

The Development Project of Public Access to Online Legal Information Services for the Government of Thailand

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Introduction

Information and communication technology (ICT) have developed rapidly and are used by many developed countries as one of a government's tools to assist the operation of state affairs and communication with to their people. With the considerable advantages of ICT, the government of Thailand also employs the use of technology to run government businesses. In particular, the Thai government seems to emphasize the drafting and establishment of a new area of electronic commercial laws that are the e-commerce law, and other laws related to electronic technology such as the digital signature law, the computer crime law, the privacy law and the electronic fund transfer law. However government policy does not explicitly reveal its method of providing this legal information or other legal information e.g. court decisions, legislation, and legal research to the Thai people and other interested people such as foreign investors. In fact, there are many legal web sites created by both private sectors and government agencies. These web sites, nevertheless, seem to work using their own policy or individual purpose and there is a lack of a serious agenda in disseminating legal knowledge to the public at large. On the other hand, developed countries like the USA and Australia develop their electronic legal systems that are systematically advanced and thereby enabling their people to conveniently access laws and gain benefits from legal knowledge. There are

facts have inspired the author to undertake of a study of the topic of a development project for public access to online legal information provided by the government of Thailand. Hopefully, this project could become real in the future. First of all, the paper will provide general scenarios of legal web sites in Thailand, and then it will examine some reasons why the government should play a significant role in developing and offering online legal information services to its people. The study will also demonstrate an approach leading to success in the objective of the projects. In addition, likely problems and obstacles which may be faced during either the development or ongoing period will be explored and some solutions will be provided. Finally, some desirable features of legal web sites will be illustrated as an example for further development.

1. General scenarios of legal information online in Thailand

1.1 Online Legal information is provided by Government agencies

Thai government agencies or departments are currently encouraged to have their own web sites which provide accessible door for the public to contact their government. Those web sites perhaps directly or indirectly give legal information or legal advice to the people. However, this study will select only five government web sites. It will examine for whom each government legal provider created the legal web site, what kinds of content are presented, whether or not the web architecture or their features is useful and accessible and how attractive the web site is on first impression.¹ One can say that the five following web sites have their traditional responsibilities directly involved with the law:

- <http://www.judiciary.go.th> is the office of Thai judiciary's web site.
- <http://www.cipitc.or.th> is operated by the Central Intellectual Properties and International Trade Court.
- <http://www.kritsdika.go.th> is created by the Council of State of Thailand.

¹ See <http://www.aija.org.au/tech2/COMPWEB.htm>

- <http://www.sec.or.th> is provided by the Securities and Exchange Commission of Thailand.
- <http://www.ipthailand.org> is set up by the Intellectual Department of Thailand.

The web site of the office of Thai judiciary has greater advantages than the others in the aspect that it can post online the current Supreme Court or “Dika” decisions. Generally speaking, only two legal publishers are entitled to publish the Supreme Court decisions in the official version. One is the office of the judiciary and the other is the Thai bar. There is no doubt that users could benefit from timely law reports from this site and the up to date of information itself. Although case laws of this site provide the fastest posting of legal information, its information is not available until few months after the case. Moreover, the content of this site has not been simplified for non-lawyers yet. In particular, court decisions which are provided in both full text and summaries are still published on the Internet the same style using headings, case numbers and using legal terms without explanation as published in the traditional court decisions.

Another court web site is the web site of the central intellectual properties and international court <<http://www.cipitc.or.th>>. This court site aims to inform publics that are, foreigners and lawyers, as it presents in bilingual versions in of Thai and English. It is the only court to post court opinions in Thai and English. Legislation and legal articles are also present bilingually, but using legal language without explanation or summaries in lay terms. However, its interface looks clearly organized and is easy to navigate, as it provides a site map, but there is no help section or search engines. Moreover, court forms like complaints are scanned into the JPG format. There have been 1,491 visitors since May 17, 2001.²

The third web site is the web site of the Council of State of Thailand <<http://www.kritsdika.go.th>>. The main function of this organization is well

known that of as that of State legal counsellor, legal draft person, and one part of administrative court. One can say that the site stores legislation about 645 laws, that is more than other government sites. Laws are markuped in HTML format and are also shown together with the scanned image. Furthermore, some legislation is translated officially into English. The site also provides its own search engines to browse for the legislation. The home page of the Council of State gains high creditability from its conventional responsibilities in the legal arena of the State, as many government and non-government web sites would link to the Council's site. However, the most serious problem of this site is taking the time taken to retrieve information. One page can take almost five minutes to download! Too much scanned legislation, its watermark is used as a background and too many frames and tables, perhaps resulting in the slower download time of this site.

The next web site is the securities and investment Commission of Thailand<<http://www.sec.or.th>>. The aim of the site is disseminate investment knowledge in the stock exchange to both Thai and international investors. The site is presented in two versions, Thai and English. This site has its own search engines and provides advanced searches to find information on individual listed companies. It also uses plain language to present investment procedures. Its animated graphics are very useful and comprehensive for novice investors. In addition, the law section shows relevant legislation, rules and announcements from the Commission. The laws are markuped in HTML, and have tagging and chunking in each section of legislation. With relevant internal and external hyper links it makes browsing more convenient for users. The site, furthermore, provides the subscription to electronic news. One could say that this site is informative, comprehensive and is standardized one.

The last government web site that will be examined is the site of the intellectual property Department <<http://www.ipthailand.org>>. The audience of this site will be non-lawyers

² visited at September 7, 2001 at<<http://www.cipitc.or.th>>

and lawyers, especially intellectual properties' people, including foreigners. Relevant legislation such as the Copyright Act, the Trademark Act and the Patent Act are available in both Thai and English. The site also summarizes those laws in lay terms and there is even a section where children can learn more about intellectual property issues. In addition, it searches the registration of copyright and patent with its own search engines. There is brief intellectual property information from other countries and hyper links to the other relevant IP sources. On September 8, 2001 there were about 142,171 visitors to this site.³

1.2 Some examples of private legal information online services

The following web sites of online legal information services which include both profit and non-profit organizations will be explored in the four areas that are their target audiences; content and standardization of legal web site practices⁴, utility and accessibility and appearance.⁵

- <http://www.thaijustice.com>
- <http://www.siamlaw.com>
- <http://www.tillekeandgibbins.com>
- <http://www.thaieasylaw.com>
- <http://www.lawsociety.or.th>

³ <http://www.ipthailand.org> is lasted up date at August 28, 2001

⁴ considering under the standards of legal information standards council for Australian legal web sites<<http://www.lawfoundation.net.au/lisc/rcommend/bpguide.html>> one important practice guidelines is at least providing full contact details including address, phone, fax and email on each page of web site.

⁵ using the rules of AIJA legal website Competition see more at <<http://www.aija.org.au/tech2/COMPWEB2.html>>

The first web site is under the operation of the Bangkok Software International Co., Ltd. <<http://www.thaijustice.com>>. The company has received many Thai court tenders to computerize the court system and to make networking possible among the courts. However, The thaijustice.com provides information without charge. Users can download laws in the RTF format and search for a specific piece of legislation from a search engine, but there are no advanced features for searching. The target audience of this site could be the public at large, because the site also uses plain language instead of legal terms and summarizes court procedures in a comprehensive way for non-lawyers. An electronic board is available for people who have legal questions to ask, and someone who is also visiting the site can answer. One finds that various kinds of legal questions have been posted and answered by anonymous persons. The site also make external links to other web sites, but those hypertext links seem to be irrelevant to the content of legal web sites such as linking to news, media, and entertainment web sites. Apart from the company's name at the end of the first web page, there are no contact details and no last up date. There were 76,283 visitors on September 5, 2001.

The second is the siamlaw.com site <<http://www.siamlaw.com>>. This site is perhaps run by some commercial entrepreneurs as its domain name is shown and also banners of various kinds of commercial advertisements are in evidence. The contact detail is not available on the web except the email address of its web master. The site, however, is gaining popularity from its large legal database of 853 laws which are classified, into sections as government and non-government make the link to the siamlaw.com. Users can also download laws in the zip file, but they cannot view those laws in HTML format. In addition, the site posts court decisions covering the last five years in the HTML format. Its search engines, nevertheless, are not available for advanced searches. Legal questions can be posted on the electronic board and court procedures are explained in common language instead of using technical language. There were 79, 621 hits in September 5, 2001

The third web site was created by a large Thai legal firm named “Tilleke & Gibbins”<http://www.tillekeandgibbins>. It is obvious that the main audience of this site is foreign clients because the web presents the English version only. Of course, the kind of legal firm web site is designed for marketing purposes. The firm posts online full-text legal articles written by its lawyers and provides a free e-legal article subscription for all as well. Its search engine provides advanced search features. The site also helps users to browse more easily by having drop downs in each main section. The site map is also available. Its interface is clear and it is easy to understand what the firm wants to communicate to its audience.

Another law firm web site is found at <http://www.thaieasylaw.com>. The site does not only do marketing on the Net, but also performs legal services online. It shows clearly all contact details such as the lawyer’s name, address, phone, fax and email. The legal service costs separated into types of cases are indicated on the web. There is a space enabling clients to send their legal questions to lawyers of the firm. The site has a Thai-English version favoring both domestic and international clients. However, the site’s appearance is not standardized because the web uses very different font sizes and a variety of colors. Moreover, it not only provides its own search engines, but embeds other web sites’ search engines such as Yahoo!, Altavista, Excite and Hotbot. There is no site map or help section. There have been 5, 526 visitors since 2001.⁶

The last legal web site to be examined is the web sit of the Thai law society <<http://www.lawsociey.or.th>>. The site is presented in Thai only. It conveys clear massages about granting free legal help as all contact details are provided as well as a hot-line telephone number. However, the site will not give online legal advice except through contact with its volunteer lawyers. It also informs members of the Thai law society about the society’s activities such as the election of its committees or seminar programs. The help section, site map, and search engine are not available on this site. Its

⁶ visited <http://www.thaieasylaw.com> at September 5, 2001

content is not complicated, but the messy architecture can be problematic for new users. This is because the web author adds a number of trivial things in the first page rather hiding them as drop downs or creating another sub directory page. Since March 1, 2001 there have been 22,518 hits for this web site.

A comparison between the government web sites and private web sites, reveals that one can conclude that the government web sites have better legal standard practice in terms of providing clear contact details, responsibilities of web publishers, using appropriate colors and font sizes and providing bilingual information in Thai and English. On the other hand, private legal web sites seem to have a wide rank of online services such as an electronic board for legal questions, legal issues about voting or even a legal web sites' ranking. It seems that a private web site enables a larger amount of legislation and the collecting of past court decisions to be stored whereas court web sites can only offer current court opinions. Private legal web sites, however, have more specific target such as foreign clients or only lawyers. As a result, their web contents may not meet the needs of the public at large. For example, one Thai law firm web site<<http://www.tillekeandgibbins.com>> presents its site in English only and this would not be the need of most Thai people who want to know about amendments to business laws, but may not have mastery of English.

Overall some Thai legal web sites here have some flaws in common. These mistakes should be corrected in order to standardize the Thai legal web sites in the future as follows. Firstly, Thai legal web sites still present electronic court decisions in the same format as conventional court decision in print. Some legal web sites are even worse because they simply scan court decision in print and upload these images into the web. The solution for this mistake would requires systematic computerization of court decisions. The detail will be discussed later. The second fault in these legal web sites is there is that no archive for their legal information except the web of the securities and investment commission<<http://www.sec.or.th>>. The rationale for legal web site

archiving will be studied later in this paper. Another area that Thai legal web sites should focus on is the development of advanced search engine features. One could say that search engines are one of vital browsing tools for users in particular when looking for specific legal information in the large legal database. Thus, powerful and advanced search engines are required as one important part of development of an online legal information system.

2. Why should the government play a key role in order to develop the legal information online services?

2.1 Responsibilities of the government

Everyone is presumed to know the law, as the legal maxim expresses that “ignorance of the law is no excuse”.⁷ This statement also indicates that the law should not be secret, if it is secret, it is not the law.⁸ Who has the responsibility of informing the public about the law? The government has the responsibility to inform its people what laws apply to them and how laws affect their rights and impose legal obligations on them. As the government is the largest single law creator, the law collector and the law consumer

⁷ See section 64 of the Criminal Act B.C. 2499(1956) of Thailand stipulates that ignorance of the law is no excuse, but the court may allow the accused to show evidence that he or she is not able to know the law at that circumstance and the court believes the accused’s excuse is truth. The court can punish them less than the punishment provided by the law.

⁸ Tom McMahon, ‘Public Policy Issues in Electronic Access to the Law in Canada’, (1999), *The Journal of Information, Law and Technology*.

itself,⁹ it should be able to provide legal information to the public with authority, integrity and creditability. It is also a legal obligation of the government to be required to publish the law in order to disseminate the law to the public. According to Thai law, the following provisions in the Constitution and other statutes require the government to inform its citizens of the law.

- The Constitution of Thailand confirms the citizen's right to be able to access official information holding through the government and its agencies.¹⁰
- The Constitution requires the State to provide the information infrastructure across the country, with equity and equality.¹¹
- The Official Information Act, B.C. 2540(1997) regulates that a State agency shall at least publish its official information in the Government Gazette for dissemination purposes, compile information and make it available to the public.¹²
- The court procedure has to be open to the public to enable participation¹³ as one can say that justice must not only to be done, but also it must to be seen to be done.
- The Criminal Procedure Act also requires that the defendants or victims of crime must be informed about the legal procedures that affect them.¹⁴

In addition, the government is in a suitable position to provide legal information services as valuable social services for the public at large. In particular offering legal information

⁹ Martin E. Halstuk, 'Bits, Bytes, and the Right to know: how the Electronic Freedom of Information Act holds the key to Public Access to a Wealth of Useful Government Databases', (1999), *Santa Clara Computer and High Technology Law Journal* 173.

¹⁰ See section 58 and 59 of the Constitution of Thailand B.C. 2540 (1997) in the division of rights and freedom of Thai citizens

¹¹ See section 78 in the division of Public infrastructure policies

¹² See section 7 of the Official Information Act

¹³ See section 36 of the Civil Procedure Act of Thailand B.C. 2542(1999)

services, commercial legal publishers are not so interested in producing their legal products for ordinary people who are unwilling to pay them more for additional value-added. Because legal information should be concern by the government as part of all basic infrastructures, citizens at large should not be excluded from accessing the law because they cannot afford it. Thus, it is the government's role to assist its citizens to have opportunity to access the law equally at an affordable price or even free of charge if the government could subsidize the cost for public services. However, online legal information services of the government should not necessarily be more specialized than private services. Government services should include only basic services, but the quality and usefulness of legal information provided by the government must meet the appropriate level of public need. For example, the government does not have to translate all Thai laws into English unless it is necessary in the case of international treaties that may need to be translated from foreign languages into the Thai language for academic purposes. One rationale for this special service could be that the government is not responsible for providing the particular needs of specific groups by using taxpayers' money.

2.2 Citizenship Rights

Under democratic theory, people grant their consent by electing their representatives who will exercise legal power by making which laws function for the well-being of society. Thus, it is the citizens' right to know what laws the government has imposed on their rights and obligations in order to conduct themselves correctly under the law. This leads to the "right to know" of people.

¹⁴ See section 172 of the Criminal Procedure Act, B.C. 2544(1997)

People also have political rights to participate in an agency decision-making process.¹⁵ Legal information services should provide the opportunity for people to monitor the government's activities and to make their voice heard when they do not agree with the government's policies. As Johnson (1997) says "once citizens know how an agency is interpreting and applying the law, it will be easier for them to identify inconsistencies or flaws in the agency's decision making process".¹⁶ Another idea which support people having political rights by owning more information was stated by President James Madison in 1822 that "knowledge will forever govern ignorance: and a people who mean to be their own governors must arm themselves with the power which knowledge give."¹⁷

Moreover, by providing online legal information, the government will support the fundamental rights of its people and create a more democratic atmosphere in the country. The public will be more interested in legal issues and public policies and more willing to discuss them. This can be of benefit to the government when the public discussion becomes a tool for government decision-making, thereby enabling the government to make desirable laws or legal policies to meet the needs of its citizens. Thus discussion and public opinion indicate what the public thinks about the law and in which ways they want the law to be regulated.

2.3 Preventative legal services

¹⁵ Stephen M. Johnson, 'The Internet Changes Everything Revolutionizing Public Participation Access to Government Information Through the Internet', (1997), <<http://www.marlin.law.mercer.edu/elaw/inter2.htm>>

¹⁶ Ibid.

¹⁷ Ibid. above note at 15.

Online legal information services can be “preventative legal services” for users by analogy with preventative medicine and health promotion.¹⁸ Apart from helping users to solve or avoid legal problems, the legal web site portal perhaps can provide the crucial opportunity to people to improve their general well being. Susskind (2000) points out that the law can provide benefits although there are not many people who are able to acknowledge these legal benefits. This occurs because people do recognize the law when they have legal problems. Nevertheless, they do not know that there are legal advantages available. If people have been informed of the benefit that the law provides, they will be able to use it for their well being. For example, if people know more about welfare benefits or tax planning schemes, they could gain greater financial benefits to support their lives. The government, thus, can assist its citizens to recognize the opportunities that the law offers for them.

2.4 Ensuring the equality of all citizens before the law

In a digital economy, one could say that the rich has an advantage in accessing information by employing technologies than the poor who lack opportunities to benefit from unaffordable technologies do not have. This gap is known as the “digital divide”. In Thailand, for example, the monthly cost of Internet access is about US\$30 which is too expensive for most Thai people whose income is averages US\$90 per month. Moreover, more than 80% of Internet users are in Bangkok and neighborhood areas where people have higher income than people in the remote area. Thus the government should actively narrow the gap between the haves and the have-nots in equality of access to information.

Again in remote areas of Thailand, it is still the case that cheats take advantage ignorance of the law of some poor farmers by defrauding them of their lands. These poor farmers must sometimes travel a long way from their province to Bangkok to seek free legal services because they cannot afford the legal fees in their province. The question

¹⁸ Richard Susskind, *Transforming of the Law*, Oxford University Press, Oxford,

may be raised as to how online legal information could help these people. If the government could provide a few computers with free Internet access and locate them in the local libraries of each town where online legal services have been set up. These poor people would be able to arm themselves with sufficient legal knowledge to access the legal information in lay terms and free of charge, from online contact legal experts in the city. They would not be cheated if they knew the law and could consult about legal issues with lawyers. The online legal service could result in better knowledge and the better lives for people. This example demonstrates why the government should seriously develop online legal information services across the country, so that its citizens could have access to social justice.

2.5 The government's leadership role in e-businesses

In the e-commerce world, the government is supposed to play a leadership role in doing e-business. Online information services provided by the State should not aim to make a huge profit, rather, seek to recover only marginal costs. According to Shapiro et al. (1997), the conduct of government affairs with respect to formats for providing information, procurement systems, security standards and other issues involving e-businesses can lay down practical standards simply because of the influence and magnitude of government transactions. As an information provider, of the government could create standardization of information technology services among IT competitors who aim merely to compete to each other in order to gain preeminent place for their own products and services.¹⁹ Competition without a central authority could lead to commercial conflict over control of information infrastructures as a whole. Moreover, Malone (1997) suggests that “the government may need to oversee the development and use of an information infrastructure to ensure that industry standards are established in a timely fashion, to protect against monopoly pricing, and to promote over-riding social

2000 at page 263

goals like universal access. Of course, any government role would lead to a whole labyrinth of oversight regulations and agencies whose efforts would be complicated even further by the fact that information infrastructures and standards need to be transitional.” Standards are vital issue for business. There is no doubt about it, standardization helps businesses stay competitive and maximize resources. Standards eliminate excess costs, boost productivity, and satisfy consumer needs.²⁰ Far from impeding business, standards actually break down barriers to trade, provide industry stability, and encourage commerce. Standards are the foundation of innovation. They hasten the rate of implementation of new technology. Standards and technology are natural partners in a strategic marketing plan, which is clear evidence that standards should be the concern of judges, registrars, and business or finance managers, secretaries and administrators, as well as of the information technology staff.²¹

3. How should the government develop a project of online legal information services?

3.1 Having a clear framework

The government needs to have a clear framework before starting the project. The plan should detail its objectives, have a clear aim to achieve tasks in both short and long terms, identify needs, and potential problems. Moreover, to make the project become a reality requires a working group or committee to foster the project in the line of the framework

¹⁹ David L. Calone, 'What will be: How the New World of Information will change our lives', (1997) (11), *Harvard Journal of Law & Technology* 277.

²⁰ Sandra Davey et al., 'Guidelines and Standards: Managing the Magic Standards for Australian Electronic Legal Information', 1998 at <<http://www.lawfoundation.net.au/olap/guidelines/magic.html>>

²¹ Ibid.

and to operate an ongoing operation.²² The working group' members should include lawyers, judges, computer technicians, and perhaps law librarians (if possible). In order to increase the efficiency of engagement with the project, the working group should be directly under the control of the Prime minister's Department rather than embedding it in some government bodies. This is because Thai administrative procedures in government agencies could slow down the progress of the project.

Initially, the working group would draft a document which would identify needs for the establishment and operation of the project e.g. the need for funding, communication tools, skill leaders and officers. A document asking people for their comments, criticism and suggestions about the plan would be distributed to government agencies, legal publishers, law librarians, other interested groups and individuals.²³ This process might take for a few months, but it is worthwhile to make a strategic plan to meet the needs of all stakeholders. It is also important to set achievement points for both the short term and the long term. This is because timely goals could encourage the working team attempt to accomplish each task on time.

3.2 Developing communication infrastructures

Developing communication infrastructures will be required in the early stages of the project. Providing online legal information services would be impossible unless there were advances in telecommunications technologies including a higher capacity of bandwidth for the Internet connection, optical fibers, mobiles, and satellites.²⁴ The following issues should be of concern in the development of communication infrastructures. First, accessibility of software for the web, which widely accepted standards, would enable users to view and publish information on the web. Second, there

²² Martin Felsky, *How Canada Rewrote the Law*, 1997 at <<http://www.knowledge-basket.co.nz/nzllg/felsky.html#no1>>

²³ Ibid.

should be technical systems to ensure security, confidentiality, privacy, reliability and authentication at a satisfactory level. The use of digital signature is suggested for those issues, for example. Third, flexibility of tools is required to produce the prototype including easily updated hardware and software.²⁵ It is not necessary to invent new tools for the project because of cost and need for technical support, maintenance and updating of the tools. One suggestion is to use products available in the market which would be suitable in the early stage of development.²⁶ In producing electronic materials, for example, programs such as Microsoft Internet Information Server, Microsoft Access Database, and Microsoft FrontPage or other market products can be used. Fourth, the cost of communication infrastructure development should fit within the budget. Funding of the project, however, will not be discussed in detail here, but under the topic of potential problems and obstacles. The project should provide alternative access to the law for the public in remote areas where there are fewer telecommunications advances or there are not available in the development period. Therefore, these people cannot use the online services. Alternative services or substitutes like the electronic legal information on CD-ROM should be provided in this case.

3.3 Preparation and Publication of e-legal information

The working group responsible for operating the online legal information system is also required to produce standard guideline for electronic legal information for bodies such as courts, government agencies and legislators. Publishing electronic legal documents requires standards to ensure accuracy and integrity essential for electronic official information like the law. Moreover, the Canadian Law Information Council indicates from its survey, that using the Canadian Standard for the preparation, distribution and

²⁴ Susskind, above n 18, p 258-260

²⁵ Jo Sherman et al., 'The Council of Chief Justices of Australia and New Zealand Electronic Appeals Project-Final Report', 1998 at <<http://www.ccj.org/report/Final%20Report.htm>>

citation of Canadian judgments in electronic form is effective, efficient and provides better access to the law provided that courts produce judgments in the electronic format according to the required standard.²⁷ Standardization of electronic legal information will benefit both producers and users. In addition, courts as legal producers can reduce costs in the creation, maintenance, use, storage and distribution.²⁸ Courts have their own legal databases which support the efficiency of judicial works and increase further productivity. Standardization also assists the function of search engines. The systematic electronic legal database could result in maximizing the number of users the access to legal databases. This will be the real benefit to people. Private publishers, also, will benefit from standard legal material, allowing them to enhance electronic legal information and to increase higher its value.²⁹

Guidelines for the citation of publish electronic judgments should include the suggestions on the use of the following items: paragraph numbering, decision numbers, vendor and neutral citation, open exchange formats like RTF (Rich Text Format), standard stylesheets, cover sheet and consistent structures e.g. names of the parties, citation, date of publication, file number, catchwords (if any), material cited, representative.³⁰ However, adopting the use of this standard of electronic legal information will not be possible if system operators such as court clerks and judges themselves are computer illiterate or have less mastery in using ordinary computer programs like word processors. The government has to play an active role here in sponsoring desktops or laptops for courts to use, it must also provide computer literacy for users. Once courts and their officers can use computers properly, it would not be

²⁶ Ibid.

²⁷ Davey, above n 20

²⁸ Ibid.

²⁹ Ibid.

difficult to encourage them to adopt standards for the publication of electronic legal documents.

3.4 Educating and Encouraging people to access the online law

One can say that the ultimate goal of the online legal information services is the possibility of access to the State legal information services and of learning more about the law and relevant social issues from the Net. Legal information on the Net provided by the government would be useless and the purpose of the project could not be achieved, if people do not have opportunities to employ it. There are various reasons why people do not have opportunities to access the Internet, but the unaffordable costs are very obvious in Thailand. Thus, apart from developing a communication infrastructure, government policies can support universal access to the Internet by using price subsidization of the Internet access and tax incentives to encourage Internet Service Providers (ISP) to provide affordable Internet access products and services.³¹ The same policy should assist tax reduction in computer industries, include hardware and software and also long distance telephone services. This promotion by the government would maximize universal access to the Internet.

A further issue concerns how the government can assist its people to access online legal services. In other words, the project is designed not only instruct people on how to use computers, but also assist them to gain knowledge from the legal database. Undertaking a public education program can also include distributing on of publicity, the holding public of tutorials or seminars, and the provision of community instruction. However, community instruction seems to be an effective way of educating remote communities where people are less experienced have or have no experience in using computers or in

³⁰ see, Recommendations for the preparation of decisions, at
<<http://www.austlii.edu.au/tecnlib/standards/guidelines.html>>

accessing the Internet. Even though the training could provide only a four day course, face to face support in a of short course is much more worthwhile in a situation like this, short can teach how to access the Internet, email and how to access to a specific section of the web site can be provided in this timeframe. However, the experience found from a project of community instruction for indigenous people in remote areas of Australia points out that there are the two following interesting observations. It is useful to discuss these here as the government may adapt this example for its reasonable approach.³² First is that people do not pay much attention to topics in studying Internet skills and navigation unless the topics are involved with their community members directly such as native title of indigenous people. Another observation is ongoing support, in particular face to face support should be provided after community instruction. As people face difficulties in accessing the Internet and ongoing supporting via telephone and email cannot really help them to solve their problems, they, therefore, may give up using the computer. Thus, educating people to access online legal information must consider specific interests or need of each community because providing lessons which are in people's interest could be a good starting point to attract the attention of those Net novices. In addition, continuous support is always significant because it is one method of encouraging people to learn the lessons that they have been taught.

4. Likely problems and obstacles

4.1 Funding

Financial support to begin the project and funding during on-going project is always an important issue for any policy makers who wish to operate a non-profit project. For this project, the government aims to inform and disseminate laws without any charge for both lay people and lawyers. However, there is no doubt that legal people such as attorneys,

³¹ Mark J. Maier, 'Affordable Internet Access for All American', (1999) (6), *Richmon Journal of Law & Technology* 8.

³² Ibid.

law educators, and law students and even courts themselves will become the major customers of this service. This fact leads to the question as to whether it is fair to use public funding to subsidize the legal web site. Non-lawyers may argue that the government should not spend the money of taxpayers to support the activities of a minor profession such as the laws, and that lay people do not really benefit from this legal information.³³ On the other hand, online legal information can also benefit ordinary people in some aspects. Less time consumed in searching legal material for lawyers can reflect on the legal consultancy fees. By looking at the latter aspect, it may seem fair that the government should spend the taxpayer's money to promote the legal web site.

Alternatively, the government may look for more financial support from other sources such as from local governments, courts and administrative tribunals.³⁴ Moreover, one can study the experience of the Australian Legal Information Institute ("AustLII") and Legal Information Institute of Cornell Law School ("LII") in terms of how both leading public information providers worked out on funding their projects. The two legal web sites provide free access to legal information. Both are sponsored by public funding e.g. individual public donations, law schools, business firms, courts and the legal profession

³³ Thomas R. Bruce, 'Tears Shed Over Peer Gynt's Onion: Some Thoughts on the Constitution of Public Legal Information Provide', 2000. at <<http://www.bileta.ac.uk/00papers/bruce.html>>

³⁴ McMahon, above n 8

(solicitors or barristers).³⁵ Apart from contributing funds, the law schools which support AustLII and LII provide expertise, computer tools or labor.³⁶

One could observe from the financial resources of AustLII and LII that the legal community itself seems to be willing and enthusiastic to subsidize free access to legal information providers. Thus legal people can gain general benefit from a free legal information database than non-lawyers. Therefore it is fair for them to pay for it. However, the government may come to a compromise with the Law Society or the Bar Institute to share long term costs for the support of operating this legal information service. If the Law society and the Bar agree to divide their membership fees to finance the online legal web site yearly, this certain funding from both legal institution would provide relief from spending taxpayers' money in the long term. Coordination between the State and legal fraternity seems to be crucial in solving the financial problem.

However, it is possible that the on line legal information may be sponsored by commercial messages or banner advertising, as many private portal web sites make a huge amount of money in these way. Funding from advertising fees, however, seems to be an inappropriate type of subsidy for such as a public project, as advertising can be distracting while users use search engines. Searching outputs may be different from the intentions of the searchers. For example, one user stated that 'when you search one popular Australian search engine for 'sex discrimination', you get back lurid

³⁵ see funding sources of AustLII at

<<http://www.austlii.edu.au/austlii/sponsors/#current>>

funding of LII at <<http://www.law.cornell.edu/lii/html>> and

sponsors of BAILII at <<http://www.bailii.org/bailii/sponsors.html>>

³⁶ University of Technology, Sydney and University of New South Wales are the host institutions of AustLII whereas Cornell Law school is the host institution of LII.

advertisements for sex aids.’³⁷ In addition, the accuracy and neutrality of the legal information provider can be discredited by some kinds of commercial banners or advertisements. For instance, the public may be confused or amazed to find how advertisements for selling child pornography are embedded above the child abuse Act. This matter could cause the public to suspect prejudice to the legal content provided by the State and cause confusion. In such cases, users may wonder if the Government was decided to protect children’s rights or to support child abuse. Therefore, commercial advertisements are not a suitable option for financial patronage of the project for online legal information service.

4.2 Lack of know how and human resources

The lack of know how will be explored in three areas: lack of competent expertise in the area of the development of legal expert systems that is, knowledge engineers and domain experts, and lack of method will also be discussed. To build an online legal information system, requires expertise from those who know how to rearrange legal knowledge and organize it into a computer system³⁸. This expertise must from experts in computer technology as well as the area of law. Susskind calls this expertise that the ‘knowledge engineer’. There is no doubt that there are not many knowledge engineers at least in Thailand. The Thai government perhaps faces impediments in finding Thai persons who are competent in both areas could establish and develop the online legal information system. Thai lawyers, for example, merely learn legal subjects in both undergraduate and sometime postgraduate degrees. Unlike American or Australian lawyers, there are few Thai lawyers who have a first or second degree involving computer science. Although some Thai lawyers pay special attention to the computer or the Internet today, they rarely become the computer experts.

³⁷ Granham Greenleaf et al., ‘The AustLII Papers- New Directions in Law via the Internet’ , 1997 (2) *JILT*.

at <http://www.elj.warwick.ac.uk/jilt/legalinfo/97_2gree/>

In addition, developing a legal information system also needs the assistance of legal specialists in particular legal areas called by Susskind that of the 'domain expert'.³⁹ Both the knowledge engineer and the domain expert should work out close together. However, to develop and sustain the legal information system can require a long period of work. The online legal project, therefore, needs legal specialists or domain experts who agree to make a commitment for a long period of time to work on the project. Legal experts, nevertheless, prefer to spend their knowledge and energy in legal areas rather than work as a domain expert.⁴⁰

The last difficulty of insufficient know how in how to set up the legal expert system on the Net is the lack of 'methodologies'. Susskind (2000) summarizes the methodology of the legal expert system as "detailed sets of carefully and clearly formulated standard practices and procedures to guide those developing systems." However, one would say that the methodology of the development of the law on the Net is currently still premature and it also needs more exploration. One could perhaps suggest that the solution for the lack of technical expertise that requires the government should look for a private partner or outsourced from another organization. For this solution, inexperienced government officers could acquire knowledge from their partners. They will then become expert themselves from learning how to do it.

4.3 Copyright issues

Copyright issues here will be considered under the Copyright Act B.C. 2537 (1994) of Thailand as to whether the information provider wishing to disseminate online legal information would experience difficulties of copyright problems as in common law countries e.g. in the USA, Australia, Canada and England. Section 7 provides that the

³⁸ Sussiknd, above n 18

³⁹ Ibid. , p 174

following works are excluded from entitlement of copyright; (2) the Constitution and laws, (3) rules, announcements, explanations, correspondent letters of government agencies, of government departments, of other government bodies or of local governments, (4) court judgments, administrative tribunal decision and government reports, and (5) translations and collections of the items under section 7 subsection (1) to (4) which government bodies or local governments publish. This section of the Thai copyright law indicates Thai laws and relevant legal documents in print seem to be accessible without claim on of the State's copyright or the Crown copyright as in some common law countries.

However, an interesting question arises as to whether the private sector or commercial publishers could rely on the entitlement of copyright on law in an electronic format. Commercial publishers may argue that converting laws in print in an electronic format and also adding value in ways such as indexing, having annotations, headnotes, or even making editorial changes such as changing the statutory language into the basic texts.⁴¹ Moreover, these electronic works compared with print works have many unique features such as database structures, hyperlinks and searching tools.⁴² Therefore, commercial publishers could have copyright on electronic legal information because their electronic works do not comply with section 7(5) which prohibits reliance on the copyright of translating or collecting any law or legal document published by government bodies. According to above argument of private publishers, one could agree that their electronic legal information is not only translates or collects, but also creates the new forms of works which should be entitled to copyright. Nevertheless, there has not yet been a case about whether electronic legal information can be copyrightable although this issue has

⁴⁰ Ibid.

⁴¹ Deborah Tussey, 'Owning the Law: Intellectual Property in Primary Law', (1998) (9), *Fordham Intellectual Property, Media & Entertainment Law Journal* 173.

been disputed in American and Australian courts in the past decade. For example, in the 1997 of case *Matthew Bender & Co. v. West Publishing Co.* is an American case concerned with a conflict of interest among commercial publishers who want to make profits from legal information in an electronic format.⁴³ West Publishing Co. as American predominant legal publishers produces many legal products for instance; books, CD-ROM, and online databases for court judgments. Importantly, West creates uniform page citation references known as “Star-Pagination” used for West’s publications regardless of the format. Thus, West claimed it could be copyright according to the investment of skill and labor on its citation system. In this case, Bender and Hyperlaw, joint plaintiffs, took legal action against West for the court declaration that there was no copyright on the West’s citation system and allowed the plaintiffs to use it on their works. A New York federal district court denied copyright protection for West’s star-pagination system in this case, and also held that other legal publishers could make digital cases found in West publications and issue for their own publications.⁴⁴

It could be worthwhile for any public legal information providers and the government as a policy maker body to study this case study carefully and find a future solution for free legal information services in an electronic format. Although commercial legal publishers in Thailand are not as powerful as American legal publishers, they are faster than the government to enter the new market to provide electronic legal products or online legal services that are already set up in cyberspace. Therefore, copyright on electronic legal information will be a significant issue which the government should not overlook. In addition, government policy should be able to prevent the monopoly selling the law to a few commercial publishers who simply change the law in print into electronic format, add trivial values to it and claim the copyright on the law. As one court statement

⁴² Ibid.

⁴³ Peter Thottam, ‘Intellectual Property: A Copyright: b) Subject Matter: *Matthew Bender v. West Publishing*’, (1998) (13), *Berkeley Technology Law Journal* 83.

⁴⁴ Ibid.

expresses the matter, the public must have free access to state laws, unhampered by any claim of copyright'.⁴⁵

4.4 Privacy, security and confidentiality issues

The privacy issue should be a serious concern of the Government in particular, the publication of court decisions on the web as those decisions contain personal information. In order to provide legal information on-line, the Government needs to have both legal and technical measures to make sure that there is a suitable balance between the public domain and the public interest.⁴⁶ Today, Thailand does not have a data protection law, but a data protection law is one of six electronic laws to be drafted at this time. It may be a good idea to look at the privacy right policies of other countries and adapt them appropriately to apply to the on-line legal information service provided by the Thai Government. For example, the Canadian coalition for public information steering commission has suggested that the legal measure to protect the right of privacy should be considered in terms of collection, use and disclosure, access and correction of personal information based on fair information practices, established by the law.⁴⁷ It is interesting that the Canadian committee's suggestion has agreed to provide the privacy protection including the provision for corporations which was provided by the Quebec Act. Furthermore, the committee stated that a person should be informed whenever his or her personal information is collected, the reason for the collection, the legal authority for the collection, if relevant, the requirement of disclosure information, whether the provision of information is voluntary or mandatory and a name and address to question about the

⁴⁵ Tussey, above n 42

⁴⁶ Greenleaf, above n 38

⁴⁷ Stan Skrzyszewski et al., 'Future-Knowledge: the Report a Public Policy Framework for the Information Highway', 1995.

see at <<http://www.ifla.org./documents/infopol/canada/cpi-fk.txt>>

collection, use or disclosure of the information.⁴⁸ Moreover, the AustLII's experience might be a good example as a warning for on-line publishers facing allegations of privacy breach. In 1996 AustLII alleged a breach of privacy law and breach of publication restrictions in Family Law Act 1975(Cth) s 221, but the court decided that AustLII had not breached both laws. AustLII explained that as a publisher it was not entitled to edit or censor the content of court judgments, but that it should be the responsibility of courts or public bodies to outline their publication practices e.g. anonymisation.⁴⁹ In addition, Shapiro and Varian (1997) pointed out that there is certain information about individuals that may be disclosed to serve a public purpose and such privacy issues should be considered case by case. They have also suggested that the legislation to protect consumer privacy is based on the principles of provider notice and customer consent, with third-party monitoring guaranteed by the law.⁵⁰

In addition, the Government as an electronic information provider should be able to use technological tools to protect the privacy rights of individuals in so far as possible. An example of using technological techniques to protect individual privacy is provided in AustLII and CanLII.⁵¹ AustLII does not allow robots to index any of its case-law databases which contain sensitive personal information. Therefore, users are not able to employ general Internet search engines to retrieve personal information related in Family law cases.⁵² This does not mean that case-law information is available for people without limitation as whenever rights and freedom without restriction are used, they could interfere the other people's rights at the same time. Thus, the Government should protect

⁴⁸ Ibid.

⁴⁹ Greenleaf, above n 38

⁵⁰ Carl Shapiro et al., 'US Government Information Policy', 1997. See at <<http://www.sims.berkeley.edu/%7Ehal/Papers/policy/policy.html>>

⁵¹ see AustLii's privacy policy at <<http://www.austlii.edu.au/privacy.html>> and CanLii's privacy policy at <<http://www.canlii.org/disclaimers.html>>

the privacy right of people involving case law by using technological tools to balance public interest and individual rights as it uploads those people's information on its web site.

The Government also should have its privacy and security policy expressly posted on its web page. For example, how its cookies are used, whether the Government collects any data from using cookies, what data is stored and whether or not collected data will be used, and disclosure.⁵³ In general, official web sites often state that the information collected will not be transferred to a third party unless there is a legal requirement, for example, in the investigation of a criminal offence, and in compliance with a search warrant or subpoena.⁵⁴ In addition, the site security system should be concerned and monitored regularly in order to make sure the service to be available for all users and that there is no illegal access or hacking to change the information on the site.⁵⁵ Clear privacy and security policies increase the credibility of the Government's web site and also people are more confident and feel safe whenever they search for legal information from the web site of the government.

5. Some desirable features of online legal information services

5.1 Free use but high quality

Online legal information services provided by the Government should be accessible for all citizens and without any direct charge for usage.⁵⁶ This should be the first intention and commitment of the Government in order to offer the real opportunity to its people in

⁵² Greenleaf, above n 38

⁵³ see web site privacy statement of Australian Parliament at
<<http://www.aph.gov.au/privacy.htm>>

⁵⁴ Ibid.

⁵⁵ see more detail at <http://www.firstgov.gov/top_nav/privacy.html>

particular non-lawyers to access the law through the Net. Free information services will maximize the size of legal information audiences.⁵⁷ Indeed, many people are interested in knowing the law, but they cannot afford to pay for it or buy commercial legal information. The expensive cost of accessing legal information seems to be the greatest barrier to lay people to know the law although there are other impediments which may bar access to the law for non lawyers. For example, legal language is difficult to understand unless there is an explanation in lay terms. Moreover, now lawyers feel inferior entering or reaching law libraries which are usually located separately from other library buildings or other sections of the library. Therefore, making the law free on the Net can be an incentive to encourage people to access and know the law.

There are, however, a lot of arguable issues about whether or not the State should provide free legal information online without limitation. This is because distributing information also causes implicit cost to the Government as a public information provider.⁵⁸ The cost of the services derived from collecting the raw data and in particular adding value features to the raw content such as chunking and tagging, indexing, converting format from print to HTML or electronic formats, and so on.⁵⁹ Nevertheless, one commentator points out that the government should not deny its people their interest from the electronic database because this electronic information is supported by public funds.⁶⁰ In other words, people should not be charged for the use by electronic information of the government because they have already paid for it as taxation.

⁵⁶ Susskind, above n 18, p 261

⁵⁷ AustLI

⁵⁸ Peter W. Martin et al., 'A Strong Case for Free Content, An Illustration of How Difficult "Free" May be to Define, Realize, and Sustain', 2000 at <<http://www4.law.cornell.edu/working-papers/open/martin/free.html>>

⁵⁹ Henry H. Peritt, Jr., 'Should Local Government sells Local Spatial Databases though State Monopolies', (1995) (35), *Jurimetrics Journal* 449-469.

However, the same commentator says that the government may recover costs from particular private sectors such as commercial publishers for accessing additional value-added features at a marginal cost and allow the public interest in its investment in data collection and arrangement of publicly supplied information.⁶¹ Charging marginal costs to particular users who demand special services from the State's services could be reasonable in this case and it is appropriate that the government should not make a profit at the expense of its citizens. In addition, limitation on the use of free information services is justified by commercial entities who employ legal information databases subsidized by public funds to gain their private interest.

5.2 Focus on Audience

The government will be able to provide the appropriate information services to meet the audiences' needs by focusing on the audience. One question may be raised about who is the audience for online legal information or who is interested in accessing the law through the Internet. As has been discussed there are large numbers who want to access an online legal information service if it is accessible and affordable. Apart from lawyers, there are people involved with laws in some areas such as the police, public servants or law librarians. Furthermore, other people want to know the law for their individual interest for example, businessmen are curious to know about corporations law or human resources manager want to know about labor law. In this case it may be quite difficult for the provider to supply the services to meet the particular requirement of many different groups of audiences⁶² as the provider is not sure to which level of complexity information should be provided to the public at large. In general, the online legal information service should not only be free, but its content must be identified with the greatest value as

⁶⁰ Ibid.

⁶¹ Ibid.

“effectively free”⁶³ What value features which will be offered to both law people and lay people will be discussed in the following paragraph. However, the effort of the government to disseminate online information services may not be expected to increase knowledge of specific legal areas for target audience as well as the commercial users.⁶⁴

5.3 Content web site and portal web site

A legal web site created to achieve this project would have two main functions. One is to function as a content web. The content web would store various kinds of legal information and deliver it online to the public. Another function of this legal web site should be a portal which could be a master web site or gateway for other legal web sites in the country. The portal would offer directories of legal aid to volunteers, law firms, courts, and law schools and also link to professional organizations, and to primary source materials.⁶⁵ This portal function could be a good starting point for new users finding legal information as the portal would allow users to go to other specific legal sites provided or recommended on the master web site. However, marking links to others legal sites should be carefully authorized, authenticated, and regulated. The ‘quality of mark’ would be required here.⁶⁶

5.4 The matter of the content

The following legal information should be contained in an electronic database for public distribution; bills, statutes, regulations, court decisions, administrative tribunal decisions, forms related to realize rights and benefits created by statute or regulation, including applications for licences, certificates, grants, etc., and notices of constitutional questions

⁶² Tom Bruce, ‘Choreography for a Dancing Bear: the Web, Markets, and Strategies’, Refereed Article 1995, <<http://www.bileta.ac.uk/95papers/95-1.html>>

⁶³ Martin, above n 59

⁶⁴ Bruce, above n 34

⁶⁵ Susskind, above n 18 p 216-262

(categorized by subject matter).⁶⁷ However, as Justice Michael Kirby (1999) states that merely providing undigested legal information on the web is not enough. In particular case law, lay people may misunderstand that all court judgments can become the law and all later cases will be bound by a the previous case. In fact, not all court decisions become case law and do not bind later cases as a precedent because those court citation may be cited as *obiter dica* or the resolution of the case.⁶⁸ That is a common law perspective concerned with putting court judgment on the web. However, it is a useful example in considering Thai court cases online. Thailand, nevertheless, is a civil law country, but the Thai Supreme Court decision also influences inferior court judgments in practice. Today, some Thai government agencies' web sites or even Thai courts' web sites upload only summaries of court judgments on the Net without the full text of the decision or further explanation. Some Thai audiences may be confused and not understand how the law works, when merely reading summaries of court judgments which are still written in legal language. To make online court cases more understandable, one should provide the full-text of the case, perhaps summarize court judgments in lay language and have headings of the relevant sections of the law.

In the case of publishing online legislation, the 'point-in-time' access to legislation is usually required by users for two major reasons.⁶⁹ Firstly, legal researchers need to study the law in the past at a particular point of time. Secondly, the disputed events took placed before current law enforcement, so, the court will not apply the current law to the case,

⁶⁶ Ibid. p 261-262

⁶⁷ McMahon, above n 8

⁶⁸ Michael Kirby, 'Free the Law – Beyond the "Dark Chaos" – Launch of the National Law Collection of AustLII', 1999,
<<http://www.austlii.edu.au/au/other/col/1999/28/index.html>>

but the past law or the law at the time of the occurrence of the event will be employed. Thus, it is vital to restore all past legislation as well as current laws for the benefit of historians of legal research and apply the law at the point of time which the case took place. However, Thai legal web sites only impose current law, so there is no consideration needed for the two reasons above.

Accuracy is always a significant concern for legal web sites. The material put on the Net should not be misleading. Also, there should be expressly stated the time those laws represent and the enforcement at a particular point of time. Some sites even tell users that the material is available on the Internet, but do not give the year range. This can⁷⁰ decrease the creditability of the web as users will lack trust in the accuracy of the web site.

The online publisher should to publish up-dated legislation on its web site as fast as possible. As technology makes things more convenient, people seem to be less patient to wait for cases to be reported in the law reports even though they used to wait for those reports sometime weeks to over a year in the past. These days, lawyers want to know the court decision as soon as the court hands them down.⁷¹ Professional websites like AustLII or LII are able to up date their new data nightly.

Archiving is also crucial as a means of storing all information. This topic could be controversial in funding issues as the database would be required to extend to its size to

⁶⁹ Timothy Arnold-Moore et al., 'Connected to the Law: Tasmanian Legislation Using EnAct', (2000) (1), *The Journal of Information, Law and Technology (JILT)*. <<http://elj.warwick.ac.uk/jilt/00-1/arnold.html>>

⁷⁰ Colin Fong et al., 'Evaluating Legal Research guides on the Internet', 1999, Presented at AustLII's "Law Via the Internet' 99" conference, <<http://www.austlii.edu.au/au/other/col/1999/17/index.html>>

store more and more information increasingly. However, as Neilson stated past information is always valuable.⁷² Hence, the information provider should not overlook the significance of archiving.

5.5 Usability and Accessibility

The telecommunication infrastructure of Thailand is suitable for using the World Wide Web technology to convey online legal information services. According to a survey in 2000 of Telephone Organization of Thailand, there are about seven million telephone lines used, five millions used fixed lines subscribers, and using mobile phones is used about two million and seven hundred thousand.⁷³ About twenty five percent of the Thai population uses various kinds of telecommunications from the survey and more than fifty percent of Internet users live in Bangkok or near the city. However, the fewer number of Internet users in the remote areas of Thailand is not the main cause of networking infrastructure problem. In fact, the economic problem or poverty of people results in fewer people employing telecommunication technologies because they cannot afford to use them although the networking infrastructure is available. Thus, this can be good opportunity for low income Thai people to access free legal information via the Internet supported by the Government of Thailand. At this point, the Thai government has to provide affordable basic telecommunications e.g. lower telephone fees and Internet connection fees in order to disseminate Internet access across the country.⁷⁴

⁷¹ Ibid.

⁷² Ibid.

⁷³ The statistics came from the survey in the year of 2000 by Telephone Organization of Thailand. at
<<http://www.itu.int/ti/industrysurvey/overview/index.htm>>

In order to make legal information in print to be accessible on the web pages, print materials will be coded into HTML (hypertext markup language). One can say that HTML is a powerful and vital tool in making electronic information available, usable and accessible in cyberspace. For example, hypertext links provide internal links in the same web page, external links in other pages or other URLs, and make all cross references possible rather than adding long conventional footnotes or endnotes. Very long legislation can be presented in sections to the viewer because of chunking and tagging HTML techniques.⁷⁵ Document segmentation also supports friendly-printing provided users do not want the whole legislation. There should be search engines for convenience of users.

The legal web site should facilitate the search for information that users want. It is important to provide a range of search features. New users who do not have computer experience, may prefer to use a search box and then click “go” or “search”. On the other hand, advanced users usually require more sophisticated search features such as Boolean features allowing a combination of words or phrases, the choice of searching for alternative words or the feasibility of limiting the search to ignore specific terms.⁷⁶ Moreover, the presentation of search results should be able to be changed by users, depending on how many records per page and the amount of detail shown on the screen.⁷⁷

⁷⁴ Yaman Akdeniz, The Public Voice in the Development of Internet Policy: Proceedings from Ottawa Global Internet Liberty Campaign Conference, October 1998, 1999 see more at http://www.law.warwick.ac.uk/jilt/99_1/akdeniz.html

⁷⁵ Arnold, above n 70, at p 5

⁷⁶ Abdul Paliwala, ‘User needs in Electronic Law Reporting: A Research Study of The Law Reports’, 1997 (2) The Journal of Information, Law and Technology (JILT). http://elf.warwick.ac.uk/jilt/loginfo/97_2pal/

⁷⁷ Steven Whittle, ‘A National Law Gateway: developing SOSIG for the UK Legal Community’, 2000 at

It could be very useful for novice users if there were video scripts to show how to use advanced search features.

To achieve an accessible and usable goal of providing law online, the latest technique or even newest computer applications should be avoided to use because users may need to have a higher capacity hardware or the newest software for proper viewing.⁷⁸ Take one example from using the Portable Document Format or PDF which is a program for friendly printing. PDF requires a special plug-in to be set up on the user's computer. Unlike Ms Word or Rich Format Text or RTF, PDF is very difficult to change into other formats. Furthermore, PDF files lack good searchability as they are difficult to search. This occurs because they are stored in a proprietary and binary format which is saved as image-only PDF.⁷⁹ Thus, the information provider must be concerned about using the newest languages or applications which may make information inaccessible or unusable. The ultimate goal of a legal information web site is to convey accurate information to its people and provide access to that information in the easiest way.

In addition, the following features should help users to navigate the web site. One is the site map that represents the outline of whole picture of the web site. This can help users establish where they are and where they want to go. In a large web site where there are many sections. Therefore it is very helpful and useful to have a site map.

An online-help or help desk should be available twenty- four hours per day if it is possible. There should be technical and legal staff to answer clients' problems either technical problems or legal problems. It is significant for a public information provider

[<http://elj.warwick.ac.uk/jilt/00-2/whittle.html>](http://elj.warwick.ac.uk/jilt/00-2/whittle.html)

⁷⁸ Philip Chung, 'A Defence of Plain HTML for Law: AustLII's Approach to Standards', 2000. at

[<http://www.law.warwick.ac.uk/jilt/00-1/chung.html>](http://www.law.warwick.ac.uk/jilt/00-1/chung.html)

like the government to play an interactive role to maintain a good relationship with its users. Questions which have been answered by lawyers or technicians should be listed on the web in the frequently asked questions or FAQ section. This offers an opportunity for new users to find previous answers. Also, the site should provide the physical address, telephone number, fax number, e-mail address and a person who could be contacted on the web site if customers wish to comment or send some feedback.

5.5 Appearance of the web site

The appearance of the web site should be ‘user-friendly’. This feature can be exemplified in many ways which can related to the screen colors, type fonts, graphics, internal links, and arrangement of the object and information on the screen.⁸⁰ One critic says the user interface should look simple and clear. It is not a good idea to use different interfaces although there is a purpose in presenting different legal system. Many different interfaces cause confusion for clients, as the web is lacks consistency in representing information.⁸¹ In addition, using dark color for screen colors should be avoided, as it is difficult to read and print. In order to help users to return to the home page, making links at the end of each page would be useful. Furthermore, one should be concern about embedding graphics. Even though one picture can mean thousand words, too many graphics and frames may result in a failure to carry important information. This is because too many graphics take time to download and users may not be patient enough to wait to see them.

In conclusion

As the Internet provides much cheaper cost of communication among people in today’s society than in the past, the government should take advantage of this technology for the

⁷⁹ Chung, above n 79

⁸⁰ Fong, above n 71

⁸¹ Abdul Paliwala, User needs in Electronic Law Reporting,

benefit of its citizens. In particular informing its people about the law. There are many laws today the existence of which even lawyers or legislators themselves are ignorant. Without sincere openness and willingness to reorganize the collection of laws by the government, people are almost hopeless to know what laws could affect their rights unless they are hyper industrious in legal self-education. Not only should the government put all laws on the Net, but also add appropriate values to the legal information that is provided to the public by making online legal services usable and accessible. The success of the project means ensuring that its services enable the provision equal opportunities for all citizens to access that information without difficulty and the ability to educate themselves independently. Again, it is true that knowledge derives from information. People should arm themselves with knowledge, but a democratic government must willingly provide information for the people.