Abstract:

The library of the Constitutional Court of Korea adopted open-shelf system since 1994. The library is opened to the public and anyone with their identification card can visit and use every resource of the library. Moreover, these days to promote the Sustainable Development Goals we are planning to go forward by offering access to the legal information we introduce for the public. The publication “Decisions of the Constitutional Court of Korea” contains selected decisions from the last year. In the library website we introduce the publications with the indexed decisions. However, last year to promote acknowledgment of these legal decisions we reorganized our library website and introduced the “Decision Commentary” page. The librarians research the academic papers including commentaries of the decisions, index those papers and couple up the collected commentaries with the Decisions. The main purpose of this project is to introduce the public, the critics alongside the Decisions. Likewise searching critics before you go to the movie theatre, through this project the public can comprehensively understand the decision thanks to the academic analysis linked to the decisions. As a court library we are continuously searching the way to provide the public not only just the original information produced by the court but also the information derived from the original information with defined relationship. Since the establishment of the library we aimed to support constitutional adjudication and research activities which were focused to the legal professionals mainly, but recently we are also aiming to support the public users who are interested in the Court. By introducing varied opinions of the decision the public will be able to have balanced opinion which will lead to understanding their constitutional rights.

Keywords: court library, decision, case, commentary, legal information, constitutional court

The Constitutional Court of Korea Republic was established in 1988 in answer to the Korean people’s strong desire for a true democracy. The primary role of the Constitutional Court is to ensure that the actions of the government or the jurisdiction are consistent with the constitution. Also, this leads to protection of the fundamental rights which are stated from Article 10 to 39 of the Korea Republic Constitution. The Constitutional Court the Court has been committed to protect freedom and equality
in Korea through constitutional adjudication. The Court remains focused in its mission to promote human dignity, freedom and equality in people’s lives.

The Constitutional Court Library was established from the beginning with the Constitutional Court. The main objective of the library is to support this constitutional adjudication procedure with the legal resources we hold. The Constitutional Court Library can be categorized as a court library whose primary goal is to support the court’s activity. Consequently the main users of our library are the internal staff of the court. However, from the early days the library of the Constitutional Court of Korea adopted open-shelf system since 1994. The library is opened to the public and everyone (regardless of nationality or age) with their identification card can visit and use every resources of the library. From the 90’s the people of the library and the court believed that we have a responsibility to share the resources we built with the people because our existence derived from them. Moreover, these days to promote the Sustainable Development Goals we are planning to even go forward by offering access to the legal information we introduce for the public.

The idea Sustainable Development Goals (SDGs) which is adopted by the United Nations as the UN 2030 Agenda is not that distant from the idea where we decided to operate the library as an open-shelf. In the IFLA Statement on Libraries and Development (August 2013) it is stated that “Access to information is a fundamental human right that can break the cycle of poverty and support sustainable development.” There are numerous studies about how our library community can support the SDGs, therefore, in this paper it will be focused on how we practically approached the underlined meaning of the SDGs by promoting the public access to information. Additionally as a court library under the Libraries Act Article 6 “Assistance in Narrowing Knowledge and Information Gap” we have to take measures to offer the information poor to freely use the facilities and services of libraries. The Constitutional Court library refer to this article when we plan and execute projects to promote public access to the information. This legislation can be understood as standing in the same line as the SDGs which has the unified goal: to narrow the gap of the information.

As a court library the Constitutional Court Library we have the “Publication” collection consisted with the publications of the Court. In an attempt to assist acknowledgement of the publications to the public we built a separate menu in 2020 in our website. Especially we focused on the publications which are published regularly such as the “Constitutional Court Decisions”. Short explanation about each publication is provided next to the publications. Previously, only bibliographic information were provided in the website, but as the number and types of the publication increased we decided to provide short introduction of them to improve the awareness. For example, next to the Decisions of the Constitutional Court of Korea (written in Korean) it is written as below:

“The major previous decisions are published as the Decisions of the Constitutional Court of Korea. In 23 September 1989 the first Committee was held to publish the decisions from 1990. To decide the major decisions the presiding justice decides selects the major decisions and send the list to the subcommittee for the Decisions. The first volume was published in 15 November 1990.”
With this short description of the publication you are able to gain information of how and who selects the decisions to publish. Moreover, every decisions of this publication indexed decisions are provided with the case number and the full-text of them. Nonetheless, this could be distinguished as a very basic level of library service as a court library. Many of the libraries of the court provides information of the cases of the courts they are included. Making decisions is the most important role of the Constitutional Court and delivering this results to the people is the most valuable activity, but simply providing information of the publication and decisions was not sufficient. Consequently, last year to promote acknowledgment and public awareness of these important legal decisions we reorganized our library website and introduced the “Decision Commentary” page.

A decision commentary is an academic study which the researchers analysed and add their thoughts to the decision. In Korean it is called 판례평석 (판례평석, Pallipyeongseok) which implicit to evaluate and comment to the case. The librarians research the academic journals and legal newspapers which includes commentaries of the decisions. These commentaries will be indexed in our integrated library system. The basic information of the papers (title, author, issued journal information etc.) will be provided with the most important information, the CASE NUMBER. There are 8 Case Codes which categorise the Constitutional Court Decisions in Korea Republic. For example, “96Hun-Ka2” indicates a constitutionality case referred by an ordinary court, the docket number of which is No. 2, filed in the year of 1996. Thanks to this simple case number system if we can figure out which matter was this jurisdiction about with the case number.
Afterwards, the indexed commentaries are coupled up with the indexed Decisions. A decision can be dealt in multiple commentary papers and in contrary one commentary paper can make commentaries on different decisions. This procedure was possible because we consistently index articles from the law journals and our interest is limited to the “Constitutional Decisions” or “Public Law” area. The Decision Commentary web page is as below and it is only provided in Korean as the majority of the commentary paper are written in Korean and therefore, in our understanding only a user who knows Korean will use this menu (for your understanding I translated the page for this paper).

a. Decision Commentary main page

From the Decision Commentary main page the users can find out how many commentaries are collected and which decisions are analyzed in the commentary in a glance. We categorized the commentaries into types of the publications; whether they are articles of academic journals, parts of the court publications or media resources such as newspapers. The publications from the court needed to be sorted out because the users might wanted to see commentaries from the pure outsiders’ view. The Decisions which were the topic of the commentary are categorized into case codes. As previously explained each case code defines what matter did the decision was about. One important thing is, for instance as demonstrated in this main page the decision categorized in Hun-Na is only three. However, as Hun-Na means the jurisdiction is about “impeachment” and there has been 2 impeachment cases and one impeachment case ongoing there are much more than three commentaries related to these decisions.

<table>
<thead>
<tr>
<th>Case Codes</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Hun-Ka(헌가)</td>
<td>constitutionality case referred by ordinary courts according to Article 41 of the Constitutional Court Act</td>
</tr>
<tr>
<td>Hun-Na(헌나)</td>
<td>impeachment case submitted by the National Assembly against certain high-ranking public officials according to Article 48 of the Constitutional Court Act</td>
</tr>
<tr>
<td>Hun-Da(헌다)</td>
<td>case involving adjudication on the dissolution of a political party</td>
</tr>
<tr>
<td>Hun-Ra(헌라)</td>
<td>case involving adjudication on dispute regarding the competence of governmental agencies filed according to Article 61 of the Constitutional Court Act</td>
</tr>
<tr>
<td>Hun-Ma(헌마)</td>
<td>constitutional complaint case filed by individual complainant(s) according to Article 68 Section 1 of the Constitutional Court Act</td>
</tr>
<tr>
<td>Hun-Ba(헌바)</td>
<td>constitutionality case filed by individual complainant(s) in the form of a constitutional complaint according to Article 68 Section 2 of the Constitutional Court Act</td>
</tr>
<tr>
<td>Hun-Sa(헌사)</td>
<td>various motions (such as motion for appointment of state-appointed counsel, motion for preliminary injunction, motion for recusal, etc.)</td>
</tr>
<tr>
<td>Hun-A(한아)</td>
<td>various special cases (re-adjudication, etc.)</td>
</tr>
</tbody>
</table>
b. Search menu in the Decision Commentary main page

Afterwards, the commentaries of the decisions are collected and needed to be provided to the users when they need them. They can search with the Case Number from the search box at the top, but we also provide an integrated search box below the main page to help the users to easily access to the specific paper or decision they need. From the “Search Commentary” box they can search through the title or the author of the commentary study or the publication it is published. Furthermore, from the “Search Decision” box you can search with the case name, case code or the decision date of the Decision was concluded. Both of them are also can be searched with the case number of the decision.
c. Publications and the Authors of the Commentaries

The Publications and Authors of the Commentaries are consisted with two separate pages. These pages were planned from the beginning to support legal knowledge of the users who are not familiar. We wanted the users to enjoy an easy access to the papers with the name of the publications and the authors. Also, the number of the papers written next to the name of the authors assists the users to speculate information of the authors (likewise, if their field of studies are constitutional law).
The main purpose of this project is to introduce the public, the critics alongside the Decisions. Likewise searching critics before you go to the movie theater, through this project the public can comprehensively understand the decision thanks to the academic analysis linked to the decisions. Commentary on Judgement/Decisions are the bridges which connects the specific case with the legal principle and explains how the court applied legal hermeneutics in its judgment. However, there are also many defects in this project as the number of published paper are explosively increasing, therefore, there are doubts if we can cover all the commentaries that are published. Also, there are doubts in the commentaries itself involving problems related to if the paper or the author is reliable. We made a policy ourselves to at least always include our publications and the major law journals and by collecting as many commentaries as we can we believe the latter problem will be counterbalanced.

As a court library we are continuously searching the way to provide the public not only just the original information produced by the court but also the information derived from the original information with defined relationship. Since the establishment of the library we aimed to support constitutional adjudication and research activities which were focused to the legal professionals mainly, but recently we are also aiming to support the public users who are interested in the Court. By introducing varied opinions of the decision the public will be able to have balanced opinion which will lead to understanding their constitutional rights.

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References

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5 Constitutional Court Library Website-Serial Publication Menu(Korean) (https://library.ccourt.go.kr/#/sc/conlaw/cr)
6 Constitutional Court Library Website-Commentary Decision Menu(Korean) (https://library.ccourt.go.kr/#/search/annotation/ex?searchType=Case)