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Honorary judgeship at the Social Court

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/598988095/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99030023061003, 99030023061003
Leistungsbezeichnung I	Honorary judgeship at the Social Court
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Gerichtliche Verfahren, Anzeige und Klage (1150200)
Einheitlicher Ansprechpartner	Nein

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Fachlich freigegeben am	06.01.2025
Fachlich freigegeben durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	https://www.gesetze-im-internet.de/gg/art_97.html https://www.gesetze-im-internet.de/sgg/_9.html https://www.gesetze-im-internet.de/sgg/_12.html https://www.gesetze-im-internet.de/sgg/_30.html https://www.gesetze-im-internet.de/sgg/_33.html#:~:text=Sozialgerichtsgesetz%20(SGG),und%20zwei%20ehrenamtlichen%20Richtern%20t%C3%A4tig. https://www.gesetze-im-internet.de/sgg/_35.html#:~:text=Sozialgerichtsgesetz%20(SGG),bei%20einem%20Sozialgericht%20gewesen%20sein. https://www.gesetze-im-internet.de/sgg/_38.html https://www.gesetze-im-internet.de/sgg/_40.html#:~:text=F%C3%BCr%20die%20Bildung%20und%20Besetzung,mindestens%20ein%20Senat%20zu%20bilden. https://www.gesetze-im-internet.de/sgg/_45.html#:~:text=(1)%20Das%20Bundesministerium%20f%C3%BCr%20Arbeit,Sozialgerichtsbarkeit%20zu%20berufenden%20ehrenamtlichen%20Richter. https://www.gesetze-im-internet.de/drig/_44.html https://www.gesetze-im-internet.de/jveg/_5.html https://www.gesetze-im-internet.de/jveg/_15.html https://www.gesetze-im-internet.de/gg/art_97.html https://www.gesetze-im-internet.de/sgg/_9.html https://www.gesetze-im-internet.de/sgg/_12.html https://www.gesetze-im-internet.de/sgg/_30.html https://www.gesetze-im-internet.de/sgg/_33.html#:~:text=Sozialgerichtsgesetz%20(SGG),und%20zwei%20ehrenamtlichen%20Richtern%20t%C3%A4tig. https://www.gesetze-im-internet.de/sgg/_35.html#:~:text=Sozialgerichtsgesetz%20(SGG),bei%20einem%20Sozialgericht%20gewesen%20sein. https://www.gesetze-im-internet.de/sgg/_38.html https://www.gesetze-im-internet.de/sgg/_40.html#:~:text=F%C3%BCr%20die%20Bildung%20und%20Besetzung,mindestens%20ein%20Senat%20zu%20bilden. https://www.gesetze-im-internet.de/sgg/_45.html#:~:text=(1)%20Das%20Bundesministerium%20f%C3%BCr%20Arbeit,Sozialgerichtsbarkeit%20zu%20berufenden%20ehrenamtlichen%20Richter. https://www.gesetze-im-internet.de/drig/_44.html https://www.gesetze-im-internet.de/jveg/_5.html

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Teaser	<p>https://www.gesetze-im-internet.de/jveg/_15.html</p> <p>How you, as an honorary judge, can contribute your experience, knowledge and assessments to negotiations and the joint deliberation of court cases.</p>
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 should contribute the experience, knowledge and values they have gained in their daily, professional and social environment to the hearings and joint deliberations and thus meaningfully complement the more legalistic perspective of the professional judges. -judges in a meaningful way.</p> <p>The social courts have a three-tier legal system. The courts of first instance are the social courts. Each federal state has a state social court as the second instance, 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> <p>The jurisdiction of the social courts extends, among other things, to public law disputes in matters of social insurance, employment promotion, basic benefits for jobseekers, social compensation law, social assistance, the law on severely disabled persons, the Continued Wage Payment Act, the Military Pension Act and the Civilian Service Act, the Vaccination Damage Act, the Victims Compensation Act and the Federal Child-Raising 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.</p> <p>Each chamber of the social court decides in the composition of one professional judge and two honorary judges. The honorary judges do not participate in decisions made outside of the oral hearing or in court decisions. The decisions of the Regional Social Court are made by senates, each of which is composed of a professional judge as</p>

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chairperson and two other 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 one to the group of 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 made up of honorary judges from the nomination lists of the districts and independent cities.

One honorary judge from the group of persons familiar with social compensation law or the law on the participation of disabled persons and one honorary judge from the group of persons entitled to benefits for disabled persons within the meaning of SGB IX and insured persons shall each sit on the panels for matters relating to social compensation law and the law on severely disabled persons.

The panels for matters relating to contract doctors' law are to be composed of one honorary judge from among the health insurance funds and another honorary judge from among the contract doctors, contract 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

Honorary judges at the Social Court must be at least 25 years old. Honorary judges at the state social court must have reached the age of 30 and honorary judges at the federal social court must have reached the age

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of 35. They should also have a connection to the court district in which they work, i.e. live or work there.

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

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

Honorary judges from the group of employers can be:

Persons who regularly employ at least one employee subject to compulsory insurance

in the case of companies of a legal entity or partnership: persons who are appointed by law, articles of association or partnership agreement to represent the legal entity or partnership either alone or as members of the representative body

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 as specified by the competent supreme state authority

Persons who have been granted power of attorney or general power of attorney as well as executives

Members and employees of associations of employers as well as members of the board of directors and employees of associations of such associations, if these

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persons are authorized to represent by virtue of the articles of association or power of attorney.

NOTE: Anyone who meets the requirements for appointment as an honorary judge from the group of employers can only be an honorary judge 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 court ruling or has been sentenced to more than six months' imprisonment for an intentional offense,

is charged with an offense that may result in the loss of the ability to hold public office,

does not have the right to vote for the German Bundestag.

Kosten

Because honorary judges do not receive a salary, they are compensated, i.e. the state pays them for loss of earnings, travel expenses and an expense allowance. They are also covered by statutory accident insurance during their work.

Verfahrensablauf

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).

The term of office is five years. Under certain circumstances, however, the term of office can be terminated prematurely. Conversely, it is also possible to be appointed several times in succession, so that many honorary judges hold office for several terms.

Bearbeitungsdauer
Frist
weiterführende Informationen

https://landessozialgericht.niedersachsen.de/startseite/karriere/ehrenamtliche_richterinnen_und_richter/
<https://justizportal.niedersachsen.de/startseite/gericht>

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e_und_staatsanwaltschaften/sozialgerichtsbarkeit/ehre
namtliche_richterinnen_und_richter/
[https://landessozialgericht.niedersachsen.de/startseite/
/karriere/ehrenamtliche_richterinnen_und_richter/](https://landessozialgericht.niedersachsen.de/startseite/karriere/ehrenamtliche_richterinnen_und_richter/)
[https://justizportal.niedersachsen.de/startseite/gericht
e_und_staatsanwaltschaften/sozialgerichtsbarkeit/ehre
namtliche_richterinnen_und_richter/](https://justizportal.niedersachsen.de/startseite/gericht_e_und_staatsanwaltschaften/sozialgerichtsbarkeit/ehre_namtliche_richterinnen_und_richter/)

Hinweise

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 responsibilities as professional judges in oral hearings and in reaching a verdict.

Honorary judges are generally obliged to accept office.

A person may refuse to accept office as an honorary judge if he or she

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.

NOTE: Persons who have fallen into financial difficulties should not be appointed as honorary judges. In order 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

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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.

Rechtsbehelf
Kurztext
Ansprechpunkt

The honorary judges shall be drawn from lists of nominees, taking fair account of the minorities. The lists of nominees for the honorary judges who participate in the chambers for social welfare matters are drawn up by the districts and independent cities. The other lists of nominees are drawn up by employees' and employers' associations or by the relevant professional associations, depending on the area of law.

Zuständige Stelle

The honorary judges shall be drawn from lists of nominees, taking fair account of the minorities. The lists of nominees for the honorary judges who participate in the chambers for social welfare matters are drawn up by the districts and independent cities. The other lists of nominees are drawn up by employees' and employers' associations or by the relevant professional associations, depending on the area of law.

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