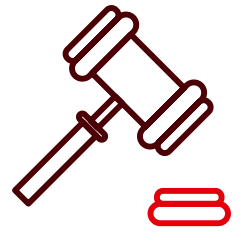


Research on lay justice in Western Europe



What are the advantages and disadvantages of different forms of lay justice especially in terms of building public trust in the judiciary in criminal law?

Objectives

🎯 To provide an overview of lay justice in Western Europe.

🎯 To analyse its potential impact on trust in the judiciary and democratic participation.

Methods

👓 **Literature review**
Examination of legal, empirical, and theoretical literature.

🔍 **In-depth studies**
Conducted in Belgium, England and Wales, and Sweden.

💬 **Interviews**
Semi-structured interviews with 17 Dutch citizens to gauge their views on lay justice.

Forms of Lay Justice

1

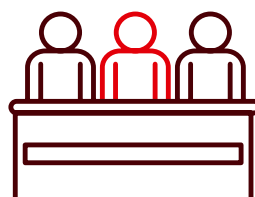
Lay magistrates

Lay judges rule on guilt and punishment in multiple cases.

2

Jury trials

Citizens decide on guilt independently of judges.



3

Mixed panels

Lay and professional judges decide together on multiple cases.

Existing empirical research

- Citizens have more trust in systems they are familiar with.
- Generally, citizens who mistrust professional judges tend to support lay justice.
- Trust of citizens participating in lay justice in the justice system increases when they had a positive experience and decreases with negative experience.
- Citizens who are uncertain about their knowledge and skills are less willing to participate in lay justice.



Experiences from selected countries

Belgium

A jury system that enjoys broad public support and is reserved for significant cases, yet is rarely used and subject to concerns about (cost-)efficiency.

Sweden

Mixed panels where lay input varies, with concerns over domination of professional judges in decision-making, and independence of lay judges from political influences.

England and Wales

High degree of reliance on lay judges (magistrates) by the system, much attention to active public engagement and representativeness of lay judges, coupled with concerns about professionalisation of lay magistrates.

Results from research among Dutch citizens



Mixed feelings

Support for lay justice varies. Not necessarily more trust when introducing lay justice



Concern for representativeness

Trust in lay justice depends on diverse participation



Obstacles to participation

- Lack of expertise
- Own emotions
- Safety concerns

Perceived advantages

- Citizens' input in justice
- Citizens learn more about the system
- Higher sanctions
- Understandable verdicts
- Lower costs
- Reducing delays

Perceived disadvantages

- Loss of expertise/professionalism
- Higher costs and processing times
- Higher sanctions
- External influence
- Citizen safety

Conclusions lay justice

In general



Boosts trust in courts when

Citizens can influence the process and outcomes.

Positive experiences strengthen confidence in the system.



Encourages democratic participation if

Citizens engage in significant cases.

Decision-making is more inclusive.

Participants represent society more broadly.



Improves accessibility

Justice becomes more transparent and open to citizens.



Concerns about objectivity

Public skepticism about lay judges independence and objectivity



Potential decline in trust

Citizens who favor professional judges may lose confidence in the system.



Limited participation

High costs and concerns about decision quality.

Legal frameworks may restrict lay judges' influence.



Underrepresentation issues

Ethnic minorities and disadvantaged groups may struggle to participate.

Different Forms

Relative Advantages & Disadvantages

1

Jury trials

Improve representativeness and involvement but are expensive.

2

Lay magistrates

Strengthen citizen influence but risk professionalization.

3

Mixed panels

Encourage deliberation but may dilute lay perspectives.

