

Accessing Legal Information in Malaysian Law Firm Libraries

Abstract: The advancement of technology has drastically changed the way information is being stored in the law library. With current technology, many have found that legal information is easy to retrieve from federal or state government websites in Malaysia. But while federal legislation can be accessed via the internet, some of the law cannot be accessed for the public to review or download. Also, older law is unavailable from the federal gazette website, and it is crucial for the lawyer or law librarian to publicly access it. This paper, by **Qudri Ali Abu Bakar**, discusses the restriction of access to legal information and looks at some alternative ways of gaining full access to federal and state law in Malaysia.

Keywords: Foreign law; Malaysia; government information; legal information management; legal information; open access; legal sources

INTRODUCTION

This paper is a discussion on restriction of access to the law in Malaysian law libraries. There have been some constraints in delivering legal information for our users, as we have certain restrictions in accessing state law if it is not included in our subscription databases. Secondly, there is limited access to previous gazettes from the federal gazette website and the LАWNET database. In these cases, we would usually need to request assistance from other law libraries to provide this content.

OBJECTIVES

This paper has two objectives:

- To outline the restrictions to accessing legal information
- To show how librarians can counter such restrictions

The first objective is about outlining some of the restrictions that occur when accessing law or legal information in Malaysia in the course of user enquiries. Some restrictions might obstruct the library in retrieving legislation provided by the government.

In the second objective, we outline some ways to counter such restrictions in order to make the legal information accessible to our users in the firm's library. Users will know how to retrieve legal information on the internet or online databases. However, with the abundance of search results, they may need to ask the librarian to assist them in refining the results to obtain the desired information. It is therefore important for the law librarian to have legal information knowledge in order to understand basic legal terms when delivering library services to their users.

CONSTRAINTS IN ACCESSING LAW IN A LEGAL FIRM LIBRARY

This section will highlight a few constraints that a law library might encounter when trying to access the law in Malaysia.

Restrictions to accessing state law

Legal information can be divided into primary or secondary sources. The users seek primary documents such as law, statutes, and regulations. State law may have limited accessibility for the public, as the government does not make it easy to download this; that is, some websites list the laws, but the full text is not available to download. Because of this, the public needs to have direct contact with a council officer to assist them in retrieving requested law information.

Making the law accessible to the public is a concern that needs to be addressed by the city council, as many do not subscribe to any legal databases. Offering open access (OA) to the state gazette is highly recommended, and it would be the best approach for users, especially lawyers and law librarians, to allow them to download the gazette themselves. The abundance of information currently available on the internet as well as in digital form is rapidly increasing issues of access and preservation.¹ We hope that these constraints could be managed by the state city council in order to provide more access to their gazette for public use, as these restrictions have impacted the users, from lawyers to law librarians.

Un-stored federal gazettes

On the federal gazette website, and online subscription databases such as LАWNET, there is a limitation to the

- Undang-Undang Kecil Peruntukan Mengenai Lesen Bersesama (MPK) 1992
- Undang-Undang Kecil Kerja Di Jalan 1996
- Undang-Undang Kecil (Mengkompaun Kesalahan-Kesalahan) (MPK) (Pindaan) Kerajaan Tempatan 2013
- Undang-Undang Kecil (Mengkompaun Kesalahan-Kesalahan) (Majlis Perbandaran Klang) (Pindaan) Jalan, Parit dan Bangunan 2013
- Undang-Undang Kecil Tanah Perkuburan Islam (MPK) 2005
- Undang-Undang Kecil Pelesenan Tempat Letak Kereta Persendirian (MPK) 2005
- Undang-Undang Kecil Taman (MPK) 2005
- Undang-Undang Kecil Tandas Awam (MPK) 2005
- Undang-Undang Kecil Vandalisme (MPK) 2005

Screenshot of a list of laws on the Majlis Perbandaran Klang website

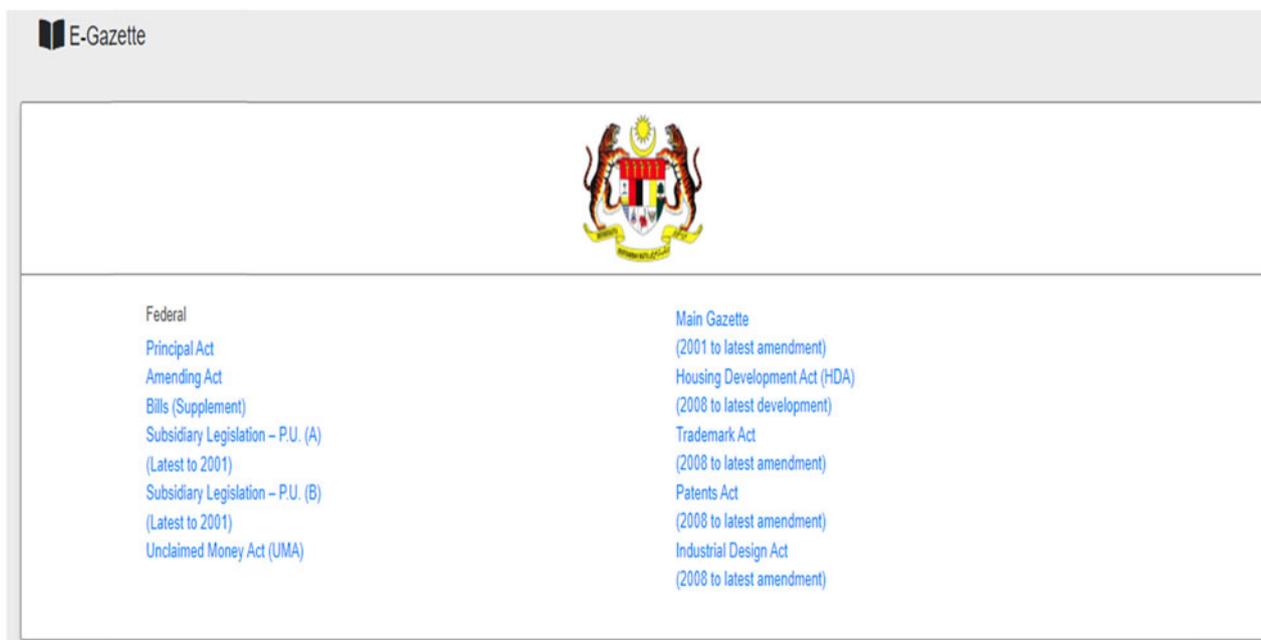
access of decades worth of past federal gazettes. In fact, there are no federal gazettes available from 1947 until around 2000. This makes it difficult to compare recent updated gazettes with older editions.

The same goes for the online subscription database called LAWNET. It stores federal government gazettes from 2001 onwards only. The limited access to previous gazettes has led to dissatisfaction among users and librarians who subscribe to the service as their primary e-resource. According to Akwang and Etim, the availability of quality facilities in any library fosters collaborative study and resource sharing, as well as promoting effective and interactive access and use of information resources.² In the context of the law library it therefore becomes necessary to provide quality facilities for users as it will promote effective and interactive access to information. As such, it is imperative that all stakeholders involved in the creation,

interpretation, and distribution of law strive to develop a legal information system.³ It is recommended that LAWNET should include access to previous editions of the gazette for the period 1900 to 2000, because this would be beneficial to subscribers who are reliant on the service, and this would make it easy for them to download and review these previous editions of gazettes for research purposes. Indeed, Raj Kumar Bhardwaj states in his study that practicing lawyers may fail to adequately support the case of their clientele because of the lack of reliable information.⁴

ACCESSING LEGAL INFORMATION IN THE FIRM'S LIBRARY

There are several alternatives where legal information can be accessed, so the law librarians have to make suggestions to their users about which websites or databases



Screenshot of the LAWNET database

they should use. We will now look at the alternative methods of accessing legal information.

Malaysia Federal Legislation by AGC

The Malaysia Federal Legislation is an online database consisting of federal gazettes published by the Attorney General Chamber (AGC), Malaysia Federal Government. This website is helpful for the public, especially those who are lawyers and law students in Malaysia. The website has an abundance of gazettes published by the federal government for public access. From here federal legislation can be downloaded by the public, whether they need an act in original, updated, repealed, translated, reprint, or revised versions.

The website allows users to enter their desired keywords in the search box – which is a very user-friendly interface. The search preferences provided from the website are of quite a wide variety, which helps the users to narrow down their searches, depending on what law or act they want to locate. This can then be downloaded by users, with no restriction for them to access it.

Also, by providing the law on the main menu of the website, which is regularly updated, lawyers and law librarians are kept abreast of the updated legislation, and users will be made aware of the latest act or subsidiary legislation from the website main menu. Such announcements are very important for law librarians, as it's vital that they keep updating the acts in the library, because users will usually require the latest act.

There is no restriction in accessing the federal legislation in Malaysia on the federal gazette website. However, the users need to understand how to use it, especially

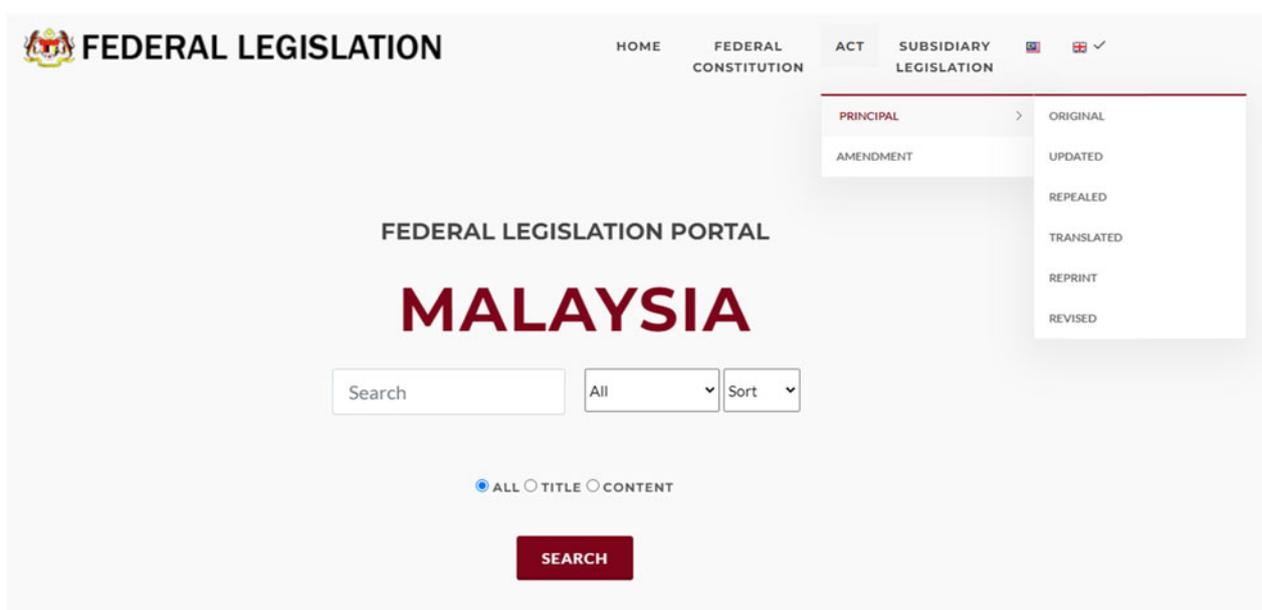
when it comes to searching a keyword in the search box. The website employs a simple search method, but users need to refine their searches in a particular way to access the act. For instance, if a user wants to search for a law about 'Civil Law', what they need to do is indicate either the part or full title of the Act as 'Civil', and this will help retrieve an exact result from the website. With this no-barrier access to gazettes, it makes it easier for the law librarian to provide assistance to lawyers and their users.

LAWNET: AN ONLINE DATABASE

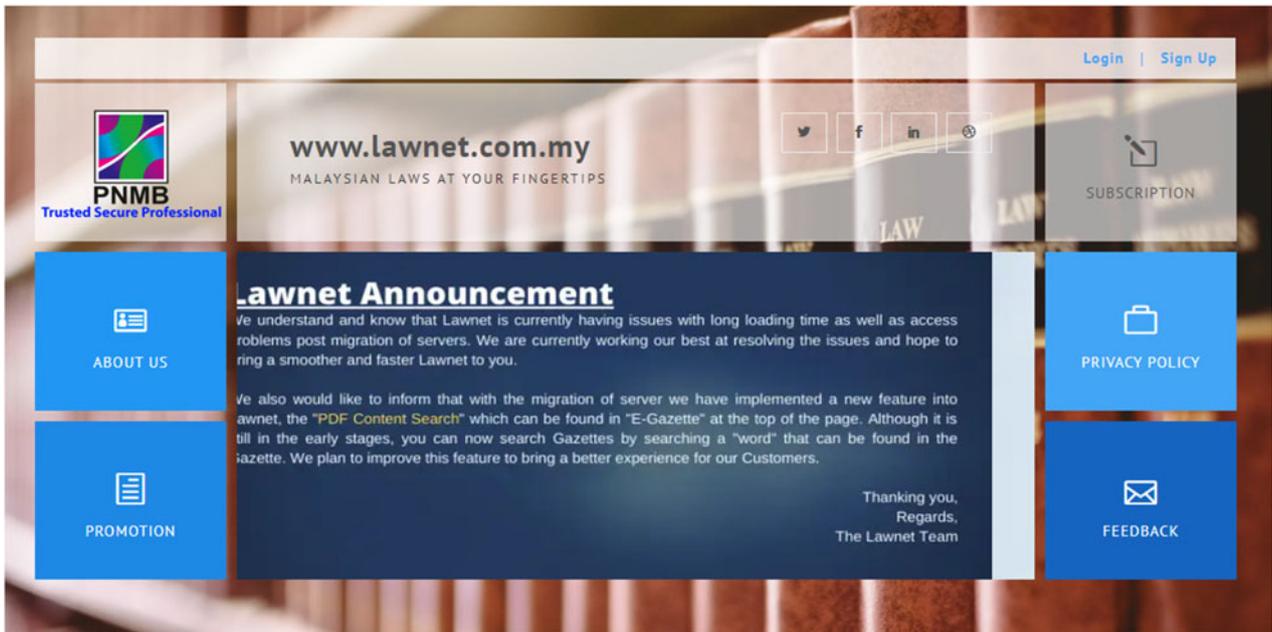
Aside from free access, there is also a subscription service which is quite important for the law library to have access to, namely LAWNET, an online database focused on federal and state gazettes stored within it. This database offers a variety of search points for users to view and download federal legislation, as well as state-level legislation. Subscribed online services will offer a variety of access such as Law Library, E-Gazette, Latin Dictionary and Term (Dictionary).

The advantage of subscribing to this online gazette database is its access to updated acts, while it is not expensive for firms or academic institutions. The library I worked in subscribed to this database, due to the need to update current federal legislation and to deposit it into our personal storage. Most of the academic institutions in Malaysia subscribe to this database. This shows that the database is widely acceptable in both firms and academic institutions in Malaysia.

LAWNET plays a vital role in providing access to federal and state legislation. For instance, some state legislation is not available for public access on some of the state councils' websites. With LAWNET access is not a



Screenshot of the Malaysia Federal Legislation showing the different versions of the law which can be accessed



Screenshot of the LAWNET official website

barrier anymore for those that are looking for state legislation, as it offers the user access to the state law. The only downside is that subscription requires payment, and while

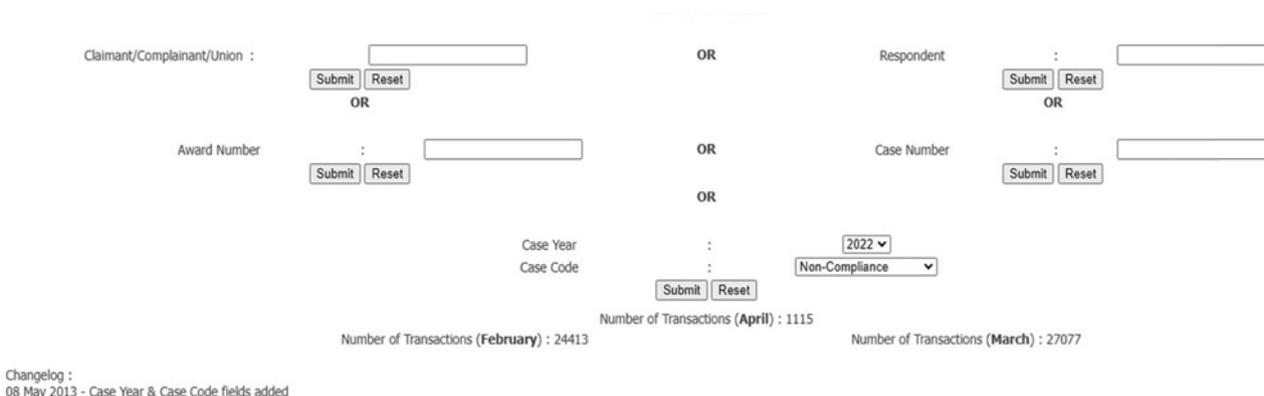
the database is significantly important for a firm, as well as academic institutions, to subscribe to it the public will need to go to their local public library for access.



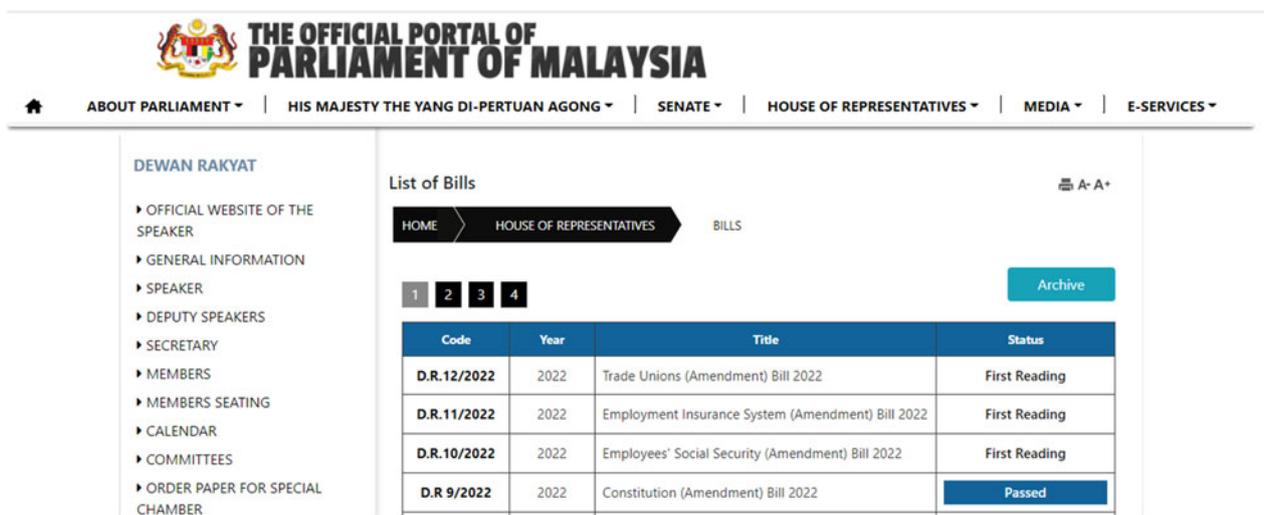
Photograph of a Compilation of Federal Legislation in RDL Resource



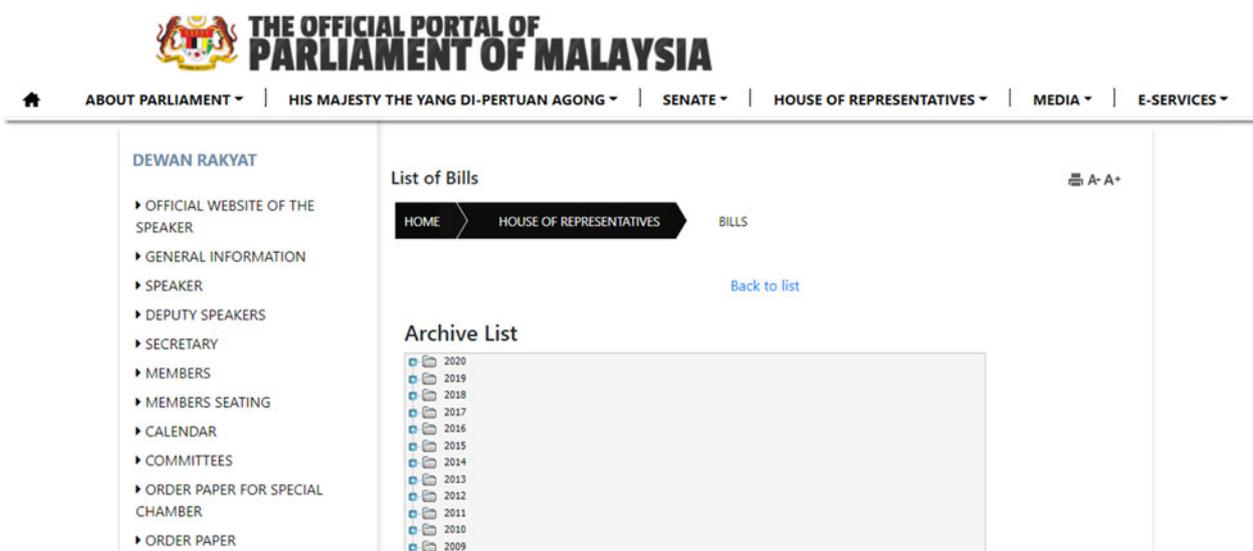
Screenshot of the e-Judgment from Federal Court website



Screenshot of the Industrial Court of Malaysia website



Screenshot showing the list of bills from the official portal of Parliament of Malaysia website



Archive list on the official portal of Parliament of Malaysia website

A COMPILATION OF GAZETTES IN THE LIBRARY

Many law libraries make a compilation of the previous years' gazettes for future referencing. Lawyers normally will tend to refer to previous gazettes for their research. In my most recent position at a law firm our library extensively compiled numerous gazettes starting from the year 1947 until the present time. The library is, then, equipped with acts which will assist our users for their research purposes. The acts will be compiled by category and year and this cannot then be accessed from the Federal Legislation Malaysia and LOWNET databases, because it has to be compiled manually by the librarians in the firm or academic institution. The library is meant to be a centre for facilitating information for the lawyers, and a key focus is to assist users in legal information matters, so updating gazettes manually is a necessary task, as lawyers regularly check and refer to those references.

The firm library only preserves the federal gazette and not state legislation, and this manual compilation and storage of the older gazettes is a unique way to preserve the law but has the drawback of not being searchable or downloadable electronically. The main compilation of gazettes or acts will be focused on federal government and if users in the firm request the state legislation, which is not available, their request would be outsourced to other libraries.

E-JUDGMENTS BY FEDERAL COURT

It is not just about acts and laws preservation in Malaysia, and there are other sources which are reliable and useful for users in a law firm's library. In Malaysia we have two e-judgments websites, namely the e-judgments from Federal Court, and the e-judgments from Industrial Court, both websites offering numerous case judgments for the public to access with no restrictions.

From the website screenshots it can be seen that these case judgment databases have their own search fields, which helps users to determine their search preferences in order to access a reported case on the website. Both e-judgment websites offer a variety of search strategies which help the public to conduct a basic search. The e-judgment databases give us the ability to access requested cases easily.

BILLS OF MALAYSIA

There is also a bills website in Malaysia, which stores numerous bills for public access. This website also has no access restrictions. The bills website is up to date and features debates by the lawmakers of the lower house of the Malaysian Parliament, and previous bills are stored in archive on the website. If users need to access and review previous bills, they can easily click on 'Archive' and select which year they need to search. However, there are only preserved bills from the year 1990 to present day.

The existence of the bills website has helped law librarians as well as other users tremendously. The Federal Government of Malaysia does not restrict the access to this, because it is seen to be an element of the public's right to view what has been debated in Parliament.

OUTSOURCING LEGAL INFORMATION

Law firm libraries will engage with other libraries in order to obtain any legal information which is unavailable in the firm's own library collections. As a result, to mitigate some restrictions in accessing legal information, the librarians will send an email to another library, which will then provide a photocopy of the requested documents. Costs for providing such documents may then be charged to the library – the users will be asked whether they agree to purchase

such information first. Joyce L Ogburn says that outsourcing should be viewed like any other strategic business plan, i.e. lowering costs while improving quality.⁵ It is clear that outsourcing of legal information, for example law report cases that are unavailable in the library, rather than purchasing the whole volume of cases, can reduce costs.

CONCLUSION

In conclusion, many users in a firm's library can have free access to Malaysian federal legislation, bills of Parliament,

and e-judgments. However, for LAWNET, a subscription is required in order to access the database, and even for users with a subscription there are still some limitations on accessing materials which are not yet being made available. The restrictions in accessing state legislation and previous years of the gazettes are the challenges that need to be addressed by the state and federal government. However, the public can still get access to this material, though it will require a visit to a public library, or direct liaison with the city council officer when it comes to matters of state legislation.

Footnotes

¹ Mussarat Sultan and Muhammad Rafiq, 'Open Access Information Resources and University Libraries: Analysis of Perceived Awareness, Challenges, and Opportunities' (2021) *The Journal of Academic Librarianship*, 47(4)

² N.E. Akwang and I.A. Etim, 'Quality Assurance Mechanism and Information Services Delivery in University Libraries' (2010) *African Journal of Education and Information Management* 20210 August: 11 (1 & 2): 106

³ Ginevra Peruginelli, 'Law Belongs to the People: Access to Law and Justice', (2016) *Legal Information Management* 16(2), 107–110

⁴ Raj Kumar Bhardwaj, 'Development of Online Legal Information System: Lawyers' Perceptions' (2019) *DESIDOC Journal of Library & Information Technology*, 1–15

⁵ Joyce L Ogburn, 'An Introduction to Outsourcing' (1994) *Library Acquisitions: Practice and Theory* 18(4), 364

Biography

Qudri Ali Abu Bakar worked in the library environment for almost six years. His highest qualification is a Master of Information Science from Universiti Teknologi MARA. As a former library staff member in the legal firm of Raja Darryl & Loh, the author worked in a legal environment in the library itself, where he dealt with legal information management, focussing on both printed as well as electronic forms of information.

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