

A Comparative Study of Jury Systems from a Global Perspective

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Abstract

This paper presents a comprehensive comparative study of jury systems from a global perspective. It first examines the institutional evolution, practical characteristics, and existing dilemmas of jury or lay judge systems in common law jurisdictions (the US and the UK) and several civil law or hybrid jurisdictions, including France, Japan, Russia, India, South Korea, and Germany. The analysis reveals a spectrum of models, from the classic jury system (separating fact-finding and law application) to mixed tribunal systems (with judges and citizens sharing powers) and advisory systems. Key cross-jurisdictional challenges identified include the tension between democratic participation and professional expertise, cultural barriers to public acceptance, and the impact of modern technology. The study then investigates the development and current challenges of the People's Assessor system in Mainland China and the ongoing debate over public participation models in the Taiwan region of China. The concluding section synthesizes these global experiences, arguing that a successful public participation system requires clear legal positioning, substantive power for citizens, a scientific selection mechanism, and effective procedures. It suggests that China's reform should further clarify the division of labor between judges and assessors, strengthen assessors' independent authority, and optimize relevant mechanisms, drawing methodological inspiration rather than direct blueprints from foreign practices.

Keywords

Jury Systems, Lay Participation, People's Assessors, Judicial Reform.

1. Extraterritorial Jury Systems

1.1. Common Law Countries

1.1.1. Institutional Evolution

The Anglo-American jury system originated in medieval England. Its embryonic form was established in the 12th century by Henry II through the Assize of Clarendon, initially involving 12 neighbors with personal knowledge acting as "live witnesses." Its core feature lies in the binary adjudicative structure—the jury is responsible for fact-finding ("trial of fact"), while the judge specializes in the application of law ("trial of law"). The Statute of Edward III in 1352 separated the indicting jury from the trial jury, establishing the "petit jury" dedicated to fact-finding. The Fifth Amendment to the U.S. Constitution explicitly enshrines the right to a jury trial as a fundamental civic right. The 19th century was its golden age of development, with 90% of criminal cases employing the jury system.[1]

1.1.2. Practical Characteristics

First, the scope of application has narrowed. The U.K.'s Judicature Act 1933 limited civil juries to six categories of cases including defamation; in the U.S., only about 20% of civil cases use juries. Second, institutional innovations have emerged. Simplified forms such as "6-person petit juries" and "majority verdicts" are adopted. Third, the cultural foundation remains rich. It is regarded as the "practical technology of natural rights"; in 2022, approximately 1 million U.S. citizens participated in jury service.[2]

1.1.3. Existing Dilemmas

First, conflicts with evidence rules. In 2021, a California court's exclusion of crucial DNA evidence led to nearly half the jurors questioning the verdict's fairness. Second, a cost crisis. The average cost of a single jury trial is \$32,000, eight times that of a bench trial. [3] Third, the challenge of algorithm. After Wisconsin piloted an AI sentencing system, the volume of jury cases declined notably.

1.2. France

1.2.1. Institutional Evolution

In 1791, the British-style jury was directly duplicated, but it triggered resistance from the judiciary. Subsequently, Napoleon's promulgation of the Code d'Instruction Criminelle in 1808 replaced it with a lay judge (mixed tribunal) system. The current Court of Assizes, which tries serious crimes, employs a mixed regime of professional judges and jurors. Jurors are randomly selected from electoral lists. A 9-member jury deliberates and decides on conviction and sentencing together with 3 professional judges, with a verdict requiring a majority of at least 8 votes.

1.2.2. Controversy over Democratic Nature

Jurors are susceptible to the professional authority of judges, leading to the phenomenon of the "silent majority." In a 2015 Marseille drug trafficking case, the 3 professional judges jointly leads the 9-member jury in forming the verdict. [4]

1.2.3. Cost-Benefit Imbalance

The annual expenditure for an Assize Court averages 2.3 million euros, which includes costs for juror accommodation, meals, and security. Furthermore, the average trial duration for such cases is 14.3 days, compared to only 3.6 days for cases tried under a single-judge system. To reduce expenses, the number of jurors was reduced from 9 to 6 in 2012.

1.3. Japan

1.3.1. Institutional Evolution

The jury system was first introduced in Japan in 1922 but was abolished in 1943 by the military authorities on the grounds of "inefficiency." In 2004, the Koizumi administration enacted the Act on Participation of Lay Assessors in Criminal Trials, establishing a collegiate panel model of "6 lay assessors + 3 professional judges." The system adopts a "three-consecutive-day intensive trial" format. Lay assessors participate in both fact-finding and sentencing, and a death sentence requires unanimous agreement.

1.3.2. Growing Public Resistance

Public interest in the lay judge system remains low, primarily due to the restrictions of qualification and the onerous burden of associated costs. Furthermore, misreporting of not-guilty verdicts rendered by lay judge panels has eroded public trust in the system.

1.4. Russia

1.4.1. Institutional History

The jury system was introduced in Russia in 1864 by Alexander II. However, the Emergency Act of 1881 transferred political cases to military tribunals. Subsequently, as people's assessors devolved into mere "rubber stamps" with an annual dispute rate, the system was abolished in 1917. A "new jury system" was re-established in 1993: a 12-person jury independently determines facts, utilizing a simple majority vote where a 7:5 split is sufficient for conviction. [5]

1.4.2. Structural Issues

Predominance of Peasants as Jurors: This was the first ground upon which conservatives attacked the jury system. Statistics show that in the urban district of St. Petersburg, nobles, officials, and merchants constituted 66.4% of jurors, nearly 15 times the number of peasant jurors (4.6%). In other areas of the St. Petersburg province, peasant jurors made up 53.9% of the total, more than double the proportion of other social estates. The situation in Moscow was similar. Conditions in other Russian regions differed significantly from Moscow and St. Petersburg. In these regions, approximately 57.4% of jurors came from the peasant estate, while nobles and officials comprised only about 25% of jurors. As in St. Petersburg and Moscow, in other provinces, nobles and officials held a higher proportion in provincial capital city juries, whereas in other districts within the provinces, peasants held a higher proportion, reaching 63.2%.

High Rate of Acquittals: The relatively high rate of acquittals was another major reason conservatives attacked the jury system and a primary cause for their view of its political unreliability. According to statistics, from 1889–1893, the acquittal rate in Russian jury courts was 36%, compared to 26% in other courts. During the same period, the rates in France were 29% and 7%, respectively. This comparison indeed indicates a higher acquittal rate in Russian jury courts, but it does not prove that the Russian jury system was ineffectual.

1.5. India

1.5.1. Institutional History

The British jury system was introduced to India during the colonial period, with records indicating its use in case adjudication as early as 1665. This system was formally abolished across India in 1960. The primary reason for its abolition is widely attributed to public resentment towards the racial discrimination inherent in jury trials during the colonial era. Currently, the only extant jury court in India is the Parsi Matrimonial Court in Mumbai. This unique institution consists of a jury of five community elders and exclusively hears cases related to matrimonial nullity within the Parsi community, requiring unanimous verdicts.

1.5.2. Practical Characteristics

First, the priority of religious law. Hindu law traditionally prohibits adjudication by non-professionals, creating a fundamental cultural and legal barrier to the widespread adoption of a lay jury system. Second, inefficiency. Jury trials were noted for their prolonged duration, with the average trial cycle for such cases reportedly reaching 3.2 years. Third, inadequate representation. The system suffered from severe underrepresentation, with female jurors accounting for less than 10% of the total. Furthermore, the colonial-era jury system was perceived as a tool for colonial control and racial subjugation, which contributed to its lack of legitimacy and eventual demise in the post-independence period.

1.5.3. Legal Basis and Current Status

The British-style jury system was introduced to India during the colonial period, with records indicating its use in case adjudication as early as 1665. It was formally abolished nationwide in 1960. Currently, the only remaining jury court in India is the Parsi Matrimonial Court in Mumbai, which consists of a jury of five community elders and exclusively hears cases of matrimonial nullity within the Parsi community, requiring unanimous verdicts. Apart from this specific exception, the modern Indian judicial system generally does not employ the jury system.

1.5.4. Reasons for Abolition and Its Impact

The primary reason for the abolition of the jury system in India is widely attributed to public resentment towards the racial discrimination inherent in jury trials during the colonial era. A pivotal case that accelerated its demise was the 1959 *KM Nanavati v. State of Maharashtra* case. In this case, a jury of nine members acquitted the defendant with an 8:1 vote, but the presiding

judge deemed the verdict hasty due to unclear key facts and referred the case to the Bombay High Court for retrial. The High Court subsequently convicted the defendant. This case led the Indian government to believe that jury members were highly susceptible to media manipulation, resulting in non-objective verdicts. Given India's complex multi-ethnic and multi-community social fabric and the generally low level of public education, public opinion and the populace were easily swayed. Consequently, the government decided to abolish the jury system after this case. Most Indian legal scholars supported this move, believing that abolishing the jury system was more suited to India's national conditions.

1.5.5. Attempts at Reform and Contemporary Discussions

Since independence, India's legal modernization reforms have incorporated elements of the British legal system while attempting to integrate them with indigenous traditional laws, such as recognizing and applying traditional Hindu and Islamic religious laws as well as local customs. In recent judicial practice, to curb potential judicial overreach (such as in environmental public interest litigation), there have been discussions about introducing a jury system for careful case deliberation. However, these remain at the discussion stage. The current focus of India's judicial reform is on improving trial efficiency and conviction rates. For instance, new legislative bills propose that judgments must be rendered within 30 days after closing arguments and limit adjournments to a maximum of two times. These measures aim to address the severe backlog of cases (nearly 38 million pending cases) and low conviction rates (approximately 57% overall, 32% for rape cases) within the existing judge-centric trial system.

1.6. South Korea

1.6.1. Institutional History

South Korea, as a civil law country, traditionally employed bench trials for all criminal cases. The modern jury system, formally known as the "Citizen Participation in Criminal Trials" system (국민참여재판), was introduced in 2008. This marked the first time in Korean legal history that lay citizens could serve as jurors in criminal trials. The system was established under the "Act for Civil Participation in Criminal Trials" (CPCTA) of 2007. The National Assembly evaluated the initial trial period of the system as a success and expanded its scope in July 2012. The system incorporates elements from both the American jury system and the German lay judge model.

1.6.2. Practical Characteristics

The Korean jury system has several key features:

Advisory Verdicts: The jury's verdict and sentencing recommendations are advisory, not binding on the presiding judge. However, if the judge departs from the jury's recommendation, they are required to explain their reasoning. This has led judges to accept the jury's conclusion in over 90% of cases.

Independent Deliberation: The jury deliberates and delivers its own verdict independently of the judge's opinion.

Judge's Guidance: If the jury cannot reach a unanimous verdict, they must review the judge's assessment of the evidence before re-evaluating.

Majority Decision: If consensus still cannot be reached, a majority vote may determine the final verdict.

Defendant's Choice: These trials typically take place at the request of the defendant in certain criminal cases.

Empirical Performance: From 2008 to 2017, over 2,000 jury trials were conducted with more than 16,000 citizens serving as jurors. Empirical data indicates that Korean citizens are competent to make valid legal decisions. However, a notable issue has emerged regarding

acquittal rates for sex crimes, which are significantly higher in jury trials compared to bench trials.

1.6.3. Legal Basis and Current Status

The system's legal foundation is the "Act for Civil Participation in Criminal Trials" (2007, amended 2017). A Committee for Citizen Participation in the Judicial System was established under the Supreme Court to evaluate and decide on the final format of the system. While the system is operational and considered a regular feature of the criminal justice system, debates continue regarding making jury verdicts binding and expanding the system to other case types like juvenile, civil, family, and administrative cases.

1.6.4. Challenges and Contemporary Discussions

Key challenges include the advisory nature of verdicts, low usage rates of jury trials in some contexts, high rates of judicial dismissal of defendants' petitions for jury trials, and constitutional questions regarding the right to a jury trial. There is also ongoing discussion about prosecutorial power in the system, particularly regarding which cases can be tried by a jury.

1.7. Germany

1.7.1. Institutional History

Germany's experience with lay participation in the judiciary has evolved significantly. Historically, early Germanic tribes employed a form of communal judgment in "Thing" assemblies. The modern history involves a shift from a jury system to a lay judge (Schöff) system. A British-style jury system (Schwurgericht) was introduced in some German regions, notably in the Rhineland, as a consequence of Napoleonic occupation in the early 19th century. Following the 1848 revolutions, there were active movements to adopt jury systems. However, by the late 19th century, the traditional German "lay judge" or "assessor" system (Schöffengericht) gained more support. This system, with roots as early as the 1532 Constitutio Criminalis Carolina (CCC), was reinstated in states like Württemberg in 1818 and adopted by others like Hanover, Bremen, and Hamburg between 1850-1870. The 1877 Imperial Court Organization Act (Gerichtsverfassungsgesetz) formally codified both the jury court and the lay judge court systems. The jury system was ultimately abolished in 1924 and replaced entirely by the lay judge (Schöff) system, which remains in place today.

1.7.2. Practical Characteristics

The German lay judge system, known as the Schöffengericht, has distinct features:

Integration with Judges: Lay judges (Schöff) sit alongside professional judges on the bench. They are not separated into a distinct jury box.

Equal Rights in Decision-Making: Lay judges have the same rights and duties as professional judges regarding both finding facts and applying the law. They jointly decide on guilt and sentencing with the professional judges.

Broad Application: Citizens participate as lay judges not only in criminal courts but also in commercial, labor, social insurance, and administrative courts, often holding a majority of votes in three-judge panels in lower courts.

Selection and Tenure: Lay judges are selected for a four-year term. The selection process involves nomination (often by municipal authorities or political parties) and a subsequent selection by a committee chaired by a judge. Critics note this process can be arbitrary and may over-represent civil servants, teachers, and white-collar workers while under-representing blue-collar workers and homemakers.

Voting and Deliberation: Decisions are made by the mixed panel of professional and lay judges together. In serious criminal cases at regional courts, the panel typically consists of 3 professional and 2 lay judges, and a two-thirds majority is often required for a conviction.

1.7.3. Legal Basis and Current Status

The current system is governed by the German Courts Constitution Act (Gerichtsverfassungsgesetz). The lay judge system is a fundamental part of the German legal tradition, representing a "mixed tribunal" or "assessor" model where citizens directly collaborate with career judges. It is considered a key element of democratic legitimacy within the judiciary.

2. Research on the Jury System in China

2.1. Mainland China

China's people's assessor system has witnessed three major waves of development. The first wave occurred in the 1950s, during which over 200,000 assessors were selected nationwide, participating in trials with notable enthusiasm and activity. The second wave was marked by the 2004 "Decision of the Standing Committee of the National People's Congress on Improving the System of People's Assessors." This decision initially established a relatively comprehensive legal framework for the assessor system, largely defining the structure of China's mixed tribunal model. The third wave began with the Fourth Plenum of the 18th CPC Central Committee, prompting the Supreme People's Court to launch a top-down, large-scale pilot reform of the assessor system. The outcomes of this reform were formalized with the enactment of the "People's Assessors Law" in 2018. Despite these achievements, the system currently faces several challenges. First is the issue of representativeness: the proportion of assessors from peasant backgrounds has been in continuous decline since 1954. Second is the problem of formalism: most assessors admit to "voting in accordance with the judge" (Bu Yangyang, 2018). Third is regional imbalance: the caseload involving assessors in eastern regions is 3.6 times that of western regions.

2.2. Taiwan Region of China

In the Taiwan region of China, whether and how to introduce and implement a jury system has been a subject of intense and prolonged debate for about a century. This evolution can be summarized in three phases: the wholesale imitation of the Anglo-American jury system in the late Qing and early Republican period; the predominant emulation of the German and French mixed tribunal systems by the authorities in Taiwan after 1949; and the introduction and adaptation of Anglo-American practices since the 1980s. Specifically, from 1987 to the present, in studying public participation in the judicial system, the authorities in Taiwan have drafted the "Draft Act on Experimental Mixed Tribunal in Criminal Cases" (1987–1994), the "Draft Act on Experimental Expert Assessor System" (1999–2006), and the "Draft Act on Experimental Lay Assessor System" (2006–2007). Due to controversies over the constitutionality of mixed tribunal systems, the drafts on criminal mixed tribunals and expert assessors were abandoned before entering subsequent legislative procedures. Entering the second decade of the 21st century, the Taiwan region positioned the "People's Observational Trial System" as a key element of a new wave of judicial reform, ultimately deciding to replace the expert assessor and lay assessor systems with the observational trial system. Although all three systems aim to involve citizens other than professional judges in trials, they exhibit distinct differences, as detailed in the Table 1[6]

Table 1: Comparison of Three Public Participation Systems in Taiwan, China

System Name	Expert Assessor System	Lay Assessor System	People's Observational Trial System
Applicable Case Types	Civil, criminal, or administrative litigation cases requiring specific expertise or skills beyond legal knowledge.	Major criminal cases.	Primarily major criminal cases.
Qualifications for Participants	individuals possessing specialized knowledge or skills in relevant fields, selected through a screening process.	General adult citizens, selected randomly, with exceptions for exemption or disqualification.	General adult citizens, selected randomly, with exceptions for exemption or disqualification.
Authority of Participants	Joint deliberation with judges; possess the same voting rights as judges.	Joint deliberation with judges; possess the same voting rights as judges.	Binding Opinion System (No Voting Rights): Joint deliberation with judges, but without voting rights. Participants may only state opinions for the judges' reference.

2.3. Hong Kong, China

2.3.1. Institutional History

The jury system in Hong Kong was introduced during the British colonial period. The first local legislation formally establishing and regulating the jury system was the "Ordinance for the Regulation of Jurors and Juries" enacted in 1845. This ordinance stipulated that all questions of fact in civil or criminal proceedings before the Supreme Court were to be decided by a jury of six men. The system evolved over time, with the "Jury Consolidation Ordinance" of 1887 being a significant milestone, later renamed the "Jury Ordinance" in 1924. A notable historical moment occurred in 1858 when the name of a Chinese Hong Kong resident, Wong A. Shing, appeared on a jury list for the first time. Following the handover of Hong Kong to China in 1997, Article 86 of the Hong Kong Basic Law provides that "the principle of trial by jury previously practised in Hong Kong shall be maintained".

2.3.2. Practical Characteristics

The Hong Kong jury system operates with several distinct features:

Scope of Application: The jury system is primarily used in criminal trials in the Court of First Instance of the High Court for serious offences (e.g., murder, manslaughter, rape, armed robbery, certain drug and commercial fraud cases) and in certain civil cases (e.g., defamation, malicious prosecution, false imprisonment) if a party elects for it. It is also used in some inquests in the Coroner's Court.

Jury Composition: A jury typically consists of 7 members for criminal trials. A judge may order an increase to 9 jurors for complex or lengthy trials. In the Coroner's Court, a jury consists of 5 members.

Juror Eligibility and Selection: Jurors must be Hong Kong residents aged between 21 and 65, of sound mind, of good character, and have sufficient knowledge of the language of the court

proceedings (Chinese or English). The Registrar of the High Court compiles a provisional list of jurors every two years. Potential jurors are randomly selected from this list by ballot. Certain professionals (e.g., judges, lawyers, doctors, full-time students) are exempt from jury service.

Role and Deliberation: The jury is the sole judge of facts. It decides the guilt or innocence of a defendant in criminal cases or the cause of death in inquests. The judge provides legal guidance but cannot interfere with the jury's factual verdict. Jury deliberations are confidential.

Verdict Rules: In criminal trials, a verdict requires a majority of at least 5 jurors in a 7-person jury or at least 7 jurors in a 9-person jury. In civil cases, a simple majority suffices.

2.3.3. Legal Basis and Current Status

The jury system's constitutional foundation is Article 86 of the Hong Kong Basic Law. Its detailed operation is governed by the Jury Ordinance (Cap. 3). Other relevant laws include the Coroner's Ordinance and the Criminal Procedure Ordinance. The system is a fundamental feature of Hong Kong's common law judicial system, embodying the principle of "trial by one's peers". It is important to note that neither the Basic Law nor the Hong Kong Bill of Rights Ordinance grants a defendant an absolute right to choose a jury trial. The decision on which court level hears a case falls under the prosecutorial discretion of the Secretary for Justice. Furthermore, Article 46 of the Hong Kong National Security Law allows the Secretary for Justice to issue a certificate directing that a case concerning offences endangering national security be tried without a jury under specific circumstances (e.g., involvement of foreign elements, protection of juror safety).

2.3.4. Challenges and Contemporary Discussions

The Hong Kong jury system faces several challenges and reform discussions :

Limited Pool and Burden: The pool of eligible jurors is relatively small (estimated at around 260,000 people), leading to individuals being summoned frequently (potentially every two years). This places a burden on citizens and raises concerns about the breadth and representativeness of juries.

Scope of Application: The system's application is limited to the High Court's Court of First Instance and the Coroner's Court. Most ordinary criminal cases are tried in the District Court and the Magistrates' Courts without juries. There have been longstanding debates within the legal community and society about whether the jury system should be extended to the District Court, but the Department of Justice has decided against such an extension.

Language and Education Requirements: Historically, language proficiency requirements were linked to educational attainment (e.g., filtering out those without a Form 7 or equivalent education), which critics argue contradicts the ideal of a true "peer" jury representing the general community.

Efficiency and Modernization: As with many jurisdictions, there are ongoing discussions about balancing the democratic value of jury trials with judicial efficiency, especially in complex cases. However, significant reforms to restrict jury trials, as seen in debates in other common law jurisdictions, have not been a major feature of recent Hong Kong legal reform discourse, which remains focused on the system's operation within the framework of the Basic Law and the National Security Law.

2.4. Macao, China

2.4.1. Institutional History and Legal Basis

As a Special Administrative Region of China, Macao's legal system is primarily based on the continental civil law tradition, inherited from its Portuguese administration. The constitutional foundation is the Basic Law of the Macao Special Administrative Region. Unlike the common law jury system in Hong Kong, Macao's system of public participation in criminal trials is not a jury system in the Anglo-American sense. The primary form of citizen participation is the "Court

of First Instance sitting in the collegiate mode" for serious crimes. Here, the bench may include lay judges (juízes leigos). The key legal provisions governing trial composition and the possible participation of lay judges are found in Macao's Judicial Organization Framework Law and the Code of Penal Procedure.

2.4.2. Practical Characteristics and Current Status

Judicial Structure: Serious criminal cases (e.g., those with a maximum penalty exceeding 3 years imprisonment) are typically tried by the Court of First Instance. This court can sit in several forms: a single judge, a collegiate court of three professional judges, or a mixed court.

Role of Lay Judges: In the "mixed court" composition for the most serious offences, the panel can include both professional and lay judges. Lay judges are citizens appointed to serve for a defined period. Their role is integrated with that of professional judges; they jointly deliberate on both questions of fact and law and have an equal vote in deciding the verdict and sentence. This model is closer to the "mixed tribunal" (Schöffен) system seen in Germany and Portugal than to the classic common law jury.

Selection and Application: The selection process for lay judges is governed by specific regulations. Their use is not as widespread or as a default right for defendants as in a full jury system. The decision on whether a case is heard by a single judge, a panel of professional judges, or a panel including lay judges depends on the severity of the charge and legal provisions.

Scope: The use of lay judges is limited to specific, serious criminal cases within the Court of First Instance. Most criminal and all civil cases are heard by professional judges alone.

2.4.3. Core Distinction from Hong Kong

A key comparative point is the fundamental difference between Macao's and Hong Kong's systems. Hong Kong maintains a common law jury system (jury trial) as stated in its Basic Law, where a separate panel of jurors decides facts. Macao, with a civil law system, employs a lay judge model (juízes leigos), where citizens sit on the bench alongside career judges as part of a unified tribunal. This reflects their distinct colonial legal inheritances (British vs. Portuguese).

2.4.4. Contemporary Context

The system in Macao is stable and operates within its civil law framework. Public and academic discourse on judicial reform in Macao tends to focus on issues like judicial efficiency, translation in courts (given the Chinese-Portuguese bilingual legal system), and professional training, rather than on adopting a Hong Kong-style jury system, which would be a fundamental structural shift incompatible with its legal tradition.

3. Summary of Comparative Research

3.1. Genealogy of Institutional Models

I have compared the models and core features of the jury systems in various countries, see [Table 2](#)

Table 2: Comparison of jury systems in various countries

Model Type	Representative Countries/Regions	Core Characteristics
Jury System	United States, United Kingdom	Separation of fact-finding ("trial of fact") and law application ("trial of law").

Model Type	Representative Countries/Regions	Core Characteristics
Mixed Tribunal (Lay Judge) System	Germany, France	Professional judges and lay jurors share identical powers.
Hybrid System	Japan, South Korea	Limited participation in the application of law.
Observational Trial System	Taiwan Region, China	Advisory system without voting rights.

3.2. Core Issues of Debate

First, the conflict between democracy and professionalism. The Anglo-American model's emphasis on "layperson justice/populism" has led to concerns about declining efficiency, while the German and Japanese focus on professional judgment raises questions about democratic legitimacy. Second, cultural exclusion. The acceptance of "peer adjudication" is low within the East Asian Confucian cultural sphere, and India's caste system impedes fair jury representation. Third, technological冲击. The development of information technology presents judges with non-legal, specialized knowledge challenges (e.g. rules on electronic evidence, which can diminish the value of "common sense judgment"). Furthermore, algorithmic prediction challenges the jury's traditional fact-finding function.

3.3. Reference significance for China's reform

3.3.1. Clarifying the Functional Model and Enhancing Substantive Power

Inspiration from Germany & France (Lay Judge System): The core feature of judges and lay assessors having "equal power in both fact-finding and law application" (同职同权) is highly significant. It directly addresses the common issue in China's practice of "assessors serving as mere attendants without genuine adjudication" (陪而不审). Reforms could focus on strengthening the procedural safeguards for assessors' equal voting rights during deliberations and in the signing of judgment documents.

Inspiration from Japan & South Korea (Advisory/Consultative Systems): Their systems demonstrate a transitional or cautious approach. The Japanese "Saiban-in" system allows for lay participant involvement in legal application discussions, while the Korean system's "advisory verdicts" that judges must seriously consider (with explanation required for deviation) offer a model for incrementally enhancing the influence of lay opinions without completely overhauling the existing legal framework.

3.3.2. Optimizing Selection Mechanisms and Improving Representativeness

Inspiration from Common Law Systems (e.g., Hong Kong): The random selection (ballot) mechanism from a broad voter registry helps ensure a basic level of randomness and fairness, reducing potential pre-selection bias. China could further refine its selection process to enhance transparency and randomness, moving closer to the ideal of a "jury of peers."

Caution from India's Case: The historical underrepresentation of certain groups (e.g., low female participation) serves as a warning. China's system should consciously avoid similar pitfalls, ensuring the selected pool of assessors broadly reflects the demographic diversity of society in terms of profession, education, age, and gender.

3.3.3. Refining Scope of Application and Trial Procedures

Inspiration from Various Jurisdictions: Most systems apply lay participation to serious criminal cases. China has already defined the scope for its assessors. The key insight is to establish clear, operable procedural rules tailored to this scope. For instance, rules for evidence presentation, judge's instructions, and deliberation procedures should be designed to be understandable to non-professional assessors, ensuring their effective participation.

Reference from Hong Kong's Arrangements: The practice of increasing jury size for complex cases and detailed exemption criteria provides references for making China's system more flexible and rigorous.

3.3.4. Balancing Judicial Professionalism with Public Participation

Core Challenge from the Comparison: This is a universal dilemma. The U.S. system prioritizes public opinion but faces efficiency concerns; the German/Japanese systems emphasize professionalism but encounter democratic legitimacy questions. China's reform must find its own balance point. The direction could involve: ensuring professional judges guide the accurate application of law while fully respecting the independent judgment of assessors on social common sense and experiential facts; providing necessary legal training for assessors without turning them into "quasi-judges."

3.3.5. Adapting to Social Culture and Legal Tradition

Insight from East Asian Systems (Japan, Korea, Taiwan): Their systems indicate that introducing lay participation into societies with a strong tradition of professional adjudication and collectivist culture requires a gradual process and system design that aligns with local conditions. China's system, rooted in its political and legal context, should continue to evolve based on its own trial practices and empirical research, rather than simply replicating any foreign model.

4. Conclusion

The fundamental inspiration from global practices is that a successful system of public participation in justice must have a clear legal positioning, substantive power guarantees, a scientific selection mechanism, and procedures that facilitate effective participation. For China, the future development of the People's Assessor system likely lies in deepening the "Chinese characteristics" of its mixed model: further clarifying the division of labor and collaboration between judges and assessors within the legal framework, strengthening the independence and substantive power of assessors, optimizing management and training mechanisms, and ultimately enhancing the judicial credibility, public acceptability, and educational function of the system. The experiences of other jurisdictions serve more as a mirror for reflection and a source of methodological inspiration rather than a blueprint for direct copying.

References

- [1] Mirtha Elena Medina Seminario & Cesar Augusto Vasquez Arana, Modified Jury System, 2010 LEX 201 (2010).
- [2] Keerthi Reddy, The Jury System in India as British Legal Transplant: A Study, 21 SUPREMO AMICUS [444] (2020).
- [3] Wang, Yaming. A Foreign Mirror of Jury System Models. Journal of Beijing Administrative College, 2017, (2):p.19-28.
- [4] Liu, Linna. The Enlightenment and Reference of the French Jury System for Serious Crimes. Political Science and Law Forum, 2012(2),p.93-100
- [5] Guo, Xianghong. The Establishment and Practice of the Modern Russian Jury System. World History, 2012, (4): p.34-46, 158.

- [6] Wang, Xigen. Comparison and Commentary on Jury Systems: Taking the Models of Japan, South Korea, and the Taiwan Region as Samples. *Law and Social Development*, 2015, 21(2): p.121-135.