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Country report for Finland.

Current situation

Lay judges are involved in court proceedings, which consist of a professional judge and two lay judges (1+2 persons). Criminal cases, for which the sentence can be 4 years of imprisonment or more, are held with this composition. In addition, lay judges are involved in the sessions of the land court. A person who is less than 25 years old or who has reached the age of 65 cannot be elected as a lay judge.

The district court also has a quorum in criminal cases chaired by one professional judge alone, if no more severe penalty than imprisonment for a maximum of four years has been prescribed for any of the individual offences referred to in the indictment.

The National Courts Office decides on the number of lay judges for the term of office

The National Courts Office is an independent central agency serving the entire judicial system. National court administration falls within the administrative branch of the Ministry of Justice. The eight-member Board of Governors exercises the highest decision-making power in the national judicial administration. The day-to-day running of the national court administration is headed by the Director-General. The administration has three departments responsible for finance, development and administration.

Selection procedure for lay judges in Finland.

The current selection procedure will apparently continue as it is now, as no new draft law has been tabled. The next municipal elections will be held on 13.4.2025. The number of lay judges is confirmed by the National Courts Office, and in 2021 the number of lay judges was fixed at 1303. A proposal on persons wishing to become lay judges is drawn up in connection with the municipal elections. The lay judges elected from the municipality must represent the age, source of livelihood, gender and language distribution of the municipality's population as equally as possible. The chief justice of the district court approves and appoints lay judges after verifying eligibility for the position of lay judge (age limits, criminal record, other disqualification).

Public debate on the status of lay judges.

The most recent discussions have mainly focused on the method of selecting lay judges and the abolition of the system. The debate on the need for lay judges has resurfaced in the current Minister of Justice's statement in connection with the preparation of the budget. The Ministry of Justice is considering whether the current system should be abolished (requires new legislation) and lay judges would be replaced, for example in the case of a new system, by notaries (Bachelor of Law). Some professional judges and lawyers are in favour of abolishing the current system in order to reduce costs. The cost of the system of lay judges is approximately 1.3 million euros per year.

One alternative to the current system is the three-professional judges -model and now the notaries -model mentioned above. However, in our opinion the costs of such a system would be considerably higher than the present system. Secondly, the question can be asked whether the voice of the ordinary citizens would disappear from the judicial system along with lay judges. If lay judges would be replaced by three professional judges or by notaries, this does not increase transparency of the legal system. There is also a risk that, due to austerity pressures, notaries alone would have to decide on criminal cases in which they have no experience, resulting in court decisions that would be appealed to the next instance, thereby increasing costs. If notaries' judgment were subject to review by professional judges, this would in turn increase the workload of senior judges and thus the costs.

The Board of the Association of Finnish Lay Judges has also discussed making its own parliamentary initiative.

Finnish Association of Lay Judges / Board of Directors