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Assume the office of lay judge at the criminal court

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Modul	Sachverhalt
Leistungsschlüssel	99030003061000
Leistungsbezeichnung I	Assume the office of lay judge at the criminal court
Leistungsbezeichnung II	Assume the office of lay judge at the criminal court
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Begriffe im Kontext	
Leistungstyp	
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SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul

Sachverhalt

Fachlich freigegeben am

Fachlich freigegeben durch

Handlungsgrundlage

- Artikel 97 Abs. 1 Grundgesetz (GG) – Unabhängigkeit der Richter
- §§ 28 bis 58 Gerichtsverfassungsgesetz (GVG)
- §§ 44, 44a, 44b Deutsches Richtergesetz (DRiG) – Bestellung und Abberufung des ehrenamtlichen Richters
- § 45 DRiG – Unabhängigkeit und besondere Pflichten des ehrenamtlichen Richters
- §§ 15 bis 18 Justizvergütungs- und -entschädigungsgesetz (JVEG)
- §§ 22 bis 31 Strafprozessordnung (StPO)

Teaser

The participation of honorary judges in the administration of justice is an essential element of German jurisdiction. It is of great importance as a practical implementation of the principle of democracy. Every five years, citizens in the Free State of Saxony are called upon to apply to their city or municipal administration for around 4,000 positions as lay judges in the criminal courts.

Volltext

The participation of honorary judges in the administration of justice is an essential element of German jurisdiction. It is of great importance as a practical implementation of the principle of democracy. Every five years, citizens in the Free State of Saxony are called upon to apply to their city or municipal administration for around 4,000 positions as lay judges in the criminal courts.

The honorary judges are to bring the experience, knowledge and evaluations gained in their daily professional and social environment to the hearings and the joint deliberations, thus meaningfully complementing the more legalistic viewpoint of the professional judges.

Like professional judges, honorary judges are only subject to the law. They have the same rights and the same responsibility as professional judges in the oral proceedings and in reaching a judgement. They are not

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subject to any orders or instructions in the determination of the law and are obliged to absolute neutrality.

Note: Honorary judges may not be restricted or disadvantaged in the exercise of their office. They are entitled to be released from work by their employer. However, there is no entitlement to continued payment of remuneration.

In the criminal justice system, not only judges who have acquired the qualification for judicial office through legal training and examinations (so-called professional judges) participate in the proceedings, but also citizens from all strata of the population. German criminal procedure law refers to these honorary judges as lay judges.

They act in the first instance

- at the local court, if it acts as a court of lay assessors (as a rule, one professional judge and two lay assessors), and
- at the Regional Court in the Grand Criminal Chamber (two or three professional judges and two lay judges).

Lay judges participate in the second instance in the Small Criminal Chambers of the Regional Court (one presiding judge and two lay judges).

Erforderliche Unterlagen

none

Voraussetzungen

- german nationality

Excluded from the office of juror is anyone who

- does not possess the capacity to hold public office as a result of a judge's decision or against whom preliminary proceedings are being conducted for an offence that may result in the loss of this capacity,
- has been sentenced to a term of imprisonment of more than six months for an intentional offence.

Note: Persons who would not have reached the age of 25 at the beginning of the term of office, as well as

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persons who have reached the age of 70 or would reach it by the beginning of the term of office, shall not be appointed to the office of a lay judge. Furthermore, persons who do not live in the city or municipality at the time of the nomination of possible jurors or who are not suitable for the office for health reasons shall not be appointed to the office of juror. The same applies to persons who have fallen into financial collapse.

Kosten

none

Verfahrensablauf

Send your application for the office of lay judge to the city or municipal administration responsible for your place of residence by the respective deadline; you will also receive more detailed information on the selection procedure there.

- For the selection and appointment of jurors, the municipalities draw up lists of nominees from their residents every five years, taking into account the above-mentioned requirements (these lists include all population groups).
- The lists of nominees are publicly available in the cities and municipalities for one week and are then sent to the district court of the district.
- Election committees at the district courts select the jurors from the lists of nominees.

Exercise of the office of lay judge

- The jurors to be appointed on the days of the sessions determined in advance each year are selected by lot. For each lay judge, there should be as many as twelve sitting days.
- You will be informed after the drawing of lots on which sitting days you have to participate.

Bearbeitungsdauer
Frist

- Application for the office of juror: on the respective deadline (according to the public announcement) • Elections of jurors: every five years

weiterführende Informationen

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Hinweise

The lay judge is in principle obliged to accept the office.

The appointment to the office of lay judge may only be refused by:

- Members of the Bundestag, the Bundesrat, the European Parliament, a Land parliament or a second chamber
- Persons who have fulfilled the obligation of a lay judge's office for 40 days in the previous term of office, as well as persons who already serve as honorary judges
- Doctors, dentists, nurses, paediatric nurses, nurse practitioners, midwives
- Managers of pharmacies who do not employ another pharmacist
- Persons who can credibly show that the direct personal care of their family makes it particularly difficult for them to exercise their office
- Persons who have reached the age of 65 or would have reached this age by the end of the term of office
- Persons who can credibly show that the exercise of the office would mean a particular hardship for them or a third party due to the endangerment or considerable impairment of a sufficient economic basis of life

Note: The grounds for refusal must be asserted within one week of the juror's knowledge of the summons. If grounds for refusal have only arisen or become known at a later date, the time limit only begins to run from that date.

Financial compensation

Volunteer judges receive compensation for their work in accordance with the Judicial Remuneration and Compensation Act (JVEG). This includes:

- Reimbursement of travel expenses
- Compensation for expenses
- Compensation for other expenses
- Compensation for time missed
- Compensation for disadvantages in household

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management

- Compensation for loss of earnings

Exclusion from the office of lay judge in individual proceedings

Persons are excluded from serving as jurors in individual proceedings if they are

- are themselves the accused or injured party in the offence, or
- Are or were the spouse (including divorced spouses), civil partner, relative to a certain degree, guardian or custodian of the accused or the injured party
- have acted as a lawyer for the injured person or as a defence lawyer for the accused,
- have been heard as a witness or as an expert witness, or
- they have participated in the adoption of the contested decision.

Attention! If you know of any reasons why you should not serve as a volunteer judge in a particular case, you must inform the court immediately.

Rechtsbehelf

non applicable

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal