



The Citizen Judge Act

- **Our point of view: Opposing Citizens Judges Act**
- **Article 99, Paragraph 2** - If a citizens judge being absent without valid reason may be fined up to 30,000, it may **hinder the development** and **decline rejection rate**.
- **Three day trial period** - Under **“Indictment-only” principle**, hard to make citizens judge understand legal terms and proceeding in such short time.
- **Final deliberations** - with the **limited legal interpretation authority vested 3 judges**, including two-thirds approval for verdicts involving intentional offenses causing death.

Cases adjudicated by citizen judges (major offenses)

- crimes carrying a minimum sentence of ten years imprisonment (e.g robbery with force and sexual acts)
- crimes involving intentional actions leading to fatal outcomes(e.g vehicular manslaughter due to drunk driving)
- juvenile delinquency
- offense under drug control regulations
- guilty verdict requires the agreement of at least two-thirds



- **Inefficient**
- Court **ISN'T** a Jurisprudence Classroom
- The explanations before trial are **complicated**
- Processes of trial are **difficult**
- The director general of Taiwan Jury Association 鄭文龍 and 陳為祥 lawyer
- The researcher of TFA 彭至誠: Too hard for them to understand (ㄉㄨㄛˊ ㄇㄞˊ)

- the written verdicts **LACK OF SYSTEMATIC REASONING** - verdicts will be limited to the facts and evidence presented during the trial.
- **LESS TRANSPARENT** - public will not have access to the rationales underlying decisions.
- **CLOSED TRIALS** - undermine the role of defense lawyers

Lay judges lean on the expertise and the advice from professional judges.

Less transparency: 1. Language gap 2. verdicts without court's reasoning 3. impacting the viability of appeal

Closed doors trials: such opaque processes undermine the role of defense lawyers, as they are not engaged in the process—and therefore not allowed to ensure due process.

Criticism: this aspect of the policy, arguing that a unanimous vote (rather than the current requirement of a two-thirds majority) should be required given the seriousness of state-ordered execution.

Low efficiency: Prosecutors and defense lawyers will need to adapt to using more common language in the court

Lack of government funding to support the costs

References

1. <https://www.taipeitimes.com/News/editorials/archives/2023/07/23/2003803594>
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3. <https://www.cmmedia.com.tw/home/articles/27360>

Thank You