

The judicial practice of citizen judge system

Good morning, my colleagues. Thank you all for being here. I'm Chia-Chien Wen, judge from Taiwan. Currently I serve at the Judicial Yuan, and I'm in charge of the Citizen Judges Act. It's my honor to be here today to give you an overview of the judicial practice of citizen judge system.

Over the past few decades, only judges have been the triers of fact and law in Taiwan's judiciary. However, since the Citizen Judges Act was implemented on January 1 this year, lay people have been randomly selected as citizen judges who participate in trial proceedings and adjudicate cases with professional judges in certain felony cases.

Taiwan is a civil law jurisdiction, as opposed to common law jurisdictions that hold jury trials. The citizen judge system is based on Japan's saiban-in system, which also resembles a lay judge system.

The purpose of the citizen judge system is to enhance the transparency of the judiciary, account for the public's opinion toward the law, promote public confidence in the judiciary, provide the public with a better understanding of the judiciary and honor the ideal of popular sovereignty. The citizen judge system accommodates a variety of living experiences and values from all walks of life, enriches professional judges' perspectives, allows the public to understand the judicial mechanism and enhances interactions between ordinary people and legal professionals. This system opens a dialogue between lay people and professional judges. Professional judges and citizen judges work as a team. They are encouraged to have more and more discussions throughout the judicial process.

Starting from January 1 this year, criminal cases in which the defendant is accused of intentionally committing an offense that caused the death have been tried with the participation of citizen judges. So far, 59 cases have been submitted to the court and 7 judgments have been delivered. In the next stage, from January 1, 2026, trials that involve citizen judges are to be expanded to cases in which the defendant is accused of committing an offense punishable with a minimum imprisonment of 10 years.

Taiwanese aged at least 23 and have resided in areas under the jurisdiction of district courts for at least four consecutive months are eligible to be citizen judges without certain disqualifications or excuses. In principle, it is a legal duty for Taiwanese to serve as citizen judges. The overall attendance rate of prospective citizen judges is around

53%. That is, most lay people are willing to participate in judicial proceedings. A citizen judge panel is composed of three professional judges and six citizen judges. The authority of citizen judges is the same as that of professional judges, including participating in trial proceedings and final deliberations, examining witnesses, defendants and victims, delivering a verdict and determining the sentencing.

Regarding the verdict, an approval of two-thirds of the panel members is required, including at least one citizen judge and one professional judge. Regarding the sentencing decision, an approval of a majority of panel members is necessary, likewise, including at least one citizen judge and one professional judge. As for capital punishment, the deliberation threshold is equal to that of the verdict.

According to the feedbacks we receive after trials, people who served as citizen judges have higher confidence in the judiciary than those who didn't serve as citizen judges. People who had low confidence in the judiciary before trials change their minds after serving as citizen judges. After their participation in judicial process, they understand dilemmas judges face and challenges judges overcome in the judicial process. Although only a few people have the chance to become citizen judges, they are able to spread their experiences and impressions of the justice system to their relatives, friends and colleagues.

Throughout the brainstorming process in deliberations, professional judges are able to understand lay people's views and incorporate lay people's perspectives into judgments. Professional judges and citizen judges learn to listen to and respect others' opinions first, then develop understanding and empathy towards others, and finally build trust with others. They develop mutual understanding and reciprocal relationship throughout the judicial process. Therefore, judgments are more comprehensive and consistent with the public's opinions.

A major difference between citizen judges and professional judges is that professional judges usually pay more attention to facts and laws. On the contrary, citizen judges focus more on people's stories and life histories. For example, citizen judges want to know more about defendants' backgrounds, interactions between defendants and victims before and after incidents, and reasons why defendants committed the crime. These concerns are highly related to sentencing factors. That is, citizen judges are able to provide tangible sentencing factors rather than general thoughts. With the participation of citizen judges, sentencing decisions are more comprehensive and specific, and sentencing treatments are more applicable to defendants.

Unlike general criminal cases where evidence and files are submitted alongwith the the indictment to the court, evidence and dossiers are not provided to the court in citizen judge cases. Prosecutors and defense attorneys endeavor to form reasonable stories and demonstrate evidence vividly in trial proceedings, transforming the criminal system into a complete adversarial system and enhancing the transparency of the judiciary. To make legal concepts understandable to lay people, professional judges, prosecutors and defense attorneys use plain and clear explanations instead of complicated legal jargons. Therefore, the citizen judge system is considered to be the largest plain law movement in the judicial history.

To evaluate the results of citizen participation periodically, the Judicial Yuan has established the Assessment Committee which conducts research and submits an annual assessment report on the implementation of the citizen judge system. The Assessment Committee has collected practical data in trials and administrative matters as well as citizen judges' impressions and reflections of this system and court participants.

The citizen judge system is a revolutionary transition in Taiwan's judiciary, setting a landmark of judicial reform. It is anticipated that this system would facilitate mutual understanding among the public and the judiciary, advance the correctness and appropriateness of verdicts, reduce disparity and disagreement between professional judges and lay people, and promote public confidence in the judiciary. We already observed these phenomena in trials. We believe these phenomena will continue to take effect and will have deeper and wider influences on the public and the judiciary. This would work to achieve the ideal of democracy, impartiality, judicial independence and the rule of law.

I've already introduced the judicial practice of citizen judge system for your reference. Thank you for your attention.