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The Using of Legal Resource from Internet in the Legal Studies

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Abstract: This research is aimed to explain the using of Legal resource from Internet in the legal studies. This research is used the descriptive research using the legal resource which both finding the relevant analysis sources purposed to use in the research. Traditionally, the lawyer and law student finds the law principally in books housed in law libraries, so that lawyer and a law library are inseparable. Today lawyer and law student can be use online virtual library. Internet has expanded at a phenomenal rate, integrating various source of law into a vast interactive network. It use has already reshaped the conditions of legal research for many millions lawyer and law student around the world. Therefore understanding of the use of legal materials for legal research down load through virtual library, the rules and its academic ethics embodied is important even for the lawyer and law student.

Keywords*: Legal Materials; Legal Research; Virtual Library

1. Introduction

This research is the critical literature research from object of this research is the state-of-the-art legal materials, the opinion of legal expert from several popular law school and cyber-library. This research is giving the several example namely legal resource and sources with facilitate the research legal quality. Methodology from this research is how to using the legal resource which both finding the relevant

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analysis sources purposed to use in the research. The purpose of this research is explaining several examples of the several benefits using internet.

Nowadays, the using of internet has become the modern citizen necessity which must be fulfilled. Internet is not only monopoly by the military world, but also the using has spreading into the privacy life. Internet is not only monopoly by the military world, but the using has spreading into the privacy life. How to use the internet has been spreading into the rim land village and with the help of satellite technology, internet has been unite the entire human in the world in a virtual world, which controlled only from a smooth touch 'click' from the computer or telephone which almost all the features has completed the internet communication facility. Recently, citizen world with internet usage has been entering allegedly by Giddens before with the terms of *intensification of globalization*, *detraditionalizing of society* and *expansion and intensification of social reflexifity* (Giddens, 1994).

The growth of information technology which describes above, giving the important acts for the quality improvement of a good law research which normative or empiric. The legal resources which commonly only served in several library rooms, both in the state university or civil university, with the library owned individually or government, recently the legal resources also can be easily to access through internet. The traditional library is commonly known by student from university, now the addition with applied cyberspace which several cyber-libraries, library on the virtual world. Cyber-library has many advantages rather with the traditional library. The state-of-the-art legal materials with the opinion of legal experts from several popular law schools in the world can be accessed easily through internet, during 24 hours nonstop. The example of the legal resources is easily to access through the internet is Wikipedia.

2. Internet and Usage in the Legal Research

Internet offers the communication ability electronically with ease and cheap, opening the new communication horizon with giving the possibility and ease to find and access several information which needed by a research. The term of internet it is an acronym from *interconnection networking*. In the globalization era, internet for the first time is implemented in 1969 by US Department of Defense in a project has named Project APRANet (Advance Research Project Agency Network).

Initially, the APRAnet successes to connect the fourth signal sites which interacted: University of California at Los Angeles, The Stanford Research Institute at Menlo Park California, The University of California at Santa Barbara, and The University of Utah. Next, the growth of created the Transmission Control Protocol/Internet Protocol, thus the data delivering method through the communication path with using the data groups purposed of every package becomes ease. The result in 1980, National Science Foundation (NSF) is a step has development its signal which called NSFNet. In 1991, occurs the great leap in the internet technology which is the development of World Wide Web (WWW) which arranged by Berners-Lee in the Laboratories of Conseil Européen pour la Recherche Nucléaire (CERN) in Genewa, since the technology development, the using of internet starts spreading in the entire countries (Sonata, 2014).

Several the ease and facility which applied on the internet signal must be used optimally in the Legal studies scope. The legal research which conditioned the fulfillment of several topic which sources from the foreigner law journals which published by several legal school in the world which the application is extinct, now it served to used by every researcher with using the technology *"information superhighway"* which can be access easily through internet. Several examples the advantages of internet usage such as:

1. Efficient

A legal researcher can be ease to determine the discussion topic which is want to understanding through internet and can be adapt the time without leaving the daily routine task.

2. Unlimited (without Boundary)

In accordance with the name is WWW, which is World Wide Web, the internet signal is spreads over our world. The science is searched through internet, it is unlimited, both regional boundaries and the countries boundary. Commonly, one of the limitations is the desire and discipline of the researcher. Internet has successes creating a new world, a new life, a community which is global society. Thus, the people is not worried, because they are searching to the entire world through internet, they are obtained several information which needed in the real world without risk to losing nothing, because world which visited in the virtual world.

3. Open during 24 hours (24 hours online)

If the traditional library only opens working days time, internet can be access with ease during 24 hours. Whenever you want, to search in the virtual world can be implemented every time in accordance to the necessity.

4. Interactive

Many sites can be accesses through internet which applied the interactive facility, and then the difficulty topic can be understood deeply through the interactive facility, so the researcher can be obtained the addition of science knowledge about the object or legal source that the researcher wants. Lately, with completed JavaScript language, internet media displayed more sophisticated in the using of interactive facilities usage.

5. Hyperlink

Information which served through internet is commonly serves in the form of hyperlink. This means that a sites visitor can be leap from information to information, another legal school sites and from a country to another country with ease, only once click mouse button (Riswandi, 2003)**.**

With several benefits above, the popular legal experts in the world can be access through internet and if it is needed by researcher with good attitude. It can be easily to copy (download) legal research that needed in the efforts to build scientific argumentation on a research topic during the implementation. Several websites available has interactive facility which possible by a researcher asks the direct problem that faced to the related experts and obtained the direct answers from the expert. The answer is directly obtained from the expert in a short time also through the e-mail facility which available in the internet usage (Riswandi, 2016).

Generally, the entire internet service provider (ISP), it is consist of the connection provider, the content provider is called information provider, and the search engine provider is also called portal. The access network provider is the internet network service provider which only limited to network organizer which can be used by other internet service provider in order to get access and connected with the internet network. Whereas, the content provider is internet organizer which provided the content from the accessed media by the internet user, while the service of search engine (portal) provider is internet service provider which provides the service in the form of path for the internet user in order to find and found several information which provided by the content provider through the

portal which build and provided by the engine search service provider (Sitompul, 2004).

Above the initiative of The World Intellectual Property Organization which has the member from 171 countries in the world has established of an organization which called *The Internet Corporation for Assigned Names and Numbers* (ICANN). Civil institutions formed WIPO has responsibility on the registration on registration to get domain name, with obligation applied several regulation which published by WIPO.

The regulation of domain name divided into 2 categories, *the generic top level domain (gTLD)* and *country code top-level domain (ccTLD).* Both categories has given several open name for everyone, but also both is limited the certain name usage only to the certain organization. As the examples, to the gTLD category is common open names such as: .com, .net and .org the name usage except those names is very limited and only for the registered which fulfilled certain criteria's only, namely: *.int*, only allowed by the institutions or international organization only. Another examples *.edu*, only allowed by the university (college) which passed the student in fourth curriculum; *.gov* only limited the usage on the institutions or government department; *.mil* only allowed to used by the military only (Winston, 2002).

For the category ccTLD is commonly used by two alphabets which are taken from ISO 3166 (International Organization for Standardizations), as the example *.au* (Australia), *.br* (Brasilia), *.ca* (Canada), *.fr* (France), *.jp* (Japan) and so on. According to the publication information in WIPO Final Report date 30 April 1999, entire world almost 7.2 million domain name has recorded and almost 1.8 million domain name has registered above ccTLDs (Winston, 2002). The total recorded will always added during the popular and more ease the community is added the internet for several necessities. This is reflected from the prediction of the multimedia expert that the addition in 2000 only predicted growth of internet in Indonesia is around 20%.

In United States the name of internet user below ccTLD has arranged as follows:

.com is used by the business and commercial users;

.org non profit is used by the organization and non-profit institutions;

.mil is used by Military;

.gov is used by the government institutions non-military;

.edu is used by the education institutions which has the fourth curriculum educations;

.net is used by the internet Service Provider.

With knowing the names above will ease a researcher to find and identified the legal resources which obtained and it is not easily to trapped in *pagejacking*, which is practice which implemented by the internet service provider in order to follow the internet user in order to entering the certain website and will occurs the difficulty to exit from the websites. In this steps the internet user is not felt the time and wasted cost because without he is entering the traps (*mousetrapping*) which made by the internet service providers.

In Indonesia, the registration of domain name is handled by *Indonesian Network Information Center (IDNIC)*, which is a registration institution which arranged the domain name below ccTLD. The regulation names which applied in Indonesia between other are as follows:

- **.ac.id** for education;

- **.go.id** for government institutions;

- **.co.id** for commercial users;

- **.or.id** for organization;

- **.net.id** for the internet service provider;

- **.mil.net** for military;

- **.web.id** for website.

In the scientific search through internet, *World Wide Web* (WWW) provides several facilities such as electronic mail (e-mail), Telnet, File Transfer protocol, Ghoper and others. With using Netscape or internet explorer, a researcher will be able to search several legal resource and legal scientific journal which published by several legal school (law school) is known in the world, and also can be visited several selected library sites. This is possible because an important element of WWW is with using HTML *(Hyper Text Markup Language).* Hypertext is series of data which connected with various another documents which provided in the WWW network. Such as explained before several of easiness must be used by every legal research in order to improve the scientific ability of legal resource in Indonesia in facing the globalization flows.

3. Outline Of the Legal Resource Usage Which Sources from Internet in the Legal Research

Research must be using the legal sources which come from internet, with other words the legal sources of internet. Critical literature review with several advantages from digital legal research which free from wide knowledge which comes from the several countries which become the legal source added the experience for researcher (Nuruddeen, 2015). With the advantages of researcher obtained several experience from reading another research.

The effectiveness of critical literature review has the necessity connection with the academic. It is becoming the written dialog with another researcher. It is implemented for and supported by the people who work in academic who published their material in the relevant area from the researcher perspectives. One of the good researcher is combining the information about the concerned subject with facilitating the developed theory, critical area which exist and non-exist.

4. The Legal Resources Which Can Be Accessed Through the Internet

Access the information through the internet is the experience which fun but it is not uncommon for a researcher to be frustrated. Find the information without a definite handle, can be produced what is called a never-ending search because there are millions document can be accessed through internet. That number will always increase from time to time. The primary key to entering the virtual world through internet is using international search engine such as www.yahoo.com, www.netscape.com, www.msn.com, www.altavista.com, whereas the local search engine such as www.detik.com, www.satunet.com, and www.astaga.com.

The next is determining the keywords from a topic which wants to analyze, such as in the bankruptcy Law scope. With typing the keyword of Bankruptcy, so it will appears at least 10 names in the website which directly visited, so it will chooses the interested name site. The keywords from various areas of interest in the study of Legal Studies such as *environment law*, *business law*, *corporate law*, *International law*, *comparative law* so on., with easiness to search and access through internet.

It will be better if a researcher has the names of websites that wants to visit. The guidance which helps for the researcher that wants to use the information in the internet has been arranged by Gregorius Chandra in the book entitled "*Daftar Situs*

Jurnal Ilmiah (Chandra, 2004)" which is contained the list of scientific journal sites, almost the entire scope of study including Law, Scholarship sites list, association site list, profession institutions, and online library sites list. Gregorius Chandra is also published another books contains the internet address list which contains the website address list from several organization, embassy, ip-tek (science and technology) and several university website address (Chandra, 2002). Another book which can help is Fandy Tjiptono and Totok Budi Santoso which entitled research strategy through internet (Tjiptono & Santoso, 2000). Both books will be helps to introduce the internet world and know several website for the scientific research interest. Even, Tony Hendroyono and Yudhi Heriwibowo published the literature especially shows website which provided free can be obtained through internet (Hendroyono & Heriwibowo, 2003).

Several website references which can be access through internet between other such as:

a. Scientific Journal

Alabama Law Review: http://www.ua.edu/lawreview

Albany Law Review: http://www.als.edu/life/lr/

American Business Law Journal: http://www.alsb.org/ablj.html

American University Law Review: http://www.wcl.american.edu/journal/lawrev/

Boston University Law Review: http://www.bu.edu/law/jd/journals/lawreview.html

Brandeis Law Journal: http://www.louisville.edu/brandeislaw/students/blj/

Catholic University Law Review: http://studentorg.cua.edu/lawreview/default.htm

Chicago Journal of Int. Law: http://cjil.uchicago.edu/

Columbia Business Law Review: http://www.law.columbia.edu/journals/cbr.htm

Columbia Law Review: http://www.columbialawreview.org/

Computer and Information Tech. Law: http://www.jmls.edu/law/compinfo.html

Cornell Law Review: http://www.lawschool.cornell.edu/clr/

Denver University Law Review: http://www.law.du.edu/lawreview/

Digital Technology Law Journal: http://www.law.murdoch.edu.au/dtlj/

Duke Law Journal: http://www.law.duke.edu/journals/dlj/

Environmental Law Journal: http://www.nyu.edu/pages/elj/

European Law Journal: http://www.iue.it/LAW/ELJ/Welcome.html

Fordham International Law Journal Online: http://www.fordham.edu/law/pubs/filj/index.html

Fordham Law Review: http://www.fordham.edu/publications/index.ihtml?pubid=500

George Mason Law Review: http://www.gmu.edu/departments/law

George Washington Law Review: http://www.law.gwu.edu/stdg/gwlr

Georgetown Law Journal: http://www.law.georgetown.edu/journals/glj/

German Law Journal: http://www.germanlawjournal.com/index.php

Harvard Environmental Law Review: http://www.law.harvard.edu/studorgs/envir law rev/

Harvard Law Review: http://www.harvardlawreview.org/

Hong Kong Law Journal: http://www.hku.hk/law/hklj/

Indiana Law Journal: http://www.law.indiana.edu/ilj.html

Industrial Law Journal: http://www3.oup.co.uk/

Journal of Corporation Law: http://www.uiowa.edu/-lawjcl/

Journal of Environmental Law and Litigation: http://www.law.uoregon.edu/-jell/

Journal of Intellectual Property Law: http://www.law.uga.edu/jipl/

Journal of Internet Law: http://www.gcwf.com/journal/

Jurimetrics Journal: http://www.law.asu.edu/Jurimetrics/

Malayan Law Journal: http://www.mlj.com.my/

McGill Law Journal: http://www.journal.law.mcgill.ca/

New York University Law Review: http://www.nyu.edu/pages/lawreview/

Oxford University Comparative Law Forum: http://ouclf.iuscomp.org

Princeton Law Journal: http://www.princeton.edu/-lawjourn/

Stanford Law Review: http://www.stanford.edu/group/lawreview/

The Yale Law Journal: http://www.yale.edu/yalelj/

UCLA Law Review: http://www.law.ucla.edu/Students/StudentsOrg/LawRewiew/

University of Chicago Law School: http://www.uchicago.edu/Publications/rountable.html

UNSW Law Journal: http://www.law.unsw.edu.au/unswlj/unslwj.htm

Washington Law Review: http://law.washington.edu/WLR

Wisconsin International Law Journal: http://www.law.wisc.edu/WILJ/

b. Online Library

Amsterdam Public Library: http://www.oba.nl/

Catholic University Nijmegen: http://www.kun.nl/ubn/

Cambridge University: http://www.lib.cam.ac.uk/

Leiden University: http://ub.leidenuniv.nl/

Leiden Public Library: http://www.obl.nl/

Oxford University: http://www.lib.ox.ac.uk/

Stanford University: http://www-sul.stanford.edu/

University of London: http://www.ull.ac.uk/

Utrecht Public Library: http://www.gbu.nl/

University of Utrecht: http://www.library.uu.nl/

Yale University: http://www.library.yale.edu/

Several website address above might changes the address and can be search the new site address but from a little illustration above, then a little illustration above so the scientific search through internet are open no boundary to search the virtual world in order to facing the difficulty to find the article or the legal sources through legal scientific journals which spreading around the world, the researcher which are the experts of scope.

How to Write the References

This is same with the written of scientific from the traditional source such as book, literature, journals and so on. The legal research that used is using the legal sources
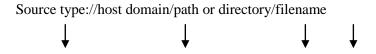
which accessed or downloaded through internet is needed the attitude and honest of scientific research to included from where is the legal sources obtained and who is the researcher. As it said by Kavita Varma writes "Footnotes in Electronic Age: Scholars Struggle to Maintain Standards in Cyberspace" which contained in USA Today, 7th February 1996 said that: *"In the world of honest scholarship, no rule is more revered than the citation".* In the connection with the research which using the legal sources from internet, Terry Hutchinson is also describes the importance of scientist to keep and hold the ethic code in his research implementation. He realizes the danger of plagiarism through the legal sources usage which can be obtained through internet:

Plagiarism is perhaps the most difficult issue faced by legal researcher. Certainly electronic files have made inadvertent copying easier, and short timelines can lead to hasty preparation and submission of research papers. The busy scholar can overlook a cut and paste carried out without the inclusion of the source, or where the citation source has been separated from the quote. Sometimes prose can be so clear that it seeps into a writer's consciousness and the source is lost. Sensible record management should counter inadvertence, but ignorance is no excuse in relation to the rules of citation (Hutchinson, 2002).

What is argued by Hutchinson is an ethical code which restriction in the applied scientific tradition and generally has been known. But, it makes different because Hutchinson seeing the easiest of computer doing copy, edit and placed faster the legal resources in a scientific research but indicates that many scientists consciously commit plagiarism by not citing the sources they quote.

The written by Andrew Harnack and Gene Kleppinger from Eastern Kentucky University, Richmond KY, which entitled *"Beyond the MLA Handbook: Documenting Electronic Sources on the Internet"* can give the initial guidance how to write cites which sourced from internet. Janice R. Walker writes: *"MLA-Style Citation of Electronic Sources"*, has get confession from *Alliance for Computers and Writing (ACW)* as the primary references how to writes citation which obtained from Internet. Several another reference names which can be accessed through internet such as: Mark Wainwright, *"Citation Style for Internet Sources",* 12 February 1996, http://www.cl.cam.ac.uk/users/maw13/citation.html, Peggy Whitley *"Citing Online Sources: Internet and Westlaw"*, 2 February 1996 http://www.nhmccd.cc.tx.us/groups/lrc/kc/mla-internet.html. Jan Tenet *"Citation Guide for Electronic Guide"*, International Federation of Library Association and Institutions (IFLA) http://www.nlc-bnc.ca/ifla/I/training/citation/citing.htm. Li Xia

dan Nancy Crane *"Electronic Sources: MLA Style of Citation"* 29 April 1996, http://www.uvm.edu/-xli/reference/mla.html. George H. Hoemann, *"Electronic Style: Element of Citation"* 3 Nov. 1995, http://funnelweb.utcc.utk.edu/-hoemann/style.html.

Uniform Resource Locators (URL) is a location which shows addressed from various document in WWW (Tjiptono & Santoso, 2000). Can be explained as the initial description, websites Harvard International Law Journal which often become the reference reading for international law enthusiast, format of writing can be explained as follows:

Source type://host domain/path or directory/filename

↓   ↓   ↓   ↓

http://www.law.harvard.edu/studorgs/ijl

With the same way to recognize *Harvard Journal of Law & Technology* is through website http://www.law.harvard.edu/home/jolt, or accessed *Harvard Law Review* through the site http://www.harvardlawreview.org.

There is a way to writes the source cited though internet such as which published by Andrew Harnack and Gene Klepingger:

Burka, Lauren P. "A Hypertext History of Multi User Dimension".

MUD History. 1993. <http://www.ccs.neu.edu/home/lpb/mud history.html> (5 Dec.1994).

To write is explained as above, this is not different with the writing style on the cited from traditional sources from books, but which differenced is the inclusion of website addresses starting from *source type*, *host domain*, *path or directory* into *file name* and date source accessed by internet. The scientific honesty has always been the grip of a researcher, so they can be verified through internet on the cited sources will search the resources.

The inclusion of legal sources that used except the part of honest in the scientific tradition also shows that legal sources which downloaded through internet has been fair used and not used for commercial purposes. It is necessary to know this, because several the developed countries such as United States gives the criminal threat for copyright infringement which purposed to enrich themselves or gain

commercial advantage: *"willfully and for purposes of commercial advantage or private financial gain"*[1] with 5 years imprisonment and a fine (Rosenoer, 1997).

Fair use on the legal sources which obtained from internet purposed the scientific is allows based on the Article 107 Copyright Act which regulated as follows:

Notwithstanding the provision of section 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of work in any particular case is fair use the factor to be considered shall include –

(1)   The purpose and character of the use, including whether such use is of a commercial nature or for nonprofit educational purposes:

(2)   The nature of the copyrighted work ;

(3)   The amount and substantiality of the portion used in relation to the copyrighted work as a whole ; and

(4)   The effect of the use upon the potential market for or value of the copyrighted work[2].

This article is referred that the legal sources usage which obtained downloads through internet for the research purpose and writing a scientific research, the using of legal sources which protected by copyright except and not considered as the copyright infringement. The completed articles such as:

"The use of other parties' creations for the purposes of education, research, scientific writing, report preparation, critical writing or review of a problem without prejudice to the reasonable interests of the creator"

The regulation in these articles is almost the same with what is regulated in the United States, and also by the countries who ratify the WTO Agreement (World Trade Organization). It is known that Indonesia's participation in the WTO is based on Constitutions No. 7 of 1994 concerning the validation Agreement on Establishing WTO (World Trade Organization).

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[1] 17 U.S.C. § 506(a).
[2] 17 U.S.C. § 107.

One important concerning copyright nothing is called international copyright, because on the copyright principals is territorial and applied only in a country. Moreover, several countries has implemented the international cooperation to gives the protection standard on hijacking the copyright. In Berne Convention which held on July 1995, there is 114 countries which has been signed the convention about copyright. The primary element in Berne Convention is the principal of *"national treatment"*, which obliged the country which has signed the convention, gives the protection on the copyright from the members of country (Smedinghoff, 1999).

5. Conclusion

Hopefully there will be no more hesitation for students and researchers in Indonesia to make optimal use of legal materials obtained from the Internet. The using of legal sources will open the new horizons in advancing Legal Science especially to prepare the global legal study in order to protect the importance Indonesia's citizen of the legal side on the foreigner legal domination which implemented by the international financial institutions which are the which is an extension of foreign countries in order to preserve their position in Indonesia from a legal perspective. The habit to see the legal world through internet website is importance in implementing the legal research will also give fair for Indonesian legal researcher to increase the ability so it has the accuracy legal prediction for making a new law in order to change the applied colonial heritage law in Indonesia and for protecting the interests of the nation and country on the negative effects of globalization flow which struck the world nowadays. The other benefit that obtained to prepared the law colleague to preparing himself to facing what is called as *mega lawyering* or *global lawyering* which is a new model lawyer which demand the comprehensive understanding on the legal sources and the global legal law issues which has the applied cross border.

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