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Honorary judgeship at the Social Court

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Modul	Sachverhalt
Leistungsschlüssel	99030023061003, 99030023061003
Leistungsbezeichnung I	Honorary judgeship at the Social Court
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Bürgerengagement (030)
Verrichtungskennung	Bestellung (061)
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein

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Fachlich freigegeben am	08.08.2007
Fachlich freigegeben durch	This text was released by the Ministry of Justice of Mecklenburg-Vorpommern
Handlungsgrundlage	<ul style="list-style-type: none"> • Article 97 Para. 1 Basic Law (GG) • § Section 9 of the Social Courts Act (SGG) • §§ Sections 12 et seq. of the Social Court Act (SGG) • § Section 30 of the Social Courts Act (SGG) • § Section 33 of the Social Courts Act (SGG) • § Section 35 of the Social Courts Act (SGG) • § Section 38 of the Social Courts Act (SGG) • § Section 40 of the Social Courts Act (SGG) • §§ Sections 45 et seq. of the Social Court Act (SGG) • § Section 44 et seq. of the German Judges Act (DRiG) • § Section 10 of the Mecklenburg-Western Pomerania State Judges Act (LRiG) • §§ Sections 5 to 7 JVEG • §§ Sections 15 to 18 JVEG
Teaser	
Volltext	<p>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. Volunteer judges are expected to contribute the experience, knowledge and evaluations they have gained in their daily, professional and social environment to the hearings and joint deliberations, thereby meaningfully supplementing the more legalistic viewpoint of the professional judges.</p> <p>The social courts have a three-tier legal system. The courts of first instance are the social courts, of which Mecklenburg-Vorpommern has established a total of four (in Schwerin, Rostock, Stralsund and Neubrandenburg). As a second instance, each federal state has a state social court (in Mecklenburg-Vorpommern based in Neubrandenburg), which decides on appeals against judgments and complaints against other decisions of the social courts. At federal level, the Federal Social Court has been established with its seat in Kassel.</p>

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The jurisdiction of the social courts extends to public law disputes in matters of social insurance, employment promotion, basic security for job seekers, social compensation law, social assistance, severe disability law, the Continued Wage Payment Act, the Military Pension Act and the Civilian Service Act, the Vaccination Damage Act, the Victim Compensation Act and the Federal Education Allowance Act. In matters relating to statutory health insurance and social and private long-term care insurance, the social courts also rule on disputes under private law.

Each chamber of the social court is made up of one professional judge and two honorary judges. The honorary judges do not take part in decisions made outside the oral hearing or in court decisions. The decisions of the Regional Social Court are made by senates, each consisting of one professional judge as chairman and two further professional judges as well as two honorary judges. The senates at the Federal Social Court are also composed in the same way.

The following should be noted when appointing honorary judges to the chambers and senates:

- In the panels for social insurance and employment promotion matters, one honorary judge each belongs to the group of insured persons and employers.
- Honorary judges from the nomination lists of employees and employers sit on the panels for matters relating to basic benefits for jobseekers.
- The panels for matters relating to social welfare and the Asylum Seekers Benefits Act are to be composed of honorary judges from the nomination lists of the districts and independent cities.
- One honorary judge each from the group of persons familiar with social compensation law or the law on the participation of disabled persons and from the group of persons entitled to benefits for disabled persons within the meaning of SGB IX and insured persons shall participate in the panels for matters relating to social compensation law and the law on severely disabled persons.
- The panels for matters relating to the law on panel doctors shall be composed of one honorary judge from

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the health insurance funds and another honorary judge from the panel of panel doctors, panel dentists and psychotherapists. In matters concerning panel doctors, panel dentists and psychotherapists, only panel doctors, panel dentists and psychotherapists participate as honorary judges.

Erforderliche Unterlagen

Voraussetzungen

The honorary judge at a social court must

- be German and
- have reached the age of 25.

Honorary judges at the state social court must have reached the age of 30. 30 years of age and for honorary judges at the Federal Social Court must have reached the age of 35. At the state social court or the Federal Social Court may only be appointed if they have previously served at least at least five years as an honorary judge at a subordinate court. court for at least five years.

NOTE: The honorary judges should be based in the district of the social court (regional social court) or have their place of business or be employed. be employed.

Depending on the subject area in which they are to work, the honorary judges must they are to work, belong to certain groups of people. Insofar as the group of insured persons on the one hand and employers on the on the other hand, the following applies:

The term "insured person" must be interpreted broadly. It does not only include persons who belong to a branch of social insurance on the basis of compulsory insurance or insurance or self-insurance, but also all persons who, in view of their position in working and economic life, are potentially to the group of socially insured persons. Insured persons are therefore also those who unemployed or receives a pension from their own insurance after retiring from working life. from their own insurance.

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Honorary judges from the group of employers can be

- Persons who regularly employ at least one employee subject to compulsory insurance employee subject to compulsory insurance
- in the case of companies of a legal entity or partnership: Persons who, by law, articles of association or partnership agreement, alone or as members of the representative body to represent the legal entity or or community of persons
- civil servants and employees of the federal government as specified by the competent supreme federal authority
- civil servants and employees of the federal states, municipalities and associations of municipalities by order of the competent supreme state authority
- Persons who have been granted power of attorney or general power of attorney as well as executives employees
- Members and employees of employers' associations and board members and employees of mergers of such associations associations if these persons are authorized to represent by virtue of the articles of association or power of attorney. are authorized to represent

NOTE: Anyone who fulfills the requirements for appointment as an honorary from the group of employers can only be an honorary judge from this group, even if from this group, even if they are also an insured person.

An honorary judge cannot be a person who

- does not have the capacity to hold public office as a result of a judicial decision or has been sentenced to a prison term of more than six months for an intentional offense. has been sentenced to more than six months' imprisonment for an intentional offense,
- is charged with an offense that results in the loss of the ability to hold public office to hold public office,
- does not have the right to vote for the German Bundestag.

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Kosten	
Verfahrensablauf	<p>Appointments are made on the basis of lists of nominees, which are drawn up by different institutions depending on the judicial bodies for which honorary judges are to be appointed (cf. the comments on the appointment of the judicial bodies).</p> <p>The term of office is five years. Reappointment is permitted and is the rule in practice.</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	<p>Honorary judges, like professional judges, are subject only to the law. They are not subject to any orders or instructions when determining the law and are obliged to maintain absolute neutrality. They have the same rights and the same responsibility as professional judges in oral hearings and in reaching a verdict.</p> <p>The honorary judge is fundamentally obliged to accept the office.</p> <p>Anyone who</p> <ul style="list-style-type: none"> • has reached the age of 65, • has served as an honorary judge at a court of social jurisdiction in the ten years preceding the appointment, • is so occupied by voluntary work for the general public that he/she cannot reasonably be expected to accept the office, • is prevented by illness or infirmity from properly exercising the office, • can credibly demonstrate that important reasons make it particularly difficult for him/her to perform the office. <p>NOTE: Persons who have fallen into financial difficulties should not be appointed as honorary judges. In order</p>

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to maintain the neutrality and impartiality of the court and to avoid conflicts of interest, members of the executive boards of social insurance institutions and associations, the Associations of Statutory Health Insurance Physicians (Dentists) and the Federal Employment Agency may only be honorary judges in the panels for matters relating to the law on panel doctors. Employees of the social insurance institutions, the Associations of Statutory Health Insurance Physicians (Dentists) and the Federal Employment Agency cannot be honorary judges in panels that rule on disputes in their field of work.

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

- Reimbursement of travel expenses,
- Compensation for expenses,
- compensation for other expenses,
- compensation for lost time,
- compensation for disadvantages in housekeeping and
- compensation for loss of earnings.

TIP: You can find detailed information on appointments and the legal status of honorary judges at social courts in the guidelines for honorary judges at social courts published by the Baden-Württemberg Ministry of Justice.

Rechtsbehelf

Kurztext

Ansprechpunkt

Zuständige Stelle

- for appointment as an honorary judge at a social court: to the President of the Regional Social Court
- for appointment as an honorary judge at a state social court: to the President of the state social court
- for appointment as an honorary judge at the Federal Social Court: to the Federal Ministry of Labor and Social Affairs

Formulare

Modul	Sachverhalt
Ursprungsportal	Honorary judgeship at the Social Court, Ehrenamtliches Richteramt beim Sozialgericht übernehmen