Language, Translation & Comparative Law: East Asian Experience

Sharing of Socio-Legal Information & Comparative Legal Studies under Globalisation

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Prof. Ren-Hung HWANG, Dean, College of Engineering
National Chung Cheng University, Taiwan

Law via the Internet, SYDNEY 2015
Asian Socio-legal Studies under Globalisation

Global Law in Local Contexts

Globalization

socio-legal aspects of comparative studies
Globalisation & Global Law

- Globalisation has brought about cross-border socio-cultural, politico-economic and technological exchanges with instantaneous communications that knowledge and culture can be shared around the world simultaneously.

- ‘Global Law’ denotes cross-border development of legal norms that involves a transnational legal culture in pluralistic nature.
In the trend of globalisation, general rules of international conventions and treaties are taken into local laws to accelerate national development.

HOWEVER, duplication of global \ int’l law does not bring about local developments unless contextual issues are properly tackled in local societies.
Globalisation

Global Rules
Local Contexts

Glocalisation
Asian Comparative Law

“advanced” statutes & case law

best interests of the child
glocalisation

REAL life of a child
in the local society

Taiwan
Transplant ?!

Best Interests of the Child
Comparative Studies of Legal Transplants

• Look up to the more developed countries for learning models
• Black-letter law translation and copy
• Neglect of social contexts

PROBLEMS of vertical comparisons
Comparative Studies of Global Law

glocalisation

1. Initiations from local needs
2. Parallel studies on social contexts of a global law principle \ concept
3. Research of local initiations and cross-border sharing of ubiquitous socio-legal information
East Asia = CJKT
China, Japan, Korea, Taiwan
CJKT Comparative Law of Glocalisation

**Contextual Information**
- Information about Legal Context
- Information about Social Context

**Consortium of Cross-border & Interdisciplinary Experts**

**Research Teams of Lawyers and IT Experts**

Too much work to do!!!
IT TOOLS to Share Comparative
Socio-legal Information in East Asia

What to share?

• Bilingual/Multilingual Statutory Texts
• Standard Translation Dictionary
• Packed Contextual Information
From April 2009
http://www.japanselawtranslation.go.jp/
The Technology:
Display bilingual keyword-in-context legal documents
CJKT Bilingual KWICs of A Legal Concept

A database to collect and display CJKT laws & provide keyword-in-context search among Mainland China, Taiwan, Japan, Korea

http://koyori.legal-astray.jp/dual/?action=dual
CJKT SBD: Compare Concepts of Shared Chinese Characters

<table>
<thead>
<tr>
<th>best interests of the child</th>
<th>子の利益</th>
<th>子女最佳利益</th>
<th>子女的权益</th>
</tr>
</thead>
<tbody>
<tr>
<td>監護 [256]</td>
<td>custody</td>
<td>guardianship</td>
<td></td>
</tr>
<tr>
<td>後見 [2884]</td>
<td>care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>親権 [1233]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>custody</td>
<td>care</td>
<td></td>
</tr>
</tbody>
</table>

Mix-ups !!!
More contextual studies needed to be done among CJKT shared Chinese terms
Korea: parental rights & duties

Japan: parental authority

Taiwan: parental authority

Best interests of the child

Linguistic translation

Conceptual translation

Contextual translation

Parental responsibilities

Modernisation

Transplant

Internationalisation

UN Convention on the Rights of the Child

Globalisation

Parental responsibilities

Duty-right

Best interests of the child

Linguistic translation

Conceptual translation

Contextual translation

Parental responsibilities

Duty-right

Best interests of the child
We need more contextual and packed information.
LawPack [Packed Socio-legal Information]

Research Facilities

-- Keywords (Diagrams)

-- Definition of Legal Terms

-- Useful Websites

-- Brief & Annotations

-- Useful Tools

Information

- Legislative history

- Current laws & orders

- Judicial interpretations

- Court decisions

- Academic writings

- Empirical findings

We need an Expert platform to share Information
Comparison of A Legal Concept among Mainland China, Japan, Korea, Taiwan (CJKT)

CJKT Bilingual KWICs
keyword-in-context search

CJKT STD
Standard Translation Dictionary

LawPack
Packages of Topical Socio-Legal Information
Taiwan Legal Information Institute (TaiwanLII)

Lawyers working with IT Experts

KWICs
STD
LawPack
Tool

News

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
</table>

MARCH 2014

1 2
Bilingual KWICs to Share Legal Texts
Technology “Transplant” of Bilingual KWIC from JaLII to TaiwanLII
The Taiwan Bilingual KWIC Database

http://kwic.law.nagoya-u.ac.jp/taiwan/

Technology given by JaLII to build up TaiwanKWICs

Alignment Mistakes!!!
Problem of technology transfer from JaLII to TaiwanLII

The “language” Problem …

Japan Ruby v. Taiwan PHP

So rewrite the Bilingual KWICs with PHP
Adapt to Local Needs 1: Equivalent Chinese Terms

Adapt to Local Needs 2: enactment/revision date
from a Chinese keyword to English equivalents

Input: 圖書館  ->  library、main library.....

Input: 獎學金  ->  scholarship、grants....
from a English keyword to Chinese equivalents

Input: student  -> 學生、學人... etc.

Input: study  -> 考察、修習... etc.
Adapt to Local Needs 3:
Sentences in each row on both sides Chinese & English correspond to each other.

Adapt to Local Needs 4:
You can Download the documents
Standard Translation Dictionary
to Share Legal Terms
CJKT-STD Dictionary of Chinese Ideograms

**Japanese Kanji**

**Korean Chinese**

**Traditional Chinese**

**Simplified Chinese**

**English translation**

**Korean (Hangul)**

**English translation**

**English translation**

**English translation**

CJKT Standard Translation Dictionary

12,000 terms
The “translation” Problem ...

4 Chinese characters
+ “shapes” + variables

So develop the

Taiwan STD & the STD Database
Develop SBD Database to support CJKT Comparative Studies

Lawyers provides data and information

IT experts provides technical support for data management

A system for CJKT lawyers to manage comparative keywords efficiently
<table>
<thead>
<tr>
<th>ID</th>
<th>TW-Chinese</th>
<th>TW-SBD</th>
<th>JP-Kanji</th>
<th>SBDsource</th>
</tr>
</thead>
<tbody>
<tr>
<td>3172</td>
<td>合作社</td>
<td>cooperative; small business cooperative</td>
<td>協同組合;事業協同小組合</td>
<td>1.JP-SBD 4.TWlaw</td>
</tr>
<tr>
<td>2615</td>
<td>没収</td>
<td>*confiscation; confiscate; non-penal confiscation; confiscation; impose a non-penal confiscation; impose a confiscation</td>
<td>没収;没収する;没取;没取する</td>
<td>1.JP-SBD 2.Jysbd 3.JYwisdom 4.TWlaw 6.TW SBD - Academic</td>
</tr>
<tr>
<td>2617</td>
<td>侵害行為</td>
<td>wrongful act; tort; tortious act; torts; tortious conduct</td>
<td>不法行為</td>
<td>2.Jysbd 3.JYwisdom 4.TWlaw 6.TW SBD - Academic</td>
</tr>
<tr>
<td>2618</td>
<td>財産権</td>
<td>the right of property; property right; the economic right</td>
<td>財産権;</td>
<td>1.JP-SBD 2.Jysbd 3.JYwisdom 4.TWlaw 6.TW SBD - Academic</td>
</tr>
</tbody>
</table>

**Step 1**

**Lawyers provides data and information**
Display the files with jurisdiction options

Click to change pages

Step 2: IT experts provides technical support for data management

<table>
<thead>
<tr>
<th>ID</th>
<th>Japan</th>
<th>Korea</th>
<th>Taiwan</th>
<th>China</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>一事不再理</td>
<td>no double jeopardy</td>
<td>一事不再理</td>
<td>一事不再理</td>
</tr>
<tr>
<td>2</td>
<td>一定水域</td>
<td>specified areas of territorial sea</td>
<td>一定水域</td>
<td>specific water areas; certain waters</td>
</tr>
<tr>
<td>3</td>
<td>一家立</td>
<td>establishment of a new family</td>
<td>to establish a family</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>一起受注方式</td>
<td>turnkey contract, package order basis contract</td>
<td>turnkey contract</td>
<td></td>
</tr>
</tbody>
</table>
## Result: CJKT keywords management

Click on one entry to show detailed information for the keyword.

<table>
<thead>
<tr>
<th>Japan</th>
<th>Korea</th>
<th>Taiwan</th>
<th>China</th>
<th>See Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID</td>
<td>Japanese</td>
<td>Korean (Traditional Chinese Ideogram)</td>
<td>Traditional Chinese</td>
<td>Simplified Chinese</td>
</tr>
<tr>
<td>1</td>
<td>一事不再理</td>
<td>一事不再理</td>
<td>一事不再理</td>
<td>一事不再理</td>
</tr>
</tbody>
</table>

### Show Detail

<table>
<thead>
<tr>
<th>CJKT Share kanji</th>
<th>Statutory</th>
<th>Equivalent</th>
<th>Statutory</th>
<th>Verb/Noun</th>
<th>Overlap</th>
<th>Compound</th>
<th>terminology/int'l law/foreign law/social term</th>
<th>Old law</th>
<th>Source</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>J 一事不再理</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>K 一事不再理</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T 一事不再理</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C 一事不再理</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Statutory**: Chinese Statutory
- **Equivalent**: Equivalent in Korean
- **Verb/Noun**: Verb or Noun
- **International/Foreign law**: International or Foreign law
- **Old law**: Old law
- **Comment**: Comment

**Source of Information**

- Old law: 一事不再理
- Equivalent: 一事不再理

**Edit data**

* C for China, J for Japan, K for Korea, T for Taiwan
Package of Socio-legal Information for Teamwork Research & Teaching
親權 / 親權 / 亲权
parental authority / right / responsibility
from:2011-10-01

Best Interests of the Child
兒童 / 少年 / 子女最佳利益
from:2015-10-21

Childhood
童年
from:2015-11-01

人工生殖
Assisted reproductive technology
from:2015-11-02

Juvenile Justice
少年司法
from:2015-11-05

Child Right to Participation
兒童人權 -- 參與權
from:2015-11-05

Sexual / Gender Equality
兩性平等 / 性別平等
from:2015-11-05
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Language</th>
<th>Information</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taiwan</td>
<td>Traditional Chinese</td>
<td>International covenant, Definition, Legislative History</td>
<td>Articles, Books</td>
</tr>
<tr>
<td>Japan</td>
<td>Japanese</td>
<td>Statutes and Regulations</td>
<td>Multi Media form, News form</td>
</tr>
<tr>
<td>Korea</td>
<td>Korean</td>
<td>Judicial Review, Court Cases</td>
<td>Official Publications</td>
</tr>
<tr>
<td>China</td>
<td>Simplified Chinese</td>
<td>Academic Writing, Social Findings</td>
<td>Theses and Dissertations</td>
</tr>
<tr>
<td>International</td>
<td>English</td>
<td></td>
<td>Useful Websites</td>
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</tbody>
</table>

Title: Child

*required
<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Source</td>
<td>Articles</td>
<td>822</td>
</tr>
<tr>
<td>Source</td>
<td>Books</td>
<td>58</td>
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<tr>
<td>Source</td>
<td>Multi Media form</td>
<td>68</td>
</tr>
<tr>
<td>Source</td>
<td>News form</td>
<td>99</td>
</tr>
<tr>
<td>Source</td>
<td>Official Publications</td>
<td>33</td>
</tr>
<tr>
<td>Source</td>
<td>Theses and Dissertations</td>
<td>3326</td>
</tr>
<tr>
<td>Source</td>
<td>Useful Websites</td>
<td>68</td>
</tr>
</tbody>
</table>
Data source - Articles

1. Title: 一所特偏迷你小學實施文化回應教學現況之研究

2. Title: 兒少保護法作為藝術自由之限制

3. Title: 確認親子關係存否事件
Keyword “Child” Search Result


## Add New Data

### Step 5

**Please fill in the blank**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Taiwan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Language</td>
<td>Traditional Chinese</td>
</tr>
<tr>
<td>Information</td>
<td>Legislative History</td>
</tr>
<tr>
<td>Category</td>
<td>News</td>
</tr>
<tr>
<td>Data Name</td>
<td></td>
</tr>
</tbody>
</table>

| Title        | |
|--------------| |
| Source       | |
| Date         | |
| Keywords     | |
| Annotation   | Please enter the parental right related information |

[Previous Step] [Save]
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Taiwan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Language</td>
<td>English</td>
</tr>
<tr>
<td>Information</td>
<td>Academic Writing</td>
</tr>
<tr>
<td>Category</td>
<td>Articles</td>
</tr>
<tr>
<td>Data Name</td>
<td>Parental Rights_005</td>
</tr>
<tr>
<td>Title</td>
<td>Toward High-Quality Divorce Agreement</td>
</tr>
<tr>
<td>Author</td>
<td>Baitar, R., Buysse, A., Brondeel, R., Mol.</td>
</tr>
<tr>
<td>Source</td>
<td>Negotiation Journal</td>
</tr>
<tr>
<td>Pages</td>
<td>453-473</td>
</tr>
<tr>
<td>Publication Year</td>
<td>2012</td>
</tr>
<tr>
<td>Abstract</td>
<td></td>
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<td>Keywords</td>
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</tr>
<tr>
<td>Annotation</td>
<td>Please enter the parental right related information</td>
</tr>
</tbody>
</table>

[Buttons: Previous Step, Save]
### Laws & Regulations Database (Ministry of Justice, MOJ)

- **Keyword-in-context (KWIC) search**

  ![Table showing the number of KWIC articles and the laws related to guardianship.](image)

<table>
<thead>
<tr>
<th>No</th>
<th>Number of KWIC articles</th>
<th>法規名稱 Title of the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>(1)</td>
<td>養育少年福利法</td>
</tr>
<tr>
<td>2</td>
<td>(2)</td>
<td>民事訴訟法</td>
</tr>
<tr>
<td>3</td>
<td>(5)</td>
<td>民法</td>
</tr>
<tr>
<td>4</td>
<td>(3)</td>
<td>兒童及少年福利與權益保障法</td>
</tr>
<tr>
<td>5</td>
<td>(2)</td>
<td>兒童福利法</td>
</tr>
<tr>
<td>6</td>
<td>(1)</td>
<td>非訴事件法</td>
</tr>
<tr>
<td>7</td>
<td>(2)</td>
<td>家事事件法</td>
</tr>
<tr>
<td>8</td>
<td>(1)</td>
<td>家事事件處理辦法</td>
</tr>
<tr>
<td>9</td>
<td>(4)</td>
<td>家事事件審理細則</td>
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<tr>
<td>10</td>
<td>(1)</td>
<td>精神疾病嚴重病人保護人通知及管理辦法</td>
</tr>
</tbody>
</table>
Taiwan Social Findings on 親權

(1) Directorate General of Budget, Accounting and Statistics (DGBAS), Executive Yuan: gender statistics

(2) Ministry of Interior, Department of Statistics: gender statistics

   http://www.judicial.gov.tw/juds/index1.htm

(4) Taiwan Database for Empirical Legal Studies, TaDELS
<table>
<thead>
<tr>
<th>Topic</th>
<th>Replies</th>
<th>Views</th>
<th>Last post</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOS the LVI conference is coming</td>
<td>5</td>
<td>13</td>
<td>Today 22:43:28 by Ching-liang Hwang</td>
</tr>
<tr>
<td>LawPack is Online!!! by Wei Ouyang</td>
<td>1</td>
<td>3</td>
<td>Today 22:37:19 by William Lin</td>
</tr>
<tr>
<td>test by lawpack</td>
<td>1</td>
<td>6</td>
<td>2015-10-18 23:30:55 by test_reply</td>
</tr>
</tbody>
</table>
Amy Shee

Today 21:54:57

Member
Registered: Today
Posts: 1
✉ Email

Report or Quote to someone

Dear TaiwanLII Partners, I am going to attend the LVI conference held in Sydney. Would you kindly send me suggestions as to what I should report on our joint research?

Ren-hung Hwang

Today 21:58:43

Guest
✉ Email

Display the contact information and statues

Amy Shee wrote:

Dear TaiwanLII Partners, I am going to attend the LVI conference held in Sydney. Would you kindly send me suggestions as to what I should report on our joint research?

The IT tools you required are almost ready. We have overcome the difficulties of Ruby.:cool The team is using PHP to redo Taiwan KWIC. Also, the SBD Database is ready to upload the 21,538 bilingual terms. Let us know what to catch up with your presentation. We will do a demo for your comments in the Friday meeting.

Report or Quote to someone

Pao-Ann Hsiung

Today 22:00:19

Guest
✉ Email

Report or Quote to someone

My team is on the way to complete the Standard Operation Procedure for the uniform translation of the Taiwan Comprehensive University System. It may be of interests to people in the LVI conference.

Nana Kuo

Today 22:10:27

Member
Registered: Today
Posts: 1
✉ Email

Report or Quote to someone

We have done a new TaiwanLII website. It is fancy, fancy, fancy -- good to share with international friends. Mia and I are happy to make a few PPT slides for your use.
Be a member and get the last news right now!

Important information
Registration will grant you access to a number of features and capabilities otherwise unavailable. These functions include the ability to edit and delete posts, design your own signature that accompanies your posts and much more. If you have any questions regarding this forum you should ask an administrator.

Below is a form you must fill out in order to register. Once you are registered you should visit your profile and review the different settings you can change. The fields below only make up a small part of all the settings you can alter in your profile.

Please enter a username between 2 and 25 characters long
Username *

Please enter and confirm your chosen password
Password * Confirm password *
Passwords must be at least 6 characters long. Passwords are case sensitive.

Enter a valid email address
Email *

Set your localisation options
For the forum to display times correctly you must select your local time zone. If Daylight Savings Time is in effect you should also check the option provided which will advance times by 1 hour.
Time zone