Abstract

The functioning of judicial panels from a legal sociological perspective

This thesis deals with the issue of the functioning of judicial panels and analyzes this institution across individual judicial articles in the Czech Republic. The aim of the thesis was to identify the key factors influencing their functioning and to focus on their place in the decision-making process in relation to the purpose of the judiciary. At the same time, the thesis describes both the legal framework and the sociological aspects that contribute to the practice of judicial panels.

The main objective of this thesis is therefore to provide a detailed analysis and comparison of the functioning of the institution under examination in the areas of civil, administrative, and criminal justice. The thesis is based on a theoretical analysis of the legal norms governing the composition and activities of judicial panels and on a sociological analysis of judicial panels.

The thesis is divided into three chapters and can be further divided into two parts – legal and sociological analysis.

The two chapters following the introduction are devoted to legal analysis. The second chapter of this work first discusses judicial power and the judiciary as a whole. The aim is to identify the position of judicial power in the system of checks and balances and to discuss the purpose of the judiciary. The chapter concludes with an evaluation of the organization of the judiciary, which forms the basis for sociological analysis. The third chapter focuses on the judicial panels themselves. It identifies two main types of judicial panels: 1) judicial panels of professional judges, and 2) judicial panels with lay members. First, it describes in detail the courts in which judicial panels operate and the types of proceedings in which they are involved. The legal analysis then focuses on the legal basis for the composition of individual judicial panels, the decision-making process, hierarchical position, etc. Particular attention is paid to the focus on individual areas of the judiciary and the position of individual members of judicial panels.

The second part, covering sociological analysis, is devoted to the fourth chapter. The thematic analysis is based on selected case studies of judicial panels. Methodologically, data was collected through semi-structured interviews with professional judges from the appeals division (in the position of chairpersons of judicial panels or simply members), which were

conducted for the purpose of obtaining information for this work. Furthermore, some of the findings from previous research conducted in 2024, which focused on the analysis of judicial panels with a lay element – assessors – are used. This part aims to answer the research question from a practical point of view: "What influence does the function of the panel chair have on panel decision-making?"

The conclusion summarizes the key findings and presents conclusions on the functioning of judicial panels with an assessment of the position of the panel chair and his influence.

Keywords: judicial panels, chair of judicial panel, members of judicial panel