

## LEGAL WRITING AND LANGUAGE

Contribution to the courses from the perspective of European, in particular German legal education

## Observations on the assignment

Dear participants of the course Legal Writing and Language,

I have corrected and graded your assignment papers for the final examination, which counts with 10 of 100 points for the overall result of the course. All in all, the results were very good. Many of you have been diligent. Many papers were very good or even excellent. Some I have graded with "10+ points", which means that I would have liked to grant even more points but more than 10 points are not possible for my part of the second part of the course.

However, there is a lot to learn from this assignment. Therefore, I offer to *send each of you my detailed correction and grading sheet and detailed comments to your assignment paper on request*. I would like to ask you to *study them thoroughly, to get the most out of this experience*.

Please allow me some general remarks:

### I. Nice introduction but lack of structure

Most of you present your assignment paper in the form of a letter or e-mail to mbak Sophia. This is appropriate, although the more common academic way would be to write a short letter or mail to her and attach your answers to the tasks in a pdf file.

Many start their paper with a nice and helpful introduction but then do not structure it (do not divide it into several parts and sub-parts). Please keep in mind that an *academic paper is always structured*, to facilitate the orientation of the reader. Here you should divide it into two parts (one for each task) and the second part into various sub-parts (with different sections for different categories of legal literature). Many but not all of you have done that. Many have found appropriate categories (e.g. general and special legal literature, different types of legal literature) but then allocated some of the listed publications to the wrong category (e.g. commentaries to textbooks and vice versa). That is not a surprise, since you are still in the first semester of your studies and will need a lot of training. So do not worry about that. Some of you *added short explanations* to the individual publications. If they were excellent, this could result in an extra point in the grading.

### II. Too strong focus on task 1

Task 1 was easy, just a warm-up. You could find the information mbak Sophia asked for with any AI chatbot within a couple of seconds. You just needed to mention art. 16 and 20 of the European Union's Digital Services Act (DSA) and provide the requested link. Some of you wrote long texts, but that was too much work for this task. In an academic exam, you need to think strategically: You could achieve 3 points for task 1 but 7 (plus possible extra points) for task 2. So it made sense to concentrate your work on task 2.

Some did not only mention the two relevant articles but also many more, causing confusion. In this case you would not achieve full marks for this task. Some of you simply forgot to provide the link. You need to work carefully for an academic paper!

### III. Too much irrelevant literature listed under task 2

Many of you did not read the assignment carefully. Mbak Sophia asked about *legal literature only*, not literature in the fields of social science, political science, psychology or politics. Moreover, she only asked about legal literature about the mandatory notice and action mechanisms and internal complaint-handling systems under the Digital Services Act, but *not about literature on cyberbullying and cyberintimidation in general or in criminal law*. Your task was to compile a list of the *specific literature on the legal response to this new*

*threat (the legal instruments to fight it)*, not on the threat as such. Of course, as it is common in Indonesia, you could *add legal literature from a comparative perspective*, i.e. on the legal response to this threat in other countries, the alternatives to the solutions in the DSA, since this widens the horizon and allows a deeper understanding of the DSA. Many of you did. You could also add literature about the debate in legal policy that led to the new rules in the DSA (or alternative solutions elsewhere); therefore general textbooks on internet law or digital services law of the last years before the adoption of the DSA were accepted. However, any general literature about cyberbullying and cyberintimidation (the phenomenon, the effects etc.) or older legal literature from a time where this phenomenon was not yet relevant or the online world totally different, was irrelevant.

Most of you have listed relevant but also irrelevant literature in your literature list. Where so many irrelevant publications were included that the list became confusing and not so useful anymore, some points needed to be deducted in the grading. What is the sense of a long literature list, if mbak Sophia needs to tediously filter out a high number of irrelevant entries? This explains why some diligent students with a long but largely irrelevant list achieved less points than some lazy ones who listed only a few but all relevant publications. In an academic assignment you need to do exactly - and only - what you are asked for. *Think sharply* and check your work thoroughly and critically before you accomplish it! For the work of a lawyer that is crucial, but do not worry - you will learn that!

#### **IV. AI slop**

Only a small number of papers presented ai slop, i.e. not existing (AI-"hallucinated") publications in the literature list. In this case they would achieve zero points for task 2. In academic writing, you are allowed to use AI chatbots as a tool for research, but you must *personally verify* every single piece of information you receive from AI. AI slop can cause considerable extra work: It took me up to ten minutes to find out if a publication you listed actually existed or not. Often the listed author had already published a book or article in this field, but not as author but editor, not with the listed title, not in the mentioned year or not in the mentioned journal. Be aware that using AI for literature research bears a high risk that you "find" publications that could well exist but actually don't. Librarians already complain that library users often ask for non-existing books...

I filled out a detailed INDIVIDUAL CORRECTION AND GRADING SHEET for each assignment paper. Please study yours carefully, also the *pop-up comments* in the marked passages *in your paper* (use a pdf reader which displays them). Every student is welcome to contact me to discuss in detail the strong and weak points of his or her paper (see me in office B.VI.11). Be aware that not writing an assignment paper is important but learning from it!

Best wishes for your further studies,

Thomas Schmitz

My course materials for this course can be downloaded at [www.thomas-schmitz-yogyakarta.id](http://www.thomas-schmitz-yogyakarta.id). For any questions, suggestions and criticism please contact me via WhatsApp (+62 812 9824 3441) or e-mail ([tschmit1@thomas-schmitz-eu.de](mailto:tschmit1@thomas-schmitz-eu.de)) or in my office (Building A, room A.VI.11).

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