

Rethinking the Role of the Court Library for Sustainable Development Goals

Eunhae JUNG

Library and Information Division, Constitutional Court, Seoul, Korea Republic.

E-mail address: bukbukbuk@ccourt.go.kr



Copyright © 2023 by Eunhae JUNG. This work is made available under the terms of the Creative Commons Attribution 4.0 International License: <http://creativecommons.org/licenses/by/4.0>

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 even 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 constitution¹. 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."² 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"³ 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" collection⁴ 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:⁵

"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."

발간자료

발간자료검색

헌법재판소

단행본

연속간행물

홍보자료

헌법재판연구원

단행본

연속간행물

연구보고서

헌법판례종합

학술대회자료

AACC연구사무국

연구조사보고서

팩트파일

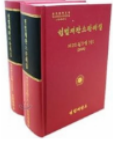
관련자료

연속간행물


☉ > 발간자료 > 헌법재판소 > 연속간행물

단행본	연속간행물	홍보자료
-----	-------	------

① 헌법재판소판례집

	형태사항	책 ; 24 cm.
	간행빈도	연간(1989년-), 반년간(1993년 제5권 1집-)
	권년차사항	제1권(1989년)-
	청구기호	362.11028 한17#
<p>헌법재판소가 선고한 결정 중 중요한 것을 선정하여 헌법재판소판례집을 발간하고 있다. 1989년 9월 23일 헌법재판소판례집을 편찬하기 위한 '제1차 도서 및 판례 심의위원회'를 개최하여 1990년 초부터 판례집을 발간하기로 결정하고, 필요한 자료의 수집 및 판례집 해설집 발간 등을 전문적으로 심사할 소위원회를 구성하기로 하였다.</p> <p>수록할 판례는 통국 결정 후에 주심재판관이 중요판례를 선정하여 도서 및 판례 심의위원회 판례심의소위원회에 회부하면 통위원회에서 그 게재 여부를 결정하도록 하고, 1990년 11월 15일 판례집 제1권을 발간하였다. 1993년 11월 29일 제10차 도서 및 판례 심의위원회에서는 제5권 1집부터 1년간 선고한 통령을 상·하반기로 구분하여 연 2회 발간하기로 하는 한편, 2004년도부터는 헌법재판소의 결정 건수의 증가로 인하여 판례집의 연수가 1,100권을 초과하는 경우에는 이를 상·하 2권으로 분리하여 발간하고 있다.</p>		

② 영문판례집 (Constitutional Court Decisions)

	형태사항	책 ; 26 cm.
	간행빈도	연간
	권년차사항	v.1998(1998년)-
	입반사항	v.2009(2009년)부터 현재 서명으로 변경됨 (이전 서명: Decisions of the Constitutional Court of Korea)
	청구기호	362.02811 C758d
<p>재판자료 확산 일환으로 1999년부터 시작된 영문헌법재판소판례집 발간사업은 외국연구자들에게 매우 높은 관심의 대상이 되고 있는 한국 헌법재판제도의 운영성과를 외국에 적극 홍보함과 아울러 선진 외국의 헌법재판소 및 주요대학 등 유관기관과의 상호 교류 및 정보교환의 기본 자료로 활용하는 데 그 취지가 있다.</p> <p>1998년 8월 이전의 10년간 판례는 통 기간 중의 주요판례 68건이 수록된 영문헌법재판소 10년사로 갈음하고 그 이후의 판례에 대하여는 매년 정기적으로 영문헌법재판소판례집(소책자)을 발간하고 있는데, 2007년 12월 현재 2006년까지 선고된 결정을 수록한 소책자 8권을 발간하였다. 특히 2006년에는 6권의 소책자에 수록된 1998년 9월부터 2004년까지의 주요 결정을 주제별로 분류하여 단행본으로 발간하였다.</p> <p>2007년부터는 기존의 소책자 중심의 1년 단위 발간이 판례의 신속한 제공에 문제가 있다고 판단하여 매월 주요 결정만을 선정 번역하여 이를 신속히 영문홈페이지에 게재함으로써 영문 수요자들의 편의를 도모하고 있다.</p>		

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” page⁶.

A decision commentary is an academic study which the researchers analyse and add their thoughts to the decision. In Korean it is called 판례평석(判例評釋, Pallypyeongseok) 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.

- Case Codes
- Hun-Ka(헌가): constitutionality case referred by ordinary courts according to Article 41 of the Constitutional Court Act
- Hun-Na(헌나): impeachment case submitted by the National Assembly against certain high-ranking public officials according to Article 48 of the Constitutional Court Act
- Hun-Da(헌다): case involving adjudication on the dissolution of a political party
- Hun-Ra(헌라): case involving adjudication on dispute regarding the competence of governmental agencies filed according to Article 61 of the Constitutional Court Act
- Hun-Ma(헌마): constitutional complaint case filed by individual complainant(s) according to Article 68 Section 1 of the Constitutional Court Act
- Hun-Ba(헌바): 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
- Hun-Sa(헌사): various motions (such as motion for appointment of state-appointed counsel, motion for preliminary injunction, motion for recusal, etc.)
- Hun-A(헌아): various special cases (re-adjudication, etc.)

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.

Decision Commentary

> 영문검색 > 판례연구 > 결정해설

Decision Commentary

All 1703	Articles 1,036	Constitutional Court Decision Explanation 503	Media Resources 117	Journal of Constitutional Research 31
Books 8	헌법실무연구(Court Publication) 5	헌법논총(Court Publication) 3		

Decisions of the Commentaries

All 985	Hun-Ka 177	Hun-Na 3	Hun-Da 1	Hun-Ra 39	Hun-Ma 444	Hun-Ba 316	Hun-Sa 4	Hun-A 1
------------	---------------	-------------	-------------	--------------	---------------	---------------	-------------	------------

Search Commentary **Search Decision** Sources of Commentary Authors of the Commentary 다국어 입력기 OFF

Case Name

Case Number ex) 2011헌바11

Case Code All Hun-Ka Hun-Na Hun-Da Hun-Ra Hun-Ma Hun-Ba Hun-Sa
 Hun-A

Decision Date 시작일 ~ 종료일

검색

b. Search menu in the Decision Commentary main page

Afterwards, the commentaries of the decisions are collected it 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.

다국어 입력기 OFF

Title

Author

Case Number ex) 2011헌바11

Publication ex) 헌법재판소결정해설집

Year 시작년도 ~ 끝년도

검색

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).

Publications of the Commentaries

[정보검색](#) > [수록처별 평석 현황](#)

헌법재판소 판례평석(해설) 수록처(학술지, 학회지 등) 이름과 수록된 평석(해설)의 건수 현황입니다.
 수록처명을 클릭하면 수록처 정보를, 숫자를 클릭하면 해당 수록처에 실린 평석(해설) 목록을 확인하실 수 있습니다.

※ 정렬순서는 평석(해설) 수록 건수가 많은 수록처순이며, 수록 건수가 동일한 경우 수록처 자모순입니다.

수록처별 평석 현황					
헌법재판소 결정해설집 (2002~현재)	503	헌법판례100선	114	법률신문	111
헌법판례해설 I	58	헌법재판연구	36	공법학연구	33
判例研究(서울地方辯護士會)	30	憲法判例研究	29	개인정보 판례백선	28
저스티스(第31卷 第1號 -)	27	憲法學研究	25	法曹 (1995~현재)	24
인권 판례 평석	22	憲法과 良心의 길을 따라: 古峰 김...	22	人權과 正義	21
司法行政 (2001 -)	18	노동법학	15	헌법재판 주요선례연구 2	14
世界憲法研究	14	헌법재판소 판례연구	13	헌법재판 주요선례연구 1	12
考試界(2002 -)	12	法學論叢(權國大)	12	노동판례비평	10
민주법학	10	자치발전	10	헌법재판 주요선례연구 3	10

Authors of the Commentaries

[정보검색](#) > [저자별 평석 현황](#)

헌법재판소 판례평석(해설)을 집필한 저자와 평석(해설) 건수 현황입니다.
 저자명을 클릭하면 저자 정보를, 숫자를 클릭하면 저자가 집필한 평석(해설) 목록을 확인하실 수 있습니다.

※ 정렬순서는 평석(해설) 집필 건수가 많은 저자순이며, 집필 건수가 동일한 경우 성명 자모순입니다.

저자별 평석 현황							
김현철	22	이명용	22	장영수	19	김하열	18
고시면	17	정주백	16	성중탁	15	전학선	15
승이도	14	한수웅	14	김남진	13	남복현	13
이덕연	13	이활희	13	이희훈	13	정연주	13
지성수	13	공진성	12	김래영	12	김지현	11
민선홍	11	성왕	11	김진한	10	노희범	10
방승주	10	서세인	10	전광석	10	박경철	9
박준희	9	박진영	9	이부하	9	전종익	9

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 judgment⁷. 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 reliable⁸. 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.

Acknowledgments

Eunhae JUNG works as a public official at the Constitutional Court Library of Korea Republic. The author thanks to everyone at the Constitutional Court Library who were involved in this long process of delivering the best legal services to the users. Also, the author is very thankful to everyone who helped to make this opportunity to present this paper happen, thus, especially very thankful to the Law Libraries Section of IFLA for helping this newbie.

References

-
- ¹ Constitutional Court Website President' s Greeting
(<https://english.court.go.kr/site/eng/01/10101010000002020081110.jsp>)
 - ² IFLA Statement on Libraries and Development (<https://www.ifla.org/publications/ifla-statement-on-libraries-and-development-august-2013/>)
 - ³ 도서관법(*DoSeogwanbeop*, Libraries Act) (<https://www.law.go.kr/법령/도서관법>)
 - ⁴ Constitutional Court Library Website-Publication Menu(Korean)
(<https://library.court.go.kr/#/search/publication/si>)
 - ⁵ Constitutional Court Library Website-Serial Publication Menu(Korean)
(<https://library.court.go.kr/#/sc/conlaw/cr>)
 - ⁶ Constitutional Court Library Website-Commentary Decision Menu(Korean)
(<https://library.court.go.kr/#/search/annotation/ex?searchType=Case>)
 - ⁷ Se-Hyuk Oh(2006). Methods of Commentary on Judgement. *The Journal of Comparative Private Law*, v. 13-4, pp. 741-765
 - ⁸ Hee-Seong, Heo(2006). A Commentary on the Commentary on Academic Writings. *Copyright Quarterly*, v.2006-3, pp. 55-65