Establishment of a Popular Base (Participation of the General Public in the Justice

Introduction of the Saiban-in System

A new system will be introduced in criminal trials, enabling the general public to participate in the procedures of serious cases as *saiban-in* (lay judges).

The saiban-in system is scheduled to be implemented by 2009.





Why will the saiban-in system be introduced?



Introduction of the system will make it possible to reflect social norms more directly in trial decisions by having members of the general public, who do not have special knowledge of the law, participate in criminal trials. This is expected to deepen people's understanding of and support for the justice system. At the same time, participation by the general public will facilitate faster trials and make the court proceedings and rulings more easily understandable.





What cases are covered by the saiban-in system?



Serious cases that are of particularly high interest to the public such as murder cases.





How are saiban-in selected?



In order to select *saiban-in* fairly from a broad spectrum of the general public, *saiban-in* candidates will be selected by lot once a year from among people aged 20 or above (the candidates will receive notification). *Saiban-in* for individual cases will be selected from among the candidates by the court in accordance with selection procedures.





Can people be excused from serving as saiban-in?



A *saiban-in* candidate who receives a summons from the court must appear at the court. However, people who have due reason are excused from serving as *saiban-in*.





Can people take time off from work in order to serve as *saiban-in*?



Yes, it is permitted by law to take necessary time off from work to serve as saiban-in.

Flow of a Trial under the Saiban-in System

Investigation

Prosecution

Trial preparation

(for faster and more systematic trial proceedings)

Selection of saiban-in

(six saiban-in and three judges in principle, and four saiban-in and one judge in some cases)

People who can be excused from serving as *saiban-in* (examples)

- Those who are 70 years old or above
- Those with a serious illness or injury
- Those who need to raise or take care of family members
- Those who will suffer serious financial difficulties in the course of their employment if they serve as saiban-in
- Those who have important social engagements, such as attending a funeral for a parent

People who are disqualified from serving as *saiban-in* (examples)

- Those who are connected to the case
- Those who are likely to make unfair decisions

Court proceedings (trial)

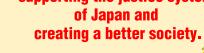
(The panel hears from witnesses and examines the evidence.)

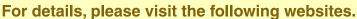
The panel decides whether the defendant is guilty or not guilty as well as how heavy or light the sentence should be.

Judgment

Participation of saiban-in

The duty of the *saiban-in* is very important in supporting the justice system of Japan and creating a better societ





- Ministry of Justice: http://www.moj.go.jp/SAIBANIN/index.html
- Court : http://www.courts.go.jp/

Promotion and Development of Law-Related Education

In order to give the general public, who are not legal professionals, the opportunity to understand the laws, the justice system and the values behind them and to acquire a legal frame of mind, study groups and conferences have been established. Work is also being done toward developing teaching materials for use by lower secondary school students.

History of Justice System Reform of Japan

July	1999	Establishment of the Justice System Reform Council within the Cabinet
June	2001	Submission of the Recommendations of the Justice System Reform Council to the Cabinet
Nov.	2001	Enactment of the Justice System Reform Promotion Act
Dec.	2001	Establishment of the Office for Promotion of Justice System Reform within the Cabinet
March	2002	Cabinet approval of the Plan for Promotion of Justice System Reform
Nov.	2004	Dissolution of the Office for Promotion of Justice System Reform
Dec.	2004	Establishment of the Promotion Office of Justice System Reform within the Cabinet Secretariat

[Legislation enacted at the 154th Diet session (January ~ July 2002)]

- O The Law for Partial Amendment to the Patent Attorney Law
- O The Law for Partial Amendment to the Judicial Scrivener Law and the Land-and-House Surveyor Law

[Legislation enacted at the 155th Diet session (October ~ December 2002)]

- O The Law for Partial Amendment to the School Education Law
- O The Law for Partial Amendment to the National Bar Examination Law and the Court Organization Law
- O The Law on Coordination of Graduate Law School Education and the National Bar Examination

[Legislation enacted at the 156th Diet session (January ~ July 2003)]

- O The Law on Assignment of Judges, Prosecutors and Other Government Officials to Graduate Law Schools
- O The Law for Expediting Court Procedure
- O The Law for Partial Amendment to the Code of Civil Procedure et al.
- O The Code of Procedure Concerning Cases Relating to Personal Status
- O The Law for Partial Amendment to the Court Organization Law et al. for Justice System Reform
- O The Law for Partial Amendment to the Civil Code et al. to Improve the Collateral Rights and Civil Execution Systems
- O The Arbitration Law

[Legislation enacted at the 159th Diet session (January ~ June 2004)]

- O The Law for Partial Amendment to the Practicing Attorney Law
- O The Labor Dispute Adjudication Law
- O The Law for Partial Amendment to the Code of Criminal Procedure et al.
- The Law for Implementation of the *Saiban-in* System in Criminal Court Procedures
- O The Comprehensive Legal Support Law
- The Law for Partial Amendment to the Administrative Case Litigation Law
- O The Law for Establishment of the Intellectual Property High Court
- O The Law for Partial Amendment to the Court Organization Law et al.
- The Law on Practicing Attorneys Work Experience for Assistant Judges and Prosecutors

[Legislation enacted at the 161st Diet session (October ~ December 2004)]

- O The Law for Partial Amendment to the Labor Union Law
- O The Law for Promotion of Use of Alternative Dispute Resolution
- O The Law for Partial Amendment to the Court Organization Law

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