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**POLITICAL-INSTITUTIONAL ASPECTS OF DECISION-MAKING OF LAY JUDGES: A PROPOSAL FOR BEHAVIORAL INTERVENTION IN THE EDUCATION OF JURORS**

**ASPECTE POLITICO-INSTITUȚIONALE ALE LUĂRII DECIZIILOR JUDECĂTORILOR LAICI: O PROPUNERE DE INTERVENȚIE COMPORTAMENTALĂ ÎN EDUCAȚIA JURAȚILOR**

**ПОЛИТИКО-ИНСТИТУЦИОНАЛЬНЫЕ АСПЕКТЫ ПРИНЯТИЯ РЕШЕНИЙ НАРОДНЫМИ ЗАСЕДАТЕЛЯМИ: ПРЕДЛОЖЕНИЕ О ПОВЕДЕНЧЕСКОМ ВМЕШАТЕЛЬСТВЕ В ПРОЦЕСС ОБУЧЕНИЯ ПРИСЯЖНЫХ ЗАСЕДАТЕЛЕЙ**

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**ABSTRACT:**

**POLITICAL-INSTITUTIONAL ASPECTS OF DECISION-MAKING OF LAY JUDGES: A PROPOSAL FOR BEHAVIORAL INTERVENTION IN THE EDUCATION OF JURORS**

The topic reflects the political science significance of the exercise of judicial power as an independent pillar of democracy. The decision-making of lay judges, who lack legal education, may be influenced by various cognitive biases, posing a risk to fair trial standards, the legitimacy of decisions, and public trust in the judiciary.

This article examines the impact of cognitive biases on the decision-making of lay judges in the Slovak Republic, the Czech Republic, Austria, and Sweden. Based on a comparative analysis of legislative frameworks, international approaches to the education of lay judges, and the author's personal experience as a lay judge in a criminal panel, it highlights the risks of lay adjudication without systematic training. The aim is to propose a training model in cooperation with the Judicial Academy of the Slovak Republic that would contribute to improving the quality of decision-making and enhancing public trust in the judiciary. Particular attention is paid to the psychological aspects of decision-making, especially cognitive biases that may affect the impartiality and fairness of judicial decisions.

**Keywords:** lay judge, people's judge, cognitive biases, decision-making, judiciary, Judicial Academy, education, empirical experience.

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## REZUMAT:

**ASPECTE POLITICO-INSTITUȚIONALE ALE LUĂRII DECIZIILOR JUDECĂTORILOR LAICI: O PROPUNERE DE INTERVENȚIE COMPORTAMENTALĂ ÎN EDUCAȚIA JURAȚILOR**

Subiectul reflectă semnificația științei politice a exercitării puterii judiciare ca pilon independent al democrației. Luarea deciziilor judecătorilor laici, care nu au educație juridică, poate fi influențată de diferite prejudecăți cognitive, care prezintă un risc pentru standardele de proces echitabil, legitimitatea deciziilor și încrederea publicului în sistemul judiciar.

Acest articol examinează impactul prejudecăților cognitive asupra procesului decizional al judecătorilor laici din Republica Slovacă, Republica Cehă, Austria și Suedia. Pe baza unei analize comparative a cadrelor legislative, a abordărilor internaționale privind educația judecătorilor laici și a experienței personale a autorului ca judecător laic într-o comisie penală, aceasta evidențiază riscurile judecării laice fără o pregătire sistematică. Scopul este de a propune un model de formare în cooperare cu Academia judiciară din Republica Slovacă, care să contribuie la îmbunătățirea calității procesului decizional și la consolidarea încrederii publice în sistemul judiciar. O atenție deosebită este acordată aspectelor psihologice ale luării deciziilor, în special prejudecăților cognitive care pot afecta imparțialitatea și corectitudinea deciziilor judiciare.

**Cuvinte cheie:** judecător laic, judecător al poporului, prejudecăți cognitive, luarea deciziilor, justiție, Academie judiciară, educație, experiență empirică.

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## РЕЗЮМЕ:

**ПОЛИТИКО-ИНСТИТУЦИОНАЛЬНЫЕ АСПЕКТЫ ПРИНЯТИЯ РЕШЕНИЙ НАРОДНЫМИ ЗАСЕДАТЕЛЯМИ: ПРЕДЛОЖЕНИЕ О ПОВЕДЕНЧЕСКОМ ВМЕШАТЕЛЬСТВЕ В ПРОЦЕСС ОБУЧЕНИЯ ПРИСЯЖНЫХ ЗАСЕДАТЕЛЕЙ**

Тема отражает политологическое значение осуществления судебной власти как независимого столпа демократии. На принятие решений народными заседателями, не имеющими юридического образования, могут влиять различные когнитивные предубеждения, что ставит под угрозу стандарты справедливого судебного разбирательства, законность решений и доверие общественности к судебной системе.

В этой статье рассматривается влияние когнитивных предубеждений на принятие решений народными заседателями в Словацкой Республике, Чехии, Австрии и Швеции. Основанный на сравнительном анализе законодательной базы, международных подходах к обучению народных заседателей и личном опыте автора в качестве народного заседателя в коллегии по уголовным делам, он подчеркивает риски вынесения решений народными заседателями без систематической подготовки. Цель состоит в том, чтобы предложить модель обучения в сотрудничестве с Судебной академией Словацкой Республики, которая способствовала бы повышению качества принятия решений и укреплению доверия общественности к судебной системе. Особое внимание уделяется психологическим аспектам принятия решений, особенно когнитивным предубеждениям, которые могут повлиять на беспристрастность и справедливость судебных решений.

**Ключевые слова:** непрофессиональный судья, народный судья, когнитивные предубеждения, принятие решений, судебная система, Судебная академия, образование, эмпирический опыт.

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### **Introduction**

The function of lay judges is an important element of democratic justice, which enables the involvement of the lay public in the decision-making process. In practice, however, the question arises as to the extent to which jurors are prepared to perform this function and what risks their lack

of legal and psychological education brings. One of the important factors influencing decision-making are cognitive biases – systematic errors in thinking that can have a major impact on the fairness of decisions. The author of the article also draws on her own experience as a juror in the criminal chamber, where she encounters decision-making dilemmas, pressure on the speed of proceedings, as well as the diverse personalities of the defendants. He perceives the need for better preparation of jurors, especially in the field of legal minimum, ethics and psychology of decision-making. In the Senate where he works, the importance of professional leadership on the part of the Chairman of the Senate, who is able to draw attention to the risks of intuitive decision-making and the need for objectivity, is shown. The participation of lay judges in decision-making in criminal proceedings is an important element of democratic legitimacy and civic participation in the administration of justice. This institute, anchored in the legal systems of several European countries, reflects the effort to connect the judiciary with the public and to strengthen citizens' trust in decision-making processes. In the Slovak context, it is also an expression of the realization of the right to a fair trial, as guaranteed by Article 48(2) of the Constitution of the Slovak Republic. Despite this democratization intention, it turns out in practice that the potential of jurors is not fully utilized. Their participation in decision-making is often formal, without sufficient methodological support or legal awareness. This state of affairs raises questions about the effectiveness and meaningfulness of their action, but at the same time opens up space for modernization interventions through public and behavioral policies. The aim of this thesis is to analyze the legal and institutional frameworks of four European models – Slovakia, the Czech Republic, Austria and Sweden – and to identify the factors that affect the quality of jurors' participation. Special attention is paid to the design of behavioral intervention in the education of jurors, which aims to strengthen their decision-making competence, self-confidence and ability to actively participate in the judicial process. At the same time, the hierarchy of responsibility within the Senate is consistently respected in the work – the most responsible and decisive member remains a professional judge, whose professional qualifications and legal responsibility are essential to ensure the legality, fairness and quality of decisions. Jurors should be seen as a complementary element of decision-making – as the voice of society that enriches legal discourse without disrupting its professional leadership.

Research questions:

- What is the political science significance of the institute of jurors within the democratic judiciary?
  - What cognitive distortions most often affect the decision-making of lay judges?
  - How does the legislation and approach to the education of jurors differ in the Slovak Republic, the Czech Republic, Austria and Sweden?
  - What are the risks posed by the lack of education of jurors to the fairness and legitimacy of judicial decisions?
  - How can systematic education of jurors contribute to increasing public trust in the judiciary?

## 1 Historical development of the function of lay judges

The function of lay judges has deep historical roots, which date back to the Austro-Hungarian period. Already at this time, forms of lay decision-making appeared, especially in specialized areas such as mining, commercial disputes or labor law. Lay members of the courts were invited mainly for their expertise in a particular environment, not for their legal education. After the establishment of Czechoslovakia in 1918, a jury system was introduced, which represented a significant democratization element. The jurors decided on guilt, while the judges decided on the sentence. This model was inspired by Anglo-Saxon law, but gradually proved to be ineffective in the conditions of Central European continental law. After the end of World War II, extraordinary retribution so-called people's courts were established, which discussed matters of treason or collaboration with fascism. The second significant intervention in judicial practice was the introduction of the position of a judge from the people. Lay judges were elected in the plenums of national committees and were formally equal to professional judges. The Constitution of May 1948 was supposed to guarantee the independence of the courts, but in practice the judiciary became an instrument of the regime. (Act No. 319/1948 Coll.) Coll. on the popularization of the judiciary, he abolished the jury system and

introduced the institute of judges from the people, who were incorporated into the chambers at all levels of judicial organization – including the Supreme Court. Their selection took place through district and regional national committees, while emphasis on working-class origin and membership in the Communist Party. Judges from the people had a numerical majority in the chambers and their vote had the same weight as the vote of a professional judge. Procedural: free evaluation of evidence, structure of the trial. Independence is not a privilege, but a functional need of the judicial system. Judges have a unique position – if they do not commit an intentional crime or a serious disciplinary offense, they are undismissable and their salary is irreducible. Impartiality is a broader concept than independence. It means the absence of a relationship with the party to the proceedings, the legal representative or the case itself. Its violation can be objected to in legal ways. The responsibility of judges is to control the implementation of independence and impartiality. It includes disciplinary liability. The law also provides for internal personal responsibility as part of judicial competence.

## 2 Cognitive biases in decision-making

Judges' decision-making is a complex process that involves not only legal knowledge, but also psychological factors. In recent years, more and more attention has been paid to the impact of cognitive biases – systematic errors in thinking – on decision-making in judicial practice. These distortions can affect the evaluation of evidence, the interpretation of legal norms or the verdict itself. *One of the most significant types of biases are heuristics, i.e. mental shortcuts, which, although they simplify decision-making, can also lead to inaccuracies. In her diploma thesis, (Olšovská, 2023) (2023) identifies three key heuristics: anchoring, representativeness, and hindsight. Anchoring is manifested, for example, in the proposal of a sentence, where initial information (e.g. a proposal by a prosecutor) may unduly influence the final decision of the judge. Representativeness leads to generalizations based on similarity to a typical case, which can be misleading. Hindsight, on the other hand, causes events to appear predictable only after they have occurred, thus distorting the objective assessment of the situation. (Baráková, 2020) (2020) draws attention to the risks of heuristics, especially when evaluating evidence such as expert opinions. Judges may be influenced by the authority of the expert, the form of the presentation of evidence or previous experience, which may lead to an unconscious preference for one piece of evidence over another. In Slovakia, heuristics in professional decision-making are the subject of the collective monograph (Halama et al., 2017) (2017), which examines the processual, personality and social aspects of decision-making. Research points to the importance of so-called microcognitions – small mental operations that take place during decision-making and are often unconscious. These microcognitions can be influenced by stress, time pressure, personal values, or interaction with other members of the panel.* From the lay judge's point of view, it is important to note that even a layman can be prone to cognitive biases, especially if he or she does not have sufficient legal education or experience in evaluating evidence. Therefore, the education of jurors should also include the basics of decision-making psychology in order to minimize the impact of biases on the outcome of the trial.

## 3 A more detailed look at selected cognitive biases

*Cognitive biases are systematic errors in thinking that affect judges' decision-making. In her article, Martina Martino (Baráková, 2020) draws attention to specific types of distortions that occur especially in the evaluation of expert opinions.*

1. Anchoring Bias: Judges may unconsciously cling to the first piece of information they receive – for example, a proposal for the amount of the sentence. This information serves as a reference point from which further decision-making is based. Research shows that even irrelevant numbers (e.g. rolling the dice) can affect the amount of the proposed penalty.

2. Representativeness Heuristic: Judges judge cases based on similarity to a typical case, which leads to generalizations. A defendant who behaves similarly to an offender from the past may be perceived as equally guilty

3. Hindsight Bias: After the event, the decision seems predictable. Judges can retrospectively evaluate the defendant's actions as irresponsible, even though he acted appropriately at the given moment.

4. Framing Effect: The form of information presentation influences the decision. For example, '90% probability of innocence' vs. '10% probability of guilt' – although it is the same information, its perception is different.

5. Confirmation Bias: Judges look for evidence that supports their preliminary opinion and ignore those that contradict it. This jeopardizes the objectivity of the decision.

6. Expert Authority Effect: Judges can be influenced by the expert's authority – their titles, rhetoric, manner of presentation – leading to an uncritical acceptance of their conclusions.

The author's recommendations include increasing the psychological literacy of judges, introducing reflective techniques in the evaluation of evidence, and promoting interdisciplinary learning.

#### 4 Conditions for the appointment of a lay judge

One of the lesser-known competencies of the municipal council is the election of lay judges of district courts. In practice, it mainly affects larger municipalities according to the needs of the district court in whose district there is a specific municipality/city. Jurors in a court (hereinafter referred to as 'lay judges') represent a lay element in the decision-making of certain cases by courts (a very distant analogy is juries in the system of Anglo-American law). Jurors are non-legal members of a panel of judges who participate in deciding on guilt and punishment on an equal footing with a judge in district courts in criminal cases. Their role is important and responsible, as they co-decide on serious legal issues. Although the position of a juror is not associated with high social prestige, its essence is civic engagement, interest in justice and willingness to participate in the administration of justice. The function of a lay judge is regulated by Act No 385/2000 Coll. on judges and lay judges. This Act lays down the basic conditions that a citizen must meet in order to be appointed as a lay judge at a court. A lay judge participates in decision-making in the Senate, where he or she has the same voting rights as a judge, but cannot be the President of the Senate. A citizen of the Slovak Republic with permanent residence in the territory of the Slovak Republic. Integrity – must not have been convicted of an intentional crime. Full legal capacity. Be at least 30 years old on the date of appointment. Moral qualities that guarantee proper and impartial performance of office.

A juror is appointed for a term of four years, which may be reappointed. The office of a lay judge ceases upon expiry of the term of office, resignation from office, dismissal from office or death.

##### 4.1 Historical conditions for the appointment of a juror (1948)

After 1948, there was a fundamental change in the organization of the judiciary in Czechoslovakia. (Act No. 319/1948 Coll.) Coll. on the Popularization of the Judiciary abolished the institute of jury and introduced a new institute of judges from the people. These judges were incorporated into chambers at all three levels of judicial organisation, including the Supreme Court. The selection of judges from the people by the district and regional national committees was based on their working-class origin and membership in the Communist Party of Czechoslovakia (KSČ). Equality in the voting of both forms of judges and the numerical predominance of judges from the people in the senates were supposed to be a guarantee of the contemporary class understanding of justice.

(Act No. 232/1948 Coll.) Coll. on the State Court regulated the specific conditions for the performance of the office of a judge from the people. According to Section 5, a person who was registered on the permanent electoral rolls, was between 35 and 60 years of age, and was not among the exceptions such as the President of the Republic, a member of the Government, clergymen or defence lawyers, could be appointed as a judge from the people. The appointment was carried out by the government on the proposal of the regional national committees, while the position was considered a civic duty. A judge from the people took an oath to decide in the spirit of the Constitution and the principles of the people's democratic system.

In practice, the selection of judges from among the people was guided by political criteria. The candidates had to be ideologically reliable, often members of the Communist Party of

Czechoslovakia, and their decision-making was to be in line with the interests of the party. Employers, especially state-owned enterprises, could propose candidates who met these requirements. Judges from the people thus fulfilled not only a legal but also a political function within the socialist judiciary.

#### 4.2 Extension of historical conditions – 1971

(Act No. 160/1971 Coll.) Coll. on the Election of Judges from the People of District and Regional Courts of the Slovak Socialist Republic followed the previous socialist concept of the judiciary. Judges from the people were defined as elected representatives of the working people. They were elected by the district and regional national committees on the proposal of the relevant body of the National Front.

Candidates had to live or work in the district of the court for which they were to be elected and meet the requirements of the Court Organisation Act. The proposals were submitted by social organizations associated in the National Front. After being elected, they took the oath in the hands of the chairman of the national committee. Lay judges could be dismissed before the end of their term of office if they were in serious breach of duty or for health reasons.

This law confirms the continuation of the ideological selection of jurors, where political and class criteria played a decisive role.

#### 4.3 Comparison of conditions in 1948, 1971 and present:

1948 – Appointment by the government on the proposal of the regional national committees, age 35–60 years, civic duty, ideological reliability, membership in the Communist Party of Czechoslovakia.

1971 – Election by national committees at the proposal of the National Front, candidates from the district of the court, proposals from social organizations, continuation of class selection.

Present – Appointment according to (Act No. 385/2000 Coll.) Coll., citizen of the Slovak Republic with permanent residence, age at least 30 years, integrity, moral qualities, full legal capacity.

### 5 Comparative view

#### 5.1 Austria – mixed model of lay participation

Austrian law maintains the tradition of a mixed system, in which a combination of the jury system and panels of judges with lay judges (Schöffengericht) is applied. This model was created in the 19th century as a compromise between the requirement of expertise of the courts and the effort for civil control of the administration of justice. In criminal matters in Austria, there are three basic forms of decision-making bodies: Single judge – decides on minor crimes. Chamber with judges and lay members (Schöffengericht) – usually one professional judge and two lay lay judges. Assize Court (Geschworenengericht) – guilt is decided by a twelve-member jury, punishment is decided by professional judges together with jurors. Austrian lay judges (Schöffen) have the same voting rights as professional judges and participate in the entire process, including taking evidence. They are appointed for a five-year period by local government bodies, which reinforces the principle of civic participation. Unlike Slovak jurors, however, they undergo preliminary training and evaluation, which increases their readiness to perform their duties.

The Austrian model is considered a relatively functional compromise. It combines elements of democratic legitimacy with procedural efficiency – laymen participate only in those proceedings where it is socially justified (e.g. serious crimes, ethically questionable cases). At the same time, there are no such delays as in systems with a completely separate jury.

#### 5.2 Sweden – participatory model "Nämndemän"

Sweden takes a different approach, based on the principle of civil participation at all levels of justice. Lay judges, the so-called (Nämndemän), are an integral part of not only criminal, but also civil and administrative justice. Their participation is understood not as an exception, but as a basic expression of trust in citizens. Nämndemän is elected by municipal councils for a four-year term and their number in the Senate is generally between three and five, with a professional judge presiding over the Senate. In practice, therefore, most members of the Senate do not have a legal education. In the vote on guilt and punishment, all members have equal voting rights, while the vote of the chairman does not carry any higher weight. An interesting feature of the Swedish system is the

strong link between lay judges and municipal politics – since they are elected by local councils, they are often members or sympathizers of political parties. This model therefore has a high degree of democratic legitimacy, but also faces criticism for the risk of politicization of the judiciary.

Nevertheless, in Sweden, this system has been stable and socially accepted for a long time. The reason for this is high trust in the courts, transparency of selection and regular training, which reduces the risk of incompetence.

### 5.3 Czechia - builds on trust in civic wisdom

In Czech courtrooms, in addition to professional judges, we also meet lay judges – judges from the people. These lay members of the Senate have the same voting rights as their legal colleagues, but their path to the bench is markedly different. And most interestingly, they are not required to have any legal education. Lay judges are regulated by (Act No. 6/2002 Coll.) Coll. on Courts and Judges. Their role is mainly in criminal cases, where they form a decision-making panel together with a professional judge. Their presence is to ensure that decision-making is not exclusively professional, but also reflects the view of an ordinary citizen. Unlike professional judges, who go through a demanding selection procedure and systematic education, lay judges in the Czech Republic are not obliged to undergo any training. The Czech Judicial Academy, which is the main educational body for the judiciary, is dedicated exclusively to professionals – judges, prosecutors and trainees. Lay judges thus remain outside its educational activities. In practice, jurors are expected to make decisions based on "common sense". Their task is not to analyze legally, but to bring a civic perspective, life experience and intuition to decision-making. This approach has its advantages – it allows for a broader perspective in decision-making – but it also raises questions about the preparedness of jurors for complex legal situations.

### 5.4 Comparison of models of lay judges: Slovakia, Czech Republic, Austria, Sweden

The participation of lay judges – lay judges in Slovakia and the Czech Republic, Schöffs in Austria and Nämndemän in Sweden – represent various forms of civic participation in decision-making, which are an important element of democratic legitimacy in the judicial systems of several European countries. Despite the common basis – the involvement of citizens in the administration of justice – the individual models differ significantly in the degree of preparation, the scope of participation, efficiency and the cultural and institutional context. A comparison of the Slovak model with the Austrian, Swedish and Czech systems reveals four key areas of difference.

#### 1/ Level of training and professional support

Sweden and Austria provide lay judges with systematic training, which includes an introduction to the legal system, decision-making ethics and practical aspects of the judicial process. In this way, their competence, self-confidence and ability to actively participate in decision-making are increased. On the contrary, Slovakia and the Czech Republic do not provide any mandatory training for jurors. The judicial academies in both countries are dedicated exclusively to professional judges, which leads to the formal performance of the function of lay judges and their dependence on the presiding judge.

#### 2/ Scope and importance of participation

The Swedish model is the most inclusive – jurors participate in decision-making in criminal, civil and administrative cases. Their participation is systematic and anchored in the principle of broad civic participation. Austria applies participation selectively – lay judges only decide on serious criminal offences, thus maintaining a balance between professional decision-making and civil control. Slovakia and the Czech Republic limit the participation of jurors mainly to criminal cases, and their role is symbolic rather than decisive..

#### 3/ Democratic legitimacy and effectiveness

The Swedish system achieves a high degree of democratic legitimacy, as jurors are elected by political parties and their participation is widespread. However, this model carries the risk of politicizing decision-making. Austria presents a balanced approach – participation is limited but effective, without significant political influence. Although the Slovak and Czech models are based on democratic principles, in practice they do not significantly contribute to the legitimization of decision-making. Their effectiveness is questionable, as jurors often do not have sufficient competences to make independent decisions.

#### 4/ Cultural and institutional context

Sweden sees participation as part of civic responsibility and trust in institutions. Austria emphasizes expertise and a balance between legal accuracy and civil control. The Czech Republic and Slovakia maintain the model of jurors as a remnant of democratization efforts from the past, but without its modernization or integration into the education and support system. The comparison shows that Sweden represents the most developed participatory model, Austria a balanced professional approach, while Slovakia and the Czech Republic remain in the traditional, but not very effective system. If the participation of jurors is to be truly meaningful, it is essential to strengthen their preparation, support and clearly define their role in the decision-making process. Only in this way can their participation be beneficial to the quality of decision-making and public trust in the judiciary.

### 6 The decision-making process of jurors in Slovakia: the need for education as a tool to strengthen participation

The participation of lay judges – lay judges – in decision-making in criminal proceedings represents an important element of democratic legitimacy in the Slovak judicial system. This institute is based on the idea of wider civic participation in the administration of justice, while its aim is to enable the public to participate in decision-making on guilt and punishment. Jurors are supposed to bring an element of "common sense" and moral judgment of society to the process, which is supposed to strengthen public trust in the judiciary. The legal framework is defined by (Act No. 385/2000 Coll.) Coll. on Judges and Lay Judges and the Code of Criminal Procedure. Lay judges act as members of the panel in the district courts in cases where the law expressly provides for this. They have the same voting rights as professional judges, with the exception of the conduct of proceedings, which belong to the presiding judge. Their mandate is limited in time and they do not have an employment relationship with the court, but a special public law relationship. Despite the democratization intention of the legislator, in practice it turns out that the participation of jurors is often of a formal nature. As a professional article published on the ULPIANUS blog (2024) points out, jurors in most cases copy the opinion of the presiding judge, while the independent formulation of a legal or factual position is rather exceptional. This phenomenon can be attributed to the lack of legal erudition of jurors, as well as to the natural tendency to respect the authority of a professional judge. A serious aspect is also the procedural inefficiency, which is manifested especially when the composition of the panel changes. In the event of a repetition of the proceedings or the defendant's disagreement with the change of jurors, it is necessary to repeat the entire hearing under Section 277(5) of the Code of Criminal Procedure. This leads to the prolongation of criminal proceedings and may be contrary to the right to a hearing of the case without undue delay, guaranteed in Article 48 (2) of the Constitution of the Slovak Republic. Other practical problems relate to the material and organizational conditions for the performance of the office. Jurors often point to insufficient financial remuneration, time demands and the absence of methodological support, which reduces the attractiveness of this form of civic participation. In view of the above, the need for reform is increasingly being discussed in the professional community. Instead of questioning the institute of jurors itself, however, the introduction of systematic education seems to be a promising solution. The aim should be to strengthen the competences of jurors, increase their confidence in decision-making and create conditions for their active and meaningful participation in the administration of justice. Such an approach could contribute to the fulfilment of the original democratisation intention and at the same time increase the quality of decision-making without the need for a fundamental intervention in the legal framework.

### 7 Proposal for the education of jurors in court

#### 1. Content of education:

- Basics of Criminal Law and Criminal Procedure
- Ethics of decision-making and the responsibility of a juror
- Psychology of decision-making and prejudice
- Work in the Senate – communication, voting, argumentation
- Case studies and simulated decision-making

#### 2. Form of education:

- Introductory training before taking up the position (min. 2 days)
- Continuous education once a year (1 day)
- Online module with comprehension test
- Possibility of consultation with experts (e.g. judges, lawyers, psychologists)

3. Implementer:

- The Judicial Academy of the Slovak Republic in cooperation with regional courts

4. Certification:

Confirmation of completion of training as a condition for the performance of the function

Draft legislation (de lege ferenda)

To add a new paragraph to (Act No. 385/2000 Coll.) Coll., e.g. § 5a: § 5a Training of jurors

(1) Lay judges shall be obliged to undergo professional training prior to the commencement of the performance of their duties and once a year thereafter.

(2) Professional training is provided by the Judicial Academy of the Slovak Republic.

(3) The scope, content and form of the training shall be determined by the Ministry of Justice of the Slovak Republic by means of a generally binding legal regulation.

(4) The costs of training shall be covered by the State.

The proposal is based on the current legislative process (LP/2025/40), which deals with the amendment of the Act on Judges and Lay Judges.

**Conclusion**

The institute of jurors in court represents one of the few direct bridges between the citizen and the exercise of judicial power. Its existence therefore has not only a legal, but also a political and social dimension – jurors are a symbol of public participation in justice and a guarantee that the judiciary remains anchored in democratic principles.

However, in order for this public participation not to lose its importance, it is necessary to strengthen the education system for jurors, who often do not have a legal education and come from diverse professional and generational backgrounds. Their education should be multi-level, systematic and linked to the values of public service:

1/ Basic legal and procedural minimum – introductory training focused on the principles of a fair trial, evidence proceedings, the importance of the presumption of innocence and the role of a juror in the senate.

2/Ethical and values training – deepening awareness of responsibility for decisions that affect people's lives, the importance of independence and impartiality.

3/Psychological preparation – aimed at preventing cognitive distortions (e.g. confirmation of prejudices, the effect of authority or group conformity) that can disrupt the objectivity of decision-making.

4/ Reflective and community phase – a space for the exchange of experiences between lay judges, experts and judges; joint discussions on ethical dilemmas and how decisions affect public trust in the judiciary.

Preparation set up in this way would overlap not only with the sphere of the judiciary, but also with public administration and democratic culture. A professionally trained juror is a bearer of civil responsibility and contributes to the transparency and legitimacy of the judiciary. From the point of view of political science, this is an important aspect of good governance – the quality of management of public institutions. If the administration of justice is to be perceived as fair, it must not only be formally independent, but also socially trustworthy. That is why a broader reform should include linking the judiciary with public control, while maintaining the professional integrity of decision-making.

Future research could focus on analysing the relationship between the level of education of jurors, the level of public trust in the judiciary and the willingness of citizens to participate in the administration of justice. Such a comparative perspective could enrich not only legal science, but also the theory of democratic legitimacy of the judiciary within public administration.

The education of lay judges is not a tool for their professionalization, but a mechanism for strengthening their civic competence and democratic participation in the administration of justice. In the context of the principles of good governance, it is essential that non-legal members of the Senate

also have a basic orientation in legal and ethical issues of decision-making. Jurors are not a relic but a potential – their existence reminds us that justice should not be exclusively an expert domain, but also a social value in which citizens participate. However, the most responsible member of the panel remains the professional judge, who bears the ultimate responsibility for the legality of the decision.

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