality of editing would damage the interests of researchers.

A huge demand for translated laws and regulations exists in the market. To deliver quality works requires uniform standards and in-time updating from official channels. But only a limited number of government official works are available now and most commercial companies would prefer to establish their own team to fill the gap. The training and cultivation of qualified translators in the legal field is costly. Outsourcing the translation service would be the best cost-effective way under current circumstances. But without official translations, laws and regulations are difficult to cite in an official sense.

Another big concern is budget. The cost to access resources is high and may even be seen as a luxury choice. How to procure the right information service to meet the demand from researchers is a serious question for information experts.

Integration: a solution for publisher and researchers

Compared to classic publications, electronic resources have many advantages like in-time update, powerful search engines and one-stop access to content from various publishers. Many foreign legal databases such as Westlaw or Lexis create individual databases for cases, laws and regulations or papers. Through a complex citation checking service, like Sheperd or KeyCite, users can check the validity, legislation history, and authority information in the documents. As discussed above, Chinese legal materials have many unique features. Computer-assisted legal research requires more tailored editorial work and a very intelligent system to fill the gap.

To compare and analyse legal documents, the primary task is to gather information as needed. Search engines make it possible at a very superficial level and human annotations to the tagging, indexing and classification system promise accurate search results. There should be one place for all the relevant information to allow users to review and assess what is useful. For example let us consider Chinese Legal Knowledge Integrated Database (CLKD). It is a database developed by China Academic Journal Electronic Publishing House (CAJEPH) in 2008.

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)



Image 1 The clean interface of CLKD English version

- Background

CLKD is a totally new branded Chinese legal research tool with over 2 million official published documents. It offers a one-stop search portal with over 2 million documents including laws and regulations, judicial interpretation, court rules, cases and commentaries, arbitration awards, journal papers, dissertations and theses, conference proceedings, gazettes and bulletins, yearbooks, reference books, and newspapers. One key feature of CLKD's content is that all the contents are officially published or publicized information.

- Integration

Before discussing the system and its integration, we need to find out how it works. CLKD is part of China National Knowledge Infrastructure, one of the key national knowledge promotion programs in China, and consists of 3 sub-databases. CNKI is well-known for its E-journal, dissertations and theses, newspapers, conference proceedings, yearbooks and so on. It gathers almost 90% of the academic research information in China which guarantees content sources.

1. Content integration

CLKD's licensed contents come from officially approved publishers and part is exclusive. As a rough estimate, there are over 500 publishers' contents in CLKD. As the largest database aggregator in China, CNKI is expanding its collaboration with most leading publishers. These stable relationships secure the reliability of the contents and their breadth and depth.

Before adding to CLKD, editors need to find the right content from the huge

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)

CNKI data warehouse with legal topics. In China, politics and law are not totally separated and cross disciplines have attracted much attention in recent years. Secondary materials in topics like law, criminology, public security, and philosophy are the primary target of CLKD's base contents.

After defining the range of content, editors engage in putting new descriptions into each document in accordance with editorial standards to integrate the common contents in legal information. Secondary sources will be categorized by several layers of legal classification like subjects, cause of actions or promulgators. Legal terms and keywords will be added to facilitate legal research. Laws and regulations will be categorized by level of authority, validity status, legal fields and so on. Cases will be attached with status and trial history. Then editors will be assigned to check the effectiveness and correct errors as the next step. This will ensure the right status of every document.

2. Integration of search process

Multiple searching choices allow users to find the right information efficiently. Content will be clustered by point of law such as personal injury or leasing contract. The First Case (Diyian) design shows readers emerging cases when new laws are passed or have been revised. This helps researchers to find out how to implement the law.

The image below is a typical CLKD laws and regulations' *Knowledge Node* (KN, Hyper-link service) about Road Traffic Safety Control Law of PRC (*Daolu Jiaotong Anquan Guanlifa*). It combines the basic descriptive information like promulgating date, promulgator, date of effect and implementation, keywords, legislative history, relevant regulations at all levels, cited cases about this law, and relevant research papers. It also shows the hierarchy of the legal system to those who might not be familiar with Chinese law classification. Within this background, users easily obtain most comprehensive and integrated information and translate it into knowledge. What is more, users can click keywords to retrieve all the relevant laws and regulations, cases and secondary sources. Interestingly, users can also find KN for each article in the law.

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA

Newsletter No. 56 (July 2010)



Image 2, the CLKD's Knowledge Node (*Zhiwang Jie*) of RTSC in Chinese version

In addition, the KN for cases will display case summaries, field of law, date of decision, dissenting and concurring judicial opinions, relevant laws and regulations, legal basis, relevant cases in the same fields, and research papers about this topic in just one place. Researchers can easily browse the content they need by comparing and analyzing. With this service, users are exposed to a fast-track search experience and no longer need to check different websites or reference books.

- Assessment

CLKD integrates the most current, authoritative, and accurate information about legal topics. It collects the most comprehensive academic and practical information from official sources to safeguard reliability. The Knowledge Node of CLKD, legal documents has been classified and categorized into its legal topics. All the documents within this topic will be automatically grouped. The determination and compilation by professional editors will strongly assist experts to find the most relevant evidence to support researchers' arguments.

By analyzing the results in each part, users can simply discover the necessary information and potential changes of legislation from judicial opinions and hot topics

EAST ASIAN LIBRARY RESOURCES GROUP OF AUSTRALIA**Newsletter No. 56 (July 2010)**

to be heavily discussed by both professionals and common citizens. This means the trends of new legislation or the changing attitudes to certain legal issues will be reflected by our system.

Conclusion

Integration is not a new idea but a new application in legal information. It is the process of merging information into knowledge through discovery within the same point of law to replace piling up materials. The tailored editing work supplements the description of each document and makes the search in-depth. The access to all publishers' content allows users to enrich the possibilities to uncover the true meaning of targeted items without missing pieces of information. To combine the expertise of private publishers and full coverage of governmental information, the system allows the possibility of access to information for common people.

Although integration positively solves many problems the community is facing, there is still space left for further discussion. One possible area is how to integrate IP information like patents and trademarks into IP law research. The IP litigation clearinghouse developed by Stanford Law School is a good example of integration and knowledge build-up. China's ambition in R&D modernization leads to the incentive for innovation and substantial investment. The number of applications to SIPO has grown faster than ever in the past 5 years. Empirical studies of IP enforcement and related measurements are hot topics for researchers and practitioners.

Another area is standards, as a compulsory rule in industry. Top corporations always dominate the negotiation of standards in the industry and they are always the result of compromise. On the other hand, some environmental standards are part of corporate responsibility to society. Integrating these patents and standards into a broader legal conception, there will be more possibilities for both public and private entities to investigate and invest.

References:

- 陈立风 (2007). "关于法规汇编编辑出版规范的法律问题研究." 法学评论(03).
刘晓林 (2010). 中国现行有效法律 233 部. 人民日报海外版, 人民日报社.
王维澄 (1999). "关于有中国特色社会主义法律体系的几个问题." 求是(14).