

## **Abstract**

The diploma thesis „Juries, Lay Judges and Participation of Lay People on the Administration of Judiciary“ deals with juries, Lay Judges and Lay People who participate on course of justice, mainly in their historical context.

The first part of the thesis describes a joint decision-making process of legal cases in the ancient Greece and Rome and in the early Christian era when we can observe an effort for a collective decision-making system among equals in complex units of that time such as villages or Church.

Another part of the thesis discusses the Anglo-American jury system where the use of juries is the most noticeable. Although the jury system had come to England from the continental Europe, there have been disputes over their origin and the extent of adoption of their characteristics in the past. In the course of time the jury system developed in England represented a decision of people independent on monarch's will. From England the system got to the North America via settlers where juries served for biased and independent decisions of legal cases. Juries in North America represent the institutes of democratic citizen judging which contribute to the legitimacy of judicial decisions. Naturally there have been questions about the competence of jurors to decide on difficult cases. There were many scientific essays on competences of jurors depending on the gender written in the US which however did not prove the difference between male and female decision-making.

The thesis also analyses the development of juror casting in the US. It is pointed out that jurors often decide in accordance with their own value system and their feelings of justice and that is why their final decision could differ from the effective legal system in the respective state. This fact can influence the legislation process which would reflect the jurors' decisions, but it can also cause a strong aversion to maintain this system.

Then the thesis focuses on juries and the role of Lay Judges in the Austro-Hungarian Monarchy where juries were set up in the year 1848. The thesis describes the development of the jury system in Austria and Czechoslovakia after the collapse of the monarchy in 1918. While juries exist in Austria even today, their use in Czechoslovakia was gradually limited. In 1948 the jury system was cancelled and the system of the judge from the people was established leading to the popularization of judiciary in the line with the political orientation of the ruling party. Today in the Czech judicial system the role of Lay Judges is preserved in the first instance of criminal litigations where they decide in the senate compound from one professional judge

and two lay people, unless the case is ruled by the single judge, and in the labour-law cases where they decide in three-member senate.

The thesis also sums up the contribution of Lay People in the Czech judicial system and the possibility to enhance Lay Judges of a professional factor.