

Freedom of Information and Free Access to Law in Korea

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Abstract

The access to legal information appears to be determined decisively by the supply and demand of information, that is, the quality and quantity of information itself. In the meantime, a new requirement now intervenes in 'freedom,' or 'accessibility' in a narrower meaning. In other words, the recent arrival of information society or knowledge-based society presents a new aspect to the accessibility or freedom of legal information. For example, online service of database of legal information is utilized for commercial public information services.

The scope of demand for legal information is expanded from domestic legal information to foreign legal information as the global era or the age of global village has come. It seems that academic activities and economic activities create continuously increasing demands for such information and the opening of international markets are increasing such demands further. In Korea, the project for translating statutes into English has made an achievements of enhancing the accessibility of statutes of the Republic of Korea and the efficiency in the use of such information by providing practical legal information to foreign investors and business persons on one hand and providing basic data to persons who intend to research legal knowledge about statutes of the Republic of Korea on the other hand.

However, there are some matters that require attention in the circumstances where the informatization of and access to laws are globalized: (1) laws that constitute the primary data or source data of information differ from general information in the aspects of the processing of data and the creation of a database due to the unique characteristics of the language of law and technical characteristics; (2) the maintenance and management of up-to-dateness is a very important element, because legal information without up-to-dateness secured is invalid information; and (3) there might be limitations on the informatization of laws and the freedom of access at an international level.

I. Introduction

In forming opinions and making decisions, information is obviously a very important element not only in a political or economic situation but also in a relationship between individuals. It is difficult to expect the formation of a meaningful opinion or the effective exercise of a fundamental right under the circumstances where adequate information is not provided. In this sense, information is an indispensable element (*sine qua non*) in the formation and maintenance of a community. Recently, even in administrative actions of a national government, new means, such as the provision of benefits and the search and processing of information, have also been utilized more frequently, and conflicts between information sharing through the digital information revolution and information control have been further sharpened, while such a relationship appears to become increasingly intricate and spread

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from the level of a national government versus another national government to the levels of a national government versus its society, a society versus an individual, and an individual versus another individual.

For the areas of law, the accumulation of and access to information also require the prerequisite that the quality and quantity of information on the areas should be adequate. From the supply side, it would be best to accumulate worldwide legal information. However, it seems that legal information has been supplied starting with information about the areas with a high efficiency in supply and demand because of difficulties in ideally infinite supply. For example, in the Republic of Korea, legal information on laws currently in force began to be supplied first, and information about precedents and legislation followed later. And now the supply of information is expanded even to legal information of foreign countries in addition to that of the Republic of Korea.

From the demand side for legal information, on the other hand, the administrative demand from national agencies and public agencies and the demand in the course of legislation account for the largest portion of demand for legal information.¹ In addition, academic circles demand provision of legal information as information and data necessary for research. Of course, businesses also demand legal information as consumers of legal information in the course of their economic and social activities. Nonetheless, academic circles and businesses seem to need legal information about particular areas, relatively limited, on an irregular basis. The point that we cannot overlook in getting an insight into the aspects of supply and demand of legislative information is that a consumer who needs information about legal system in general and legal information continuously can become a highly necessary and potential supplier or administrator who should endeavor to accumulate legal information systematically and provide such information stably at the same time. The trend in Korea is not so different from the trend mentioned above.

As mentioned above, the access to legal information appears to be determined decisively by the supply and demand of information, that is, the quality and quantity of information itself. In the meantime, a new requirement now intervenes in 'freedom,' or 'accessibility' in a narrower meaning. In other words, the recent arrival of information society or knowledge-based society presents a new aspect to the accessibility or freedom of legal information. For example, online service of database of legal information is utilized for commercial public information services. Particularly in the Republic of Korea, it has been recently pointed out that legal information through printed matters in response to nationwide and social demands lacks accessibility and up-to-dateness. In an effort to solve such a problem, accessibility has been secured by adopting the method of searching the digitalized database of laws preferentially over the method of accessing information through indexes of printed matters. It

¹ On the contrary, there is a criticism, so called, "the host uninvited to the playground of law – citizens," referring to the phenomenon that citizens as consumers of laws are rather alienated. ("Legislation Monthly," the Ministry of Government Legislation, 2009, Nov. 2009, p. 10)

is necessary here to pay attention to new factors that affect the accessibility of legal information. For the free access to law can be referred to as the prerequisite for the principle for the existence of law, which is the rule of law.²

As explained above, free access to the law in the Republic of Korea requires the digitalization of legal information by new media in its informatized society as well as innovation in the supply and management of such information in response to demands for laws. In particular, the role of public agencies as main agents and administrators of informatization of laws and consumers and suppliers of legal information at the same time appears to be very noticeable in Korea. Hence, I would like to explain new changes in access to information and the role of public agencies in coping with such changes first as below and then introduce the development of free access to legal information phase by phase by looking into the informatization process of laws by public agencies in Korea. This research will detail recent changes in the environment surrounding legal information and the progress of development in response to such changes in Korea in the course of the informatization of laws and the expansion of the freedom of access. I wish this research could contribute an idea for challenges in new environment of legal information. Furthermore, I hope to seek an answer together about at which direction the access to law and the freedom of information shall aim in the future.

II. Changes in Access to Information and Role of Public Institutions

1. Changes in Informatization of and Access to Laws

An information society inevitably entails change. Unlike the past, civilized modern society enjoys material abundance, never experienced before, thanks to scientific developments, but the majority of countries in the information and communication age undergo the course of shifting to an information society in which information is considered valuable, based on the development of computers and information and communication technology, from highly advanced industrial society.

An information society is based on the creation and distribution of an infinite value of information. Unlike the past, the measure of the strength in an information society consists in information power and informatization. The age of the information society, which is defined by the concept of information, has arrived. This means that a society is shifted from a labor-intensive society to an information society and from a society in which the wealth of a nation is based on land and labor to a society in which the wealth of a nation is based on information technology. And now the criterion for determining whether a country is an advanced or developing one is information power or the level of

² Graham Greenleaf, Philip Chung and Andrew Mowbray, "Free access to law via Internet as a condition of the rule of law in Asian societies: HKLII and WorldLII", 4th Conference on Asian Jurisprudence, 17-19 January 2002, University of Hong Kong. <http://austlii.edu.au/~graham/publications/2002/HKLII_WorldLII_Jan02/HKLII_WorldLII.html>

informatization, not the level of industrialization.

Moreover, the real effective value of information is determined not only by the quantitative aspects of supply and demand but also by the qualitative aspects, such as the compatibility and accessibility of the information supplied. The situation of legal information is not so different from the situation explained above. The informatization of laws requires an absolute quantity of legal information as a prerequisite, but the extent of accessibility is determined by the quality of information. For example, the free access to legal information is affected by types of information media, such as printed matters and database, or translation into the native language or a foreign language. It seems that such changes in free access to law depending upon the level and method of informatization of statutes are not changes that have occurred only in Korea. Besides, such changes in the informatization of and access to laws create new challenges. As already mentioned above, the national and personal levels of accessibility also vary depending upon not only a difference due to disproportionate concentration of information power in some countries or some regions but also a difference in available information technology.

Of course, the fact that the arrival of the information age has made the free access to law easy will serve as a positive element for the perfection of the rule of law. Nevertheless, the fact that the accessibility to laws may vary depending upon individual information power is likely to be a potential for the informatization of laws towards the rule of law and a challenge at the same time.

This challenge lies in between countries, too. Particularly, this challenge can be found in exchange of legal information between countries in response to globalization. Contributing to international exchange of legal information by providing the international society with legal information of one's home country in a communicable language is a new challenge to the clarity that legal language should possess.³ Nevertheless, it is a fact that this challenge, the reciprocal exchange of most legal information, except for some statutes requested from abroad, depends mainly upon each country's capabilities.

2. Role of Public Agencies for Informatization of and Access to Laws

The role of a public agency cannot be free from such a shift into information society, either. As mentioned above, a public agency has no choice but to extend its role as a main agent and administrator of the informatization of laws and a consumer and supplier of legal information at the same time. In other words, each public agency has a mission to provide citizens with services necessary in coping with such a shift proactively so that changes in society can progress smoothly.

³ In particular, it seems that there is no difference between Asian countries in terms of challenges to the access to foreign legal information. See 「ALIN: Contribution to the Development of Asian Law」, 2007 ALIN International Conference General Meeting, December 6, 2007.

To fulfill such a mission, the Korea Legislation Research Institute has posted the database of statutes of the Republic of Korea in English on its web-site, based on experience of the production of the Republic of Korea Code of Laws and the maintenance and management of the database of statutes. Such basic data not only has a nature as data but also enables to conduct surveys on domestic and foreign legislation and policies on legislation, collect and distribute legal information in a systematic manner, and perform collaborative project, such as joint researches with research institutes at home and abroad, in a specific and practical way.

As mentioned above, a public agency is required to play a role of great importance as a main agent and administrator for guaranteeing free access to information. Now, I would like to explain the progress of informatization of statutes in Korea and the expansion of the free access to statutes in detail. Through this explanation, I would like to share an opportunity to get an insight into recent changes in the environment of legal information in the course of informatization of statutes and the expansion of the free access to statutes and the progress of development in response to such changes in Korea in detail. Furthermore, I hope that this research can provide a lead to challenges in response to the new legal information environment.

III. Informatization of Statutes of Korea and Free Access to Law by Phases

1. Informatization of and Access to Current Statutes

Current statutes of the Republic of Korea have been informatized continuously in the form of printed matters until the present since 1954 after the establishment of the Government of the Republic of Korea. The first complete collection of current statutes published in Korea was the 'Republic of Korea Code of Laws' (comprised of three volumes in one set), which was published in a loose-leaf system by the Ministry of Government Legislation under the First Republic Regime in 1954. In 1963 thereafter, it was published with a new title, the 'Republic of Korea Code of Current Statutes,' (comprised of 16 volumes in one set) and began to be organized in the form of an integrated collection of statutes, in its current form. Since 1990, the 'Republic of Korea Code of Current Statutes' (comprised of 60 books in 50 volumes in one set) has been published by the Korea Legislation Research Institute.

Current legal information in the form of printed matters has been accessed mainly by institutions and experts who are able to possess the printed matters of legal information directly and continuously due to the nature of the medium.

The Government that became aware in 1980s that it is necessary to digitalize legal information established a plan for the digitalization of legal information in 1984 and began entering legal information into computers, and the Ministry of Government Legislation and the Ministry of Public Administration and Safety (the Ministry of General Affairs at that time) made it possible for the

National Assembly and central administrative agencies to access and use the integrated administrative computer network when they began entering data into computers and operating the system in 1992.

Subsequently, the Korea Legislation Research Institute established a plan for legal information service in 1992 to make legal information available for the use of ordinary citizens. Then it began providing legal information service through private commercial PC network service providers in 1994. In 1997, legal information systems that had been managed separately by the Ministry of Government Legislation and the Korea Legislation Research Institute were integrated to provide services to government agencies and ordinary users concurrently.

However, Internet was popularized as a result of the development of World Wide Web (WWW) and the spread of high-speed communication networks, such as optical telecommunications and ADSL. Eventually, the frequency of access to PC communication networks rapidly decreased as Internet spreads further, and legal information service through PC communication networks became nearly meaningless. Consequently, the Ministry of Government Legislation began providing the current legal information service via the Internet in 1998, and integrated the database of legislative history of statutes and the database of current statutes in 2001 to provide the service so that ordinary citizens can search and use current statutes and the legislative history of statutes. In addition, the database of advance notice of legislative bills of statutes and recently amended statutes are provided through the service. Although the Supreme Court had initially built up a separate database of current legal information, it decided to integrate its database into the integrated legal information service in the World Wide Web environment, which was developed by the Ministry of Government Legislation in 1998, and have used the service in common since then.

The National Assembly has continuously improved its own information system for current statutes of the Republic of Korea, which was established in 1999, and has developed and operated a legal information system since 2001, into which current statutes, the history of examination of current Acts, bills of Acts recently passed, and the function of searching for bills of Acts recently filed were integrated.

The Supreme Court Library of Korea began producing and distributing CD-ROMs of current statutes in DOS versions in 1997 and has distributed up-to-date CD-ROMs every year since 1998 when it developed the CD-ROMs in Windows format. In the meantime, the Korea Legislation Research Institute has distributed up-to-date CD-ROMs of the 'Republic of Korea Code of Current Statutes,' which contain only current legal information, on an irregular basis since 1999 when it began developing and updating the CD-ROMs.

Among current legal information, only treaties are provided through the web-site of the Ministry of Foreign Affairs and Trade for searching them by the categories of bilateral treaties and multilateral treaties as well as by the effective date, the signing date, the specific area, the signing state, the number of treaty, and the serial number of public notification.

The Official Gazette, which cannot be defined as current legal information but serves as an official

means of public notification of statutes and other notices by the Government, is issued by the Ministry of Public Administration and Security daily, except on official holidays, and each issue of the Official Gazette has been published since September 2000 through the web-site of the Electronic Official Gazette.

Table 1. Current Status of Legal Information Services by Public Sector

Classification		Legal Information Services	Agencies in Charge	Information Media	
Legal information in a narrow meaning	Current legal information		Ministry of Government Legislation (moleg.go.kr)	- Internet	
			National Assembly (assembly.go.kr)	- Internet	
			Korea Legislation Research Institute (klri.re.kr)	- Code of statutes	
			Ministry of Foreign Affairs and Trade (mofat.go.kr)	- Internet (treaties)	
	Information about history of statutes		Ministry of Government Legislation (moleg.go.kr)	- Internet	
			Korea Legislation Research Institute (klri.re.kr)	- Legislative history of Acts	
	Legal information in English		Korea Legislation Research Institute (klri.re.kr)	- Code of statutes - Internet	
	Legal information in a broad meaning	Municipal ordinances and rules		Each local government	- Internet
		Judicial precedents		Supreme Court (scourt.go.kr)	- Internet - CD-ROM
		Precedents of the Constitutional Court		Constitutional Court (ccourt.go.kr)	- Internet
		Decisions by the Administrative Appeals Commission		Anti-Corruption and Civil Rights Commission (acrc.go.kr)	- Internet

	Administrative regulations of each Ministry	Each ministry	- Internet
	Questions and answers regarding interpretation of statutes	Ministry of Government Legislation (moleg.go.kr)	- Collection of questions and answers regarding statutory interpretation - Internet
Others	Official Gazette	Ministry of Public Administration and Security (gwanbo.korea.go.kr)	- Official Gazette - Internet (Electronic Official Gazette)

2. Informatization of and Access to Legislative History of Acts

Legal information services have been provided mainly for statutes currently in force. On the contrary, the legislative history⁴ with relatively less demand began to be informatized as data for trials or examination or research on statutes.

In Korea, the legislative history began to be informatized in the form of printed matters. In 1965, the Ministry of Government Legislation organized the Committee for the Compilation of the Legislative History of Statutes of the Republic of Korea and published the “Collection of Legislative History of Statutes of the Republic of Korea” for the first time in the form of a collection of data explaining the legislative history of each statute. However, the number of statutes covered by the Legislative History was less than the number of statutes currently in force, and the contents of the book were not thorough. And therefore, it was promoted to compile a new comprehensive collection of the legislative history of statutes, and the Korea Legislation Research Institute began publishing the “Comprehensive Collection of Legislative History of Acts of the Republic of Korea” in the same loose-leaf system as the code of current statutes and continued publishing the collection until 2009. In 2010, as the Ministry of Government Legislation began providing legislative services to the public via the Internet, publishing the collection of legislative history was discontinued.

In the meantime, the creation of digital database of information about the legislative history of statutes has been also recognized as important as the informatization through the database of statutes currently in force for securing the accessibility of information or the freedom of access to information. However, the digitalization of the legislative history began somewhat later, because the volume of

⁴ “Legislative history” means full records of the history of not only statutes currently in force but also statutes enacted, amended, and repealed to date since the establishment of the Government, which have been arranged to make it possible to find statutes as of a specific time.

data about the legislative history of statutes was vast and it was not easy to trace the Official Gazettes and other accurate source data about the history of enactment and amendment of statutes. It also took three years from 1998 through 2000 for the Ministry of Government Legislation to carry out a project for digitalizing the information about the legislative history of all statutes, including the Constitution, decrees, and rules, to establish a search system. Through the project, the “Legislative History and Statutes of the Republic of Korea” was produced and distributed in the form of CR-ROM in 2000, and the “Information Service for Legislative History and Statutes” has been provided via the Internet since 2001.⁵ Furthermore, the service began to be provided recently through free applications for smart phones.⁶

3. Informatization of and Access to Statutes in English

As international economies have been rapidly growing through globalization, it can be said that a project for translating statutes into English is an essential basis for internationalizing statutes of the Republic of Korea and inviting foreign capital. However, such a project could not be implemented vigorously due to insufficient funds and specialized human resources and due to the uniqueness of translation of statutes into English, when compared with current statutes in Korean, and so the project has been carried out in fragments in response to demands from ministries or agencies.

It was 1982 when statutes currently in force in Korea were translated into English in the form of printed matters for the first time. At that time, the Ministry of Government Legislation commenced a translation project to select important statutes and publish a code of statutes in English with objectives to render assistance in foreign trade and exchange and to provide foreign countries with correct information about statutes and the legal system of the Republic of Korea. In 1983, the code of statutes in English, titled ‘Current Laws of the Republic of Korea,’ was published in a loose-leaf system (two volumes in one set) for the first time, and then the task of publishing the code was transferred to the Korea Legislation Research Institute in 1990.

However, the code of statutes in English at that time was too deficient in volume and quality to keep up with open economies, the admission of the Republic of Korea to OECD, and the accelerating globalization of the economy of Korea, and translating statutes independently by each ministry created many problems, such as discrepancies in the quality of English translations, discrepancies between translations of identical legal terms, and contradictions to the entire legal system to make it highly necessary to publish a nationally uniform code of statutes in English. And thus the Ministry of Government Legislation promoted publishing a new edition of the code of statute in English.

The Korea Legislation Research Institute, to which publishing the code was assigned, started to translate approximately 800 statutes regarding foreign trade (approximately 550 Acts and 250

⁵ <<http://www.law.go.kr/LSW/main.html>>

⁶ Korea Law: The National Legal Information

Presidential Decrees) into English first in 1996, published a new edition of the code of statutes in English, titled 'Statutes of the Republic of Korea,' (20 volumes in one set) in loose-leaf form in 1998, distributed the edition to central administrative agencies and embassies and diplomatic establishments abroad, and has continued publishing supplements four times a year since then.

It was PC communication networks through which the Korea Legislation Research Institute started to provide the database of legal information in English in 1995. Since 2000 when Internet was popularized to the general public, the Internet service of legal information in English has been provided via the web-site of the Korea Legislation Research Institute.⁷ Particularly, the database of statutes currently in force and legislative history, built up with data in English, are now provided free of charge with various search modes and indexes.⁸

In an effort to provide legal information in English in the form of CD-ROM, the Ministry of Government Legislation published the 'Economic Laws on Foreign Investment in Korea,' which contains translations of Acts regarding foreign investment, twice in 2000 and 2002 respectively.

Figure 1. Search of Statutes in English Provided by the Korea Legislation

⁷ <<http://elaw.klri.re.kr/>>

⁸ The statutes in English provided by the Korea Legislation Research Institute can be searched at present not only by basic search modes, such as statute name and keyword, but also with other various indexes, such as alphabetical order, field, government body, promulgation date, and table/form.

Integrated Search

Home > Statute Search > Integrated Search



Statute Search

- Integrated Search
- Search by Name
- Search by Alphabetical Order
- Search by Field
- Search by Gov Body
- Search by Promulgation Date
- Search by Table/Form

- Most Viewed
- Recently Updated
- Scheduled Updates
- Search Tip

Enter Search Words

Statute Name Search Keyword Search

Search Word:

Operator: Include Exact Search Terms
 Include All Search Terms
 Include At Least One Search Term

Promulgation Date: Year Month Day ~ Year Month Day

Search by Promulgation Number: From.No. To.No.

Search Re-Enter

Scope of Search

Scope of Search: Current Statutes Statutory History

Select Order: ABC Promulgation Date
 Enforcement Date
 Accuracy Ascending

Statute Type: All Acts Enforcement Decrees Enforcement Rules Others

Statute Compilation: Police, Civil Affairs, Commercial Affairs, Crimes and Criminal Procedure, Local Government

4. Access to Other Legal Information

In general, informatization has mainly been focused on statutes currently in force, the legislative history of such statutes, and the latest statutes in English. However, municipal ordinances and rules of each local government, court cases and the Constitutional Court cases, decisions by the Administrative Appeals Commission, administrative regulations of each ministry, and questions and answers regarding interpretation of statutes may be also included in the broader meaning of legal information.

In particular, precedents of courts are substantive information for understanding the rule of law, important to entities subject to law, although such information is considered in a sense as expert information for lawyers. The Supreme Court Library has compiled and published a collection of cases of the Supreme Court, a collection of *en banc* decisions of the Supreme Court, a collection of briefs of decisions of the Supreme Court, official case reports, and a collection of decisions of lower courts in the form of printed matters. However, the access to such printed matters was limited to experts who are able to possess them due to the nature of printed matters as information media. This problem of

limited access was alleviated a little when the Supreme Court Library began providing precedents of the Supreme Courts and the Constitutional Court and precedents of lower courts published so far in the form of CD-ROM.

However, free access by all citizens to precedents was made possible in full scale when the digitalized database of precedents began to be provided through its web-site. The integrated legal information in the Supreme Court's web-site provides the digitalized database of precedents so that briefs of decisions of the Supreme Court starting with decisions made in 1948, decisions of the Constitutional Court, and decisions of lower courts published can be searched by date, keyword, cited provisions, case number, and the name of case respectively.⁹

The Constitutional Court compiles and publishes a collection of cases of the Constitutional Court for information about its decisions and provides briefs of its cases since its establishment in 1988 through its web-site so that the cases can be searched by keyword, the date of decision, case number, the name of case, and statute respectively.¹⁰ Recently, the Court began to digitalize information about its cases in English and provide the information.¹¹

Administrative regulations established in order to regulate the internal work process of each ministry include directives, notifications, rules, guidelines, public notifications, and public announcements, regarding which most ministries publish a code of regulations and generally provide information through their web-sites for search.

The Ministry of Government Legislation, which takes charge of authoritative interpretation of statutes in the Government, publishes the 'Collection of Questions and Answers regarding Interpretation of Statutes,' based on responses to inquiries from central administrative agencies and local governments about statutes, and also provides the database containing such information through its web-site for utilization. Moreover, each ministry of the Government also provides information about its answers to inquiries from civil petitioners about statutes within its remit through Internet for search.

5. Informatization of and Access to Foreign Laws

In order to keep up with the so-called age of globalization, informatization and exchange of legal information at an international level becomes an issue also in Korea. Like other countries, the informatization and exchange of foreign laws have been promoted by the Ministry of Foreign Affairs and Trade and each ministry of the Government individually to meet their own demand for foreign laws, mainly focused on legal systems pertaining to economics, such as statutes regarding foreign

⁹ <<http://glaw.scourt.go.kr/jbsonw/jbson.do>>

¹⁰ For searching decisions of the Constitutional Court in Korean:
<http://www.ccourt.go.kr/home/information/precedent03_list.jsp>

¹¹ For searching decisions of the Constitutional Court in English:
<<http://english.ccourt.go.kr/>>

investment. In other words, the informatization of foreign statutes has been attempted to meet each agency's own demand for foreign laws, and then the access to foreign statutes has been expanded. Taking a step forward, active attempts, such as the world legal system informatization project implemented by the Ministry of Government Legislation, have been made to translate foreign statutes into Korean language, digitalize such information, and prepare various methods for access.¹²

In the meantime, attention to the informatization of foreign legal information grows stronger as international networks, such as the Global Legal Information Network (GLIN), have been recently established. Participation in such international legal information networks and exchange of legal information through such networks also provide channels for free access from Korea to foreign laws and free access to Korean statutory information at the same time.

Since 2003, the Korea Legislation Research Institute has attempted to exchange legal information through the Asia Legal Information Network, an international legal information network, participating in the Asia Legal Information Project.¹³ At present, 22 legislation-related organizations from 14 countries in Asia participate in the project. This project is for establishing a network of personnel and resources between organizations related to legal information in Asian countries and preparing a channel through which legal information and relevant knowledge can be exchanged and members can cooperate with each other. In particular, a system for participating and cooperating in projects and conventions relating to legislation in these countries has been established, and a basis for sharing results of seminars and meetings individually held by member organizations from these countries as well as results of exchange and cooperation between member organizations have been developed. Moreover, on-line channels have been prepared for sharing and exchanging legal information and research achievements reciprocally and voluntarily. In short, efforts have been made to form a network of personnel and resources between organizations specializing in various areas of legal information of Asian countries to share legal information and relevant knowledge of Asian countries and prepare a structure through which members can jointly participate and cooperate in related projects and conventions.

The objective of this network is to exchange legal information from member organizations' reciprocal and voluntary motives, distinctively from pre-existing networks for meeting a country's demand for foreign laws. Moreover, instead of attempting to consolidate legal information from many countries into one leading system, efforts have been made to build up a reciprocal and horizontal network, including a network of personnel from many countries.

In the meantime, it is necessary to examine whether the internal resources and organization of the Korea Legislation Research Institute, which has promoted the ALIN Project, meet the requirements of

¹² The Korea Legislation Research Institute also participated in the project for translating some foreign laws into Korean. The Global Legislation Information Center: <<http://world.moleg.go.kr/worldmain.do>>

¹³ <http://e-alin.org/main.do>

the project. For each participant shall create the database of legal information of its country, although the project is implemented in the form of a network, and more importantly, the supply and demand of participating countries can be met and we can expect an increase in the amalgamative effect of the network as a whole, only when the volume and quality of content of such database are guaranteed to a certain level.

As the attributes of informatization show, it is necessary to widen the horizon of the digitalization of legal information to an internationalized service in which foreign laws should be included, rather than limiting the service only to Korean laws. It has been a long time since Anglo-American legal jurisdictions began providing legal information services through commercial database networks, such as Westlaw and LexisNexis, but other countries' laws were far from convenient use due to language barrier or difficulties in search, although most of them are accessible through the Internet. Therefore, it seems necessary for the organizations providing legal information to make efforts to perform functions as a portal that enables the integrated search of foreign laws and provides information about new foreign laws. Hence, the 'Asia Legal Information Network Project,' for which the Korea Legal Research Institute has prepared a plan to implement since 2003, is expected to serve as a cornerstone for the internationalization of legal information, although the scope of the project is limited to the Asian region, since it is promoted to exchange legal information with organizations related to legal information in Asian countries and establish a network for research and support. Besides, the project is expected to contribute considerably to the formation of an Asian economic zone and the development of Asian legal culture in the future since it is intended to promote the project under the fundamental principles of the reciprocal demand and equal participation and use of participating countries.

IV. Conclusion

It is well known that the rule of law is a prerequisite for free access to law by people subject to the application of law. In order to secure this prerequisite, public agencies, as those in Korea, have undergone various stages of development in the course of the informatization of laws and the development of approaches for the informatization. However, the scope of demand for legal information is expanded from domestic legal information to foreign legal information as the global era or the age of global village has come. It seems that academic activities and economic activities create continuously increasing demands for such information and the opening of international markets are increasing such demands further. In Korea, the project for translating statutes into English has made an achievements of enhancing the accessibility of statutes of the Republic of Korea and the efficiency in the use of such information by providing practical legal information to foreign investors and business persons on one hand and providing basic data to persons who intend to research legal knowledge about statutes of the Republic of Korea on the other hand. Providing such legal

information is also expected to contribute to the establishment of a legal information network by forming a historical and academic basis for statutes of the Republic of Korea and sharing laws of the Republic of Korea with other countries in the world.

However, there are some matters that require attention in the circumstances where the informatization of and access to laws are globalized. First, laws that constitute the primary data or source data of information differ from general information in the aspects of the processing of data and the creation of a database due to the unique characteristics of the language of law and technical characteristics. More specifically, laws are norms and there are difficulties in the creation of a database because accuracy, among other things, shall be secured because processing data about such norms tend to be accompanied by new interpretation or errors in interpretation and an error in legal information may instantly and seriously affect rights and obligations of people.

Secondly, the maintenance and management of up-to-dateness is a very important element, because legal information without up-to-dateness secured is invalid information. Due to such difficulty, the database of legal information is established and managed by the government or a public agency in most countries or commercial services for the database are provided exclusively by leading companies.

Finally, there might be limitations on the informatization of laws and the freedom of access at an international level. In other words, a country may face a limit to the informatization of foreign legal information, if it fails to secure sufficient demand for commercial service because of the limited scale of market for the information since the consumers of such information are not widespread, and in such cases, the pace of informatization will be sluggish. From this point of view, a scheme for establishing and utilizing an Asian legal information network between Asian countries by establishing a cooperation system between countries and sharing legal information reciprocally seems to have advantages in increasing users in this region and collecting and processing source data and have an effect of contributing to the formation of an Asian economic zone through legal systems.