

Perceptions of the Korean Jury System: Current Status and Challenges

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Abstract

Jury trials was introduced and enforced in South Korea as of 2008 in order to increasing democratic legitimacy and trust in the judiciary, yet it is facing challenges, specifically low implementation rates and high exclusion rates. Potential reasons for these issues are limitations inherent in the system, low awareness among the public, and the tendency of law professionals to avoid jury trials. This study examined the perceptions of legal professionals, the general public, and jurors using a survey. Results showed that legal professionals do not prefer jury trials and think that jury trials do not fit the current Korean judicial system while the majority of citizens are in favor of the jury system. Based on the survey results, we emphasize the necessity of active efforts for a legislative resolution on the final form of jury trials and its implementation in the court system.

Keywords:

jury trial, Korean jury trial, Citizen's participation in criminal trials, jury, criminal trials

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INTRODUCTION

Traditionally, the Korean judicial system has adopted a continental criminal justice system based on the decision-making of judges. All questions of law and fact were decided by judges in South Korea until February 2008, when the country took the bold step of introducing jurors into the judicial system (Valerie, 2014). Prior to the introduction of juries, there was controversy over whether judges were making their decisions independently and fairly, as well as whether justice was being done. In the midst of this, jury trials were introduced as part of judicial reform. The jury trial (also being referred to as “Citizen's participation in criminal trials” in the statutes in Korean) was introduced with the aim of attaining national and participatory democracy and securing the democratic legitimacy of justice. These goals drew keen attention from the public, domestic academia, professionals in the field, and foreign scholars (Park et al., 2019).

The introduction of the jury trial in Korea is perceived as having tremendous achievement in terms of increasing democratic legitimacy and trust in the judiciary (Jeong, 2020). Although empirical data have indicated that Korean citizens are competent to make valid legal decisions, the jury's verdict remains advisory. From 2015 to 2020, the judge's decision and the jury verdict were consistent in 90% of cases conducted through jury trials.¹ These judge-jury agreement rates are higher than those of found in the United States, given that a replication of the Chicago Jury project (Kalven & Zeisel, 1966) by Eisenberg et al (2005) revealed that the rates of agreement between judges' and juries' decision were over 70 percent. The fact that the judge, using his professional expertise, and the jury, using their general knowledge, came to the same conclusion, is evidence that the public is indeed able to reach an expert-level conclusion. Substantial agreement between judges and juries is a promising signal, as such factors implies that the jury's decision on the case are made as close as possible to and capable of supporting either conviction or acquittal (Eisenberg et al., 2005).

Nevertheless, as of 2021, judge exclude 30 percent of jury trial cases for exclusion reasons, 4 cases per 10 cases were withdrawn (Park et al., 2019). Some do not hesitate to make the criticism that the Korean jury system is a staged, token jury system, as it

¹ According to the Supreme Court's state audit data in South Korea, the concordance rate between judges and juries was 95.6% in 2015, 92.5% in 2016, and 93.9 in 2017, 97.2% in 2018, 97.1% in 2019. A member of the Democratic Party received the data from the Supreme Court and disclosed it to the media, available at <http://www.dynews.co.kr/news/articleView.html?idxno=601746> (last visited Nov, 17, 2022).

incorporated elements of the U.S jury system and the German lay assessor system. One of the main reasons that the Korean jury system is criticized is that the jury's verdict is advisory rather than mandatory (Kwon, 2017). Although there has yet to be any decision as to whether jury recommendations will ever be mandatory, it seems highly unlikely that the ability of judges to disregard jury recommendations could be successfully eliminated through a constitutional argument (Park, 2010). The Korean constitution specifies that a judgment must be made by a judge, so the use of lay citizens to arrive at a verdict might violate the constitution, as well as the rights of criminal defendants.² On the other hand, some insist that since it is stipulated that "the qualifications of judges are determined by the law," it is difficult to find an inevitable reason to limit judges to professional judges. In this point of view, jurors are "national authority that exercises judicial power" which also included in the composition of the court (Son, 2021).

Jury trials have now been held in Korea for 18 years. It is time for an interim evaluation of the current status of the Korean jury trial system, the perceptions of legal professionals, the general public, and jurors, and the limitations of the system. There should be a determination on whether to maintain the jury trial system or to improve the current law and practice. To accomplish these goals, this study used available statistical data to determine the impact of the use of the jury trial in Korea and how the system has performed. If the jury system is inappropriate under the current Korean legal system, that is not associated with greater confidence and trust in the criminal justice system in general, it is necessary to seriously consider whether it is desirable to maintain the system as it is. This study starts from the necessity of systemic inspection of the jury trials and tries to examine the implementation process as a whole. Based on this, the authors suggest specific suggestions that urge specific actions to be taken with regard to policy, practice, and subsequent research.

² The Korean constitution specifically says that everyone must be tried by a judge. See: Constitution of the Republic of Korea. Article 27 (1) All citizens shall have the right to be tried in conformity with the Act by judges qualified under the Constitution and the Act.

KOREAN CITIZEN'S PARTICIPATION IN CRIMINAL TRIALS

History of jury trials in Korea

South Korea's criminal justice system has undergone rapid changes, from its time as a war-torn colony (Korea was a colony of Japan from 1910 to 1945), to authoritarian rule in the 1970s and early 1980s, to a peaceful, vibrant democracy (Kim, 2019). Korean law was greatly influenced by Japanese law, because the individuals who had acted as members of the judiciary under Japanese colonial rule also constituted the judiciary immediately after the establishment of the Korean government (Lee, 2012). It is undeniable that important changes of legal system and power attribution came with colonial changes of judiciary administration (Lee, 2007). For instance, when the country is annexed to Japan on August 29, 1910, the three-tier, three-instance system was introduced on March 18, 1912. This system remained intact even after the independence of the judiciary was assured by the Constitution of the Republic of Korea promulgated on July 17, 1948 (Supreme Court of Korea, n.d.-b). Also, except in some areas of public law, including administrative law, the Civil Code of the Republic of Korea enacted in 1960 and the Criminal Act enacted in 1958 mostly adopted the principles of Japanese law. At the same time, Korean legal system was also greatly influenced by the common law system as well, which has its basis in the English adversarial system. In particular, in the case of the constitution, the influence of the US military government after liberation, but also the influence of Syngman Rhee, the first president who studied in the United States, a country with British and American law, was greatly influenced. During the U.S. military regime from the liberation in 1945 to 1948, the U.S. law applied to South Korea has been accepted by the Korean legal system mainly in the commercial law and international legislation after the 1960s and 1970s after the Korean War. After the collapse of the Cold War composition in the 90s, with the expansion of US political, economic, social and cultural forces, US legislation began to have an overall impact on our legal system, the extent and strength of its influence also increased (Lee, 2022).

The Republic of Korea adopted the continental inquisitorial system from Japan, which Japan had modeled from Germany (Kwon, 1996). This system relies on a neutral inquiry conducted and controlled by judicial officials, with the ultimate fact-finder in the dispute resolution process being the inquisitorial judge. Judges play a central role in

the collection and evaluation of evidence before the trial begins and determine the weight to be assigned to the evidence based on its reliability and credibility (Ainsworth, 2017). This active role in the inquisitorial system grants the judge more power than in the common law system (Dammer & Albanes, 2014).

Because of incidents of judicial corruption, for example, giving suspended sentences or presidential pardons to corporate leaders, political interference, and bribery (Kwon, 2017), the Korean judiciary formed the Judicial System Development Committee on the 100th anniversary of the Modern History Act in 1993. This committee began to work on judicial reform to combat the widespread public perception of judicial corruption, unfairness, and lack of independence, as well as to provide more transparency. The formation of this committee was continued in the discussions of the Judiciary Reform Promotion Committee, a presidential advisory body formed at the time of the Kim Dae-Jung government (1998-2003). At that time, the committee began discussions on promoting reforms of the judicial system in general, with “a plan for the people to directly participate in trials” as one of the judicial reform issues. It was argued that the competency of Korean citizens had grown enough to entrust part of the trial to them and, in order to ensure the participation of the people in the judiciary, a jury trial system should be introduced. On January 2, 2003, the Supreme Court established a Judicial Reform Committee under its jurisdiction to establish the general direction of the agenda on judicial reform, including citizen participation in the judicial system (Supreme Court of Korea, n.d.-a). Accordingly, the Judicial Reform Committee held 13 plenary meetings on the theme of introducing citizen participation and adopted a proposal in late 2004 (National Judicial Participation Committee, 2013). The proposal suggested that instead of deciding on a single basic model, a first stage of citizen participation in criminal trials should be developed and implemented, and based on the results, the final format should be settled by 2012 at the latest (Judicial Development Committee Expert Member Study Group 1, 2018).

Meanwhile, it was also suggested that it was necessary to establish an organization under the president to systematically promote the proposals of the Judicial Reform Commission. Therefore, the Judicial Reform Committee established a planning and promotion team that studied the jury trial and collected opinions from outside experts and the public (Judicial System Reform Promotion Committee, 2006). Based on this, a bill comprised of 60 sections was written and submitted to Congress, and the “Act on Citizen Participation in Criminal Trials” was enacted on June 1, 2007, with the effective date set for January 1, 2008 (National Judicial Participation Committee, 2013). On

February 12, 2008, finally, the Daegu District Court held the historic first jury trial.³ The defendant was indicted on charges of robbery and injury, and admitted to robbing an older woman, saying that he did so because he and his younger sister needed money to pay debt collectors who were threatening them. The prosecution urged the jury to apply the law regardless of his predicament, while the defense argued for leniency. In the end, the jury voted unanimously and found the defendant guilty, sentencing him to 30 months of probation. The judge accepted the jury's recommendation.

Despite a great deal of effort by many parties, a permanent constitutional amendment on the inclusion of jury trials in the Korean judicial system has not yet been made (Park et al., 2019). The Supreme Court established the Korean Jury Trial Committee on July 12, 2012, and after about six months, on January 18, 2013, the Ministry of Justice submitted the revised amendment stipulated final format of jury trial to the Committee; ① If unanimity is not reached, the current simple majority jury verdict will be eliminated and the jury verdict will be changed to a majority of 3/4 or more. ② If it is not in violation of the Constitution or laws, etc., in principle, the verdict of the jury will be respected. ③ Jury trials are held at the request of public prosecutors or public prosecutors even if the accused does not file an application.

Nevertheless, the Ministry of Justice independently revised and submitted an amendment to the Korean Jury Trial Committee on June 12, 2014, and the revised measures proposed to reduce or curtail citizen participation in criminal trials; The revised or added contents are ① exclusion from the subject matter of the controversial public office election law violation case, ② granting of the right to apply for exclusion decision by prosecutors, ③ expanding the grounds for rejecting the jury verdict, ④ deletion of citizen participation trial implementation method by court's ex officio rights (Lee, 2015). The government and the Korean Jury Trial Committee failed to reconcile the two proposals, and the 19th National Assembly ended its term of office. In the 20th National Assembly (May 2016~ May 2020), the court and the Ministry of Justice did not submit amendments, and therefore the final format of citizen participation in criminal trials remains undecided.

³ Decision of 12 February 2008 (2008Gohap7) (Daegu District Court.)

Current status of the jury trial system

According to the Court Administration's analysis, which examined trial records for the 13 years from 2008 to 2020, a total of 7,861 cases have been filed, based on the number of defendants (Table 1, National Court Administration, 2020). There are five types of crimes that can be prosecuted in jury trials: murder, robbery, injury, sexual misconduct, and others. The first four are all considered major crimes.⁴ In 2008, the first year of jury trials, the ratio of the number of major crimes were 79.2%. However, it significantly decreased from to 35.9% in 2018. As of 2018, the rates for crimes prosecuted using jury trials were as follows: 20% for murder, 14% for robbery, 4% for injury, 14% for sexual offenses, and 46% for other crimes.

In the second half of 2012, the number of cases eligible for a jury trial increased, because the Act further extended to include certain less serious criminal cases over which a single judge usually presides (Kwak, 2018). Nevertheless, only 3.9% (6,996 cases) of total 181,472 jury trial eligible cases were requested as jury trials, indicating that jury trials were given little consideration. In 2020, the number of applications for jury trials was 865, while the number implemented was only 96 cases. Thus, the implementation rate, excluding the number of unresolved cases, was only 11.1% (=96 cases/865 cases). This is the lowest rate since the jury trial was introduced in South Korea in 2008. A similar trend can be seen in the United States, where even though the right to trial by an impartial jury is provided in the Constitution, the rate of jury trials is only 2% in 2019. As of September 2019, only 1661 (2.08%) of the 79,704 defendants were tried by jury (United States Courts, 2018). A recent study by Salerno (2020) explored the factors behind the disappearing jury trials. The survey revealed that the time and expense of jury trials, as well as pressure received from their lawyers, judges, and mediators were the obstacles in exercising the right to a jury trial. Although there may have been an impact from the COVID-19 pandemic in the past few years, the number of jury trials has been on the decline since 2014.

⁴ Limited to first criminal trials following Constitutional court decision of 2008Heonba 12 of 26 November 2009 [2009]

Table 1. Jury trial rate of use

year	application	Rate of use							
		total		Jury Trial		exclusion		withdrawal	
		case	percent	case	percent	case	percent	case	percent
2008	233	215	100.00%	64	0.30	61	0.28	90	0.42
2009	336	308	100.00%	95	0.31	75	0.24	138	0.45
2010	438	414	100.00%	162	0.39	75	0.18	177	0.43
2011	489	494	100.00%	253	0.51	63	0.13	178	0.36
2012	756	676	100.00%	274	0.41	124	0.18	278	0.41
2013	764	797	100.00%	345	0.43	118	0.15	334	0.42
2014	608	611	100.00%	271	0.44	107	0.18	233	0.38
2015	505	526	100.00%	203	0.39	106	0.20	217	0.41
2016	860	784	100.00%	305	0.39	151	0.19	328	0.42
2017	712	794	100.00%	295	0.37	195	0.25	304	0.38
2018	665	624	100.00%	180	0.29	183	0.29	261	0.42
2019	630	625	100.00%	175	0.28	187	0.30	263	0.42
2020	865	775	100.00%	96	0.12	293	0.38	386	0.50
total	7,861	7,643	100.00%	2,718	0.36	1738	0.23	3187	0.42

Ratio (%): Processing count by reason/Total number of targets* 100

Source: National Court Administration. (2020). Analysis of the results of Citizen's participation in Criminal Trial from 2008 to 2020. SUPREME COURT OF KOREA.

It should be noted that there are many instances in which the court does not accept a request for a jury trial, even if the defendant applied for one. Under the current law, a case might be excluded from being given a jury trial for various reasons, including: when there are concerns about a possible threat against jurors, when a victim in a sexual assault case prefers to have a judge rather than a jury trial, when one or more of a defendant's accomplices object, and not appropriate to have the case tried by a jury.⁵ The high exclusion rate (i.e., the number of cases excluded divided by the number of cases for application) also shows that judges are reluctant to allow jury trials. The exclusion rate started at 28.4% (61 excluded cases) in 2008, but was relatively low at 12.8% (63 cases) in 2011, and 17.5% (107 cases) in 2014. Then the rate started to grow

⁵ Statutes of the Republic of Korea. Act On Citizen Participation in Criminal Trials. Article 9 (Decision to Exclude) [2007]

to 24.6% (195 cases) in 2017 and soared to 37.8% (293 cases) in 2020 (Figure 1, see also PARK, SEO, & CHOI, 2019).

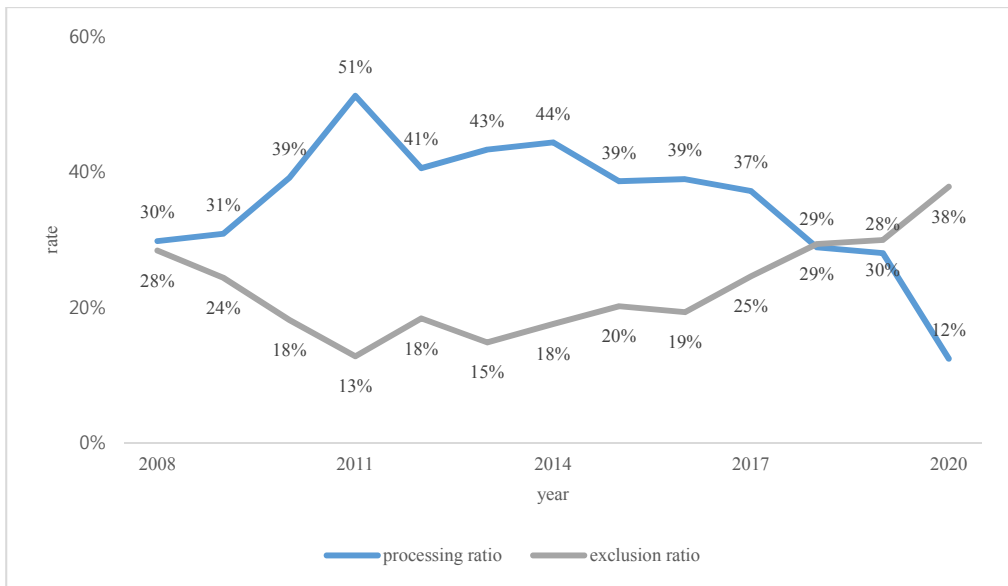


Figure 1. processing and exclusion ratio of jury trial

It is difficult to say that the jury trial is actively carried out in the judicial system in Korea due to its low implementation rate and high exclusion rate. The potential reasons for the decline since the jury trial started can be divided into 1) system limitations, 2) low awareness, and 3) law professionals' preference for conventional trials.

First, the limitations of the system are inherent in the Korean constitution and relevant statutes. The 6th Amendment to the U.S. Constitution provides for the right to a jury trial in criminal cases. On the other hand, in the case of participatory trials in Korea, it is recognized as a privilege rather than a right of the accused. Also, the South Korean constitution stipulates that a criminal defendant has the right to be judged by a judge, and therefore the right to a jury trial is not explicitly guaranteed. This leads to the issue of the legally binding force of a jury's decision, which will be discussed later.

Another potential source of the declining number of jury trials is low awareness among the general public. In a 2011 survey, the percentage of the population who said they "know" what the jury trial system was only 47.1%, less than half (Choi, 2011). According to a 2019 survey, 51.8% of the population answered that they know what the

jury trial is, only a minor increase after an additional decade of jury trials (Park et al., 2019).

Lastly, legal professionals prefer conventional trials to jury trials. Although there are several clauses in the law that stipulate the exclusion criteria for jury trials, an increasing number of exclusion decisions lack an articulable reason. The law stipulates the exclusion criteria for jury trials in Article 9, Clause 1, of the “Act on Citizen Participation in Criminal Trials” as follows: If a juror, an alternate juror, or a prospective juror has difficulties in attending a trial or is unlikely to be able to duly perform his/her duties under this Act because of a violation or likely violation of the life, body, or property of the juror, alternate juror, prospective juror, or any of his/her family members (No. 1); if some of the accomplices do not want a participatory trial and it is considered difficult to proceed to a participatory trial (No. 2); if a victim of any offence prescribed in Article 2 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes is committed, or his/her legal representative does not want a participatory trial (No. 3), and if it is considered inappropriate to proceed to a participatory trial due to any other cause or event (No. 4).⁶

In 2019, the Korean Court Administration published a report analyzing the reasons given for exclusion decisions each year. According to the report, the reason given for the largest percentage of exclusion decisions was No. 4, “any other cause or event” (74.1 %), followed by 19.4% for No. 3, and 6.4% for No. 2. Only 0.2% of the exclusion decisions were due to safety threats to jurors or concerns over the adequate performance of duties.

Table 2. Article 9, Clause 1 Cases (Exclusion Reason) Status by Year

Year	when the juror has difficulties		when the accomplices do not want		when a victim of sexual offence does not wish jury trial		when the case is inappropriate to proceed jury trial		Total
	case	percent	case	percent	case	percent	case	percent	
2008		0.0%	10	16.4%		0.0%	51	83.6%	61
2009		0.0%	20	26.7%		0.0%	55	73.3%	75
2010		0.0%	8	10.7%		0.0%	67	89.3%	75
2011	1	1.6%	3	4.8%		0.0%	59	93.7%	63
2012		0.0%	2	1.6%	27	21.8%	95	76.6%	124

⁶ Act on citizen participation in criminal trials, Act No. 14839 [2017]

Year	when the juror has difficulties		when the accomplices do not want		when a victim of sexual offence does not wish jury trial		when the case is inappropriate to proceed jury trial		Total
	case	percent	case	percent	case	percent	case	percent	
2013		0.0%	7	5.9%	37	31.4%	74	62.7%	118
2014		0.0%	10	9.3%	37	34.6%	60	56.1%	107
2015		0.0%	9	8.5%	39	36.8%	58	54.7%	106
2016		0.0%	4	2.6%	31	20.5%	116	76.8%	151
2017		0.0%	6	3.1%	45	23.1%	144	73.8%	195
2018	1	0.5%	1	0.5%	28	15.3%	153	83.6%	183
Total	2	0.2%	80	6.4%	244	19.4%	932	74.1%	1,258

Source: Korea Court Administration, Performance Analysis 2019

As mentioned above, No. 4, “any other cause or event,” accounts for most of the exclusion decisions, and this was criticized for being an overly broad and unclear standard, and for resulting in arbitrary exclusions from jury trials (Kim & Sook, 2009). These criticisms led to the Supreme Court made the revision of the “Rules for the reception and handling of Citizens’ Participation in Criminal Trials” on April 7, 2010 (Park et al., 2019). The revised Supreme Court regulations added details to the No. 4 category, specifically the following: if additional prosecutions involving the same case are expected, there is concern about the mental ability of the defendant, or if proceeding to a jury trial might infringe on the defendant's right to a prompt trial (Article 6, Clause 4). These changes at first seemed to have worked, as exclusions under No. 4 declined sharply in 2011. However, this did not last long. The number of cases excluded from jury trials recently increased greatly to 151 in 2016, 195 in 2017, and 183 in 2018. The courts apparently prefer conventional trials over jury trials, based on their use of the broad, abstract exclusion criterion No. 4, which allows them reject an application for a jury trial without a specific reason. Legal experts argue that an exclusion decision based on concerns over delay is an arbitrary judgment of the court, which prevents citizen participation in the judicial process (Sim, 2019).

Disappearing jury trial: potential reasons

In order to encourage the use of jury trials, it is urgent to improve the jury system and awareness of juries among legal professionals. The more trust they have in jury trials and jurors, the more jury trials will be utilized. However, some Korean law professionals have voiced their doubts about the capacity of lay citizens to decide criminal cases in accordance with the facts and the law (National Judicial Participation Committee, 2013). The main argument is that, unlike the United States, which has a common law system, South Korea has a statutory law system, and so is fundamentally limited in its ability to implement jury trials.

The figures show that legal professionals have been dissatisfied with the verdicts reached in jury trials. According to the research report “2008-2019 Citizen Participation in Criminal Trials,” the appeal rate by prosecutors in cases tried by juries was 80.3%, compared with 63.5% in ordinary cases (Ministry of Justice Korea, 2020). Interestingly, the likelihood of a jury’s decision being overturned by the appeals court is lower than the likelihood of a judge’s decision from a traditional trial being overturned. Only 29.2% (438 cases) of the 1,495 jury trial decisions that were appealed were reversed and remanded. This is 10%p lower than the 41.0% of ordinary criminal trial decisions that were overturned on appeal during the same period. In addition, 25% (374 cases) of the jury trial decisions were reversed and remanded on appeal, and only 17.7 % (264 cases) had the sentence length reduced from what was applied in the trial court. The high appeal rate by prosecutors may be one of the reasons for the debate over the credibility of participatory trials. However, the fact that the reversal rate for jury trial decisions in the Court of Appeals is lower than for conventional trials suggests that the outcomes of participatory trials are in fact reliable.

Sim (2019) has been reported that one segment of legal professionals, defense attorneys, are also reluctant to apply for jury trials. According to a survey conducted by the “Judicial Development Committee,” only 7.7% of defendants were advised to apply for a jury trial by their lawyers (National Judicial Participation Committee, 2013). Among defendants who applied for a jury trial, only approximately 25% indicated that an application was made at the recommendation of their defense attorneys.

One of the major concerns that legal professionals have about jury trials is the legal understanding and judgment of the jurors, specifically that jurors would not fully understand the evidence in complex cases, and even if they did, they would not apply the law properly. Contrary to these concerns, it was found that jurors do have a good

grasp of legal concepts, according to Kim et al. (2013). In this study, the researchers examined jury trials conducted during the first three years after the introduction of the jury system in South Korea. They analyzed 323 trials and found that only 0.09% (28 cases) showed judge-jury disagreement, and the complexity of the case did not significantly affect judge-jury agreement. It was also found that jurors were able to understand the evidence and properly serve as fact-finder's when compared with judges.

The jury trial was introduced with the ambitious purpose of enhancing public trust in the judiciary and the democratic legitimacy of trials (Hong, 2014). If legal professionals are not interested in the jury trial, it is unlikely that the system will be able to be revitalized. In order to increase the use of the jury trial and to achieve the goals of implementing this system, it is necessary to analyze how the relevant legal professionals perceive jury trials and what attitudes they have towards them.

The present study attempts to compare the perceptions of legal professionals, jurors, and the general public regarding jury trials. Furthermore, the author discusses how different groups of individuals evaluate jury trials, as well as how much they trust them.

EMPIRICAL RESEARCH ON PERCEPTIONS OF THE JURY TRIAL

Materials

The data used in this study are from a research report titled "Koreans' Views on Crime and Justice (XIII) – 10 years of implementation of civil participation in criminal trials, and related policy plan," published by the Korean Institute of Criminology in 2019 (Park et al., 2019). This research investigated the perceptions of the general public, jurors, and legal professionals regarding jury trials. The data collection was conducted in 2019 to commemorate the 11th anniversary of the Korean jury trial. The research data was made publicly available in 2021, and current manuscript re-analyzed based on the published data.

Judges

For the research report, the researchers observed jury trials and then distributed questionnaires to the judges. After the final verdict of the trial was made, the researchers

collected the questionnaires or requested that they be returned by mail if it was not possible to retrieve them at the site. A total of 19 trials were observed and investigated from May 20, 2019, to July 24, 2019. The first trial observed was at the Daejeon District Court and the last was at the Incheon District Court. In total, 38 questionnaires were collected. Three questionnaires from the Daegu District Court on June 4 were excluded, because the questions and answer options were distinctly different from the final questionnaire. Additional data collection was conducted with questionnaires that were distributed to courts across the country by mail. A total of 23 such postal surveys were conducted. Thus, a total of 61 questionnaires from judges were included in the final analysis.

Prosecutors and defense attorneys

Prosecutors and defense attorneys refused to take surveys after the jury trials. Therefore, questionnaires were sent by mail to the prosecutors in charge of public participation trials in each district prosecutor's office and to the prosecutors who participated in jury trials. The survey period was June 14 to July 18, 2019, and a total of 52 questionnaires were collected. The survey for defense attorneys was conducted from June 21 to August 14, 2019, and a total of 3,892 public defenders and 232 private defense attorneys were surveyed through the Judicial Support Office of the Supreme Court Administration Office. Although it appears that many private defense attorneys responded to the survey, this was not actually the case. Rather, attorneys who were registered as public defenders but who had no experience defending cases before a jury were marked as private attorneys when answering the questionnaire.

Table 3. Demographic information of legal experts in the survey

Types		judge	prosecutor	attorney	total
Gender	male	44(72.1)	27(51.9)	139(57.7)	210(59.3)
	female	8(13.1)	24(46.2)	102(42.3)	134(37.9)
	non-response	9(14.8)	1(1.9)	-	10(2.8)
Age	20s	-	-	-	-
	30s	21(34.4)	38(73.1)	112(46.5)	171(48.3)
	40s	21(34.4)	13(25.0)	94(39.0)	128(36.2)
	50s	6(9.8)	-	32(13.3)	38(10.7)
	over 60s	-	-	3(1.2)	3(0.8)
	non-response	13(21.0)	1(1.9)	-	14(4.0)

Types		judge	prosecutor	attorney	total
work experience	less than a year	0(0.0)	1(1.9)	15(6.2)	16(4.5)
	1-3 years	10(16.4)	1(1.9)	19(7.9)	30(8.5)
	3-5 years	10(16.4)	2(3.8)	62(25.7)	78(22.0)
	5-10 years	7(11.5)	27(51.9)	89(36.9)	123(34.7)
	over 10 years	22(36.1)	20(38.5)	54(22.4)	96(27.1)
	non-response	12(19.7)	1(1.9)	2(0.9)	15(4.2)
	mean	9.24	8.37	6.57	7.23
	median	7.00	8.00	5.00	6.00

General public and jurors

To investigate the general public's perception of the participatory trial system, a self-reported questionnaire was given to 518 men and 524 women between the ages of 19 and 70. This survey was conducted in the form of an online survey through a research company, and the survey period was from June 21 to August 14, 2019.

In the case of jurors, the research team observed jury trials and questionnaires were distributed to and collected from the jury after the final verdict. The investigation period was from May 20 to July 24, 2019, and jurors in 19 trials in 8 district courts were surveyed. A total of 138 questionnaires were collected and 122 were analyzed, with 16 being excluded because they were collected incorrectly.

Table 4. Demographic information of general public and juror

Types		General public	juror
Gender	male	518(49.7)	58(47.5)
	female	524(50.3)	56(45.9)
	non-response	-	8(6.6)
Age	20s	207(19.9)	34(27.9)
	30s	213(20.4)	21(17.2)
	40s	210(20.2)	30(24.6)
	50s	212(20.3)	14(11.5)
	over 60s	200(19.2)	9(7.4)
	non-response	-	14(11.4)

Types		General public	juror
Education	Junior high schools	14(1.3)	2(1.6)
	Senior high schools	271(26.0)	32(26.2)
	University	682(65.5)	62(50.8)
	Graduate school	75(7.2)	13(10.7)
	Non-response	-	13(10.7)

Methodology

Current study uses statistical tools including the Kruskal-Wallis test, chi-square test, and Analysis of Variance (ANOVA) test. Here, different tools were used to analyze according to the form of the data. The chi-squared and ANOVA used when there is at least one categorical variable and one continuous dependent variable, respectively. Those two statistical tests are used to determine if the relationships among variables between groups that in current data are occurring in the entire population. In addition, the Kruskal-Wallis test (1952), which is a nonparametric approach to the one-way ANOVA, was performed as well when the dependent variable is an ordinal variable and the comparison group is two or more groups.

Survey results

Perception of jury trials

(a) *Legal professionals*: The perceptions of legal professionals regarding jury trials were examined. It was found that most legal professionals preferred the conventional trial over the jury trial. Specifically, 94.5% of judges, 100% of prosecutors, and 85.7% of defense attorneys indicated that they preferred conventional trials over jury trials.⁷

⁷ Although the meaning of word ‘prefer’ may vary depending on how people interpret it, the authors tend to investigate general public and legal professional perception toward jury trial, thus asking if they hold preferences for trial by jury in the Korean legal system.

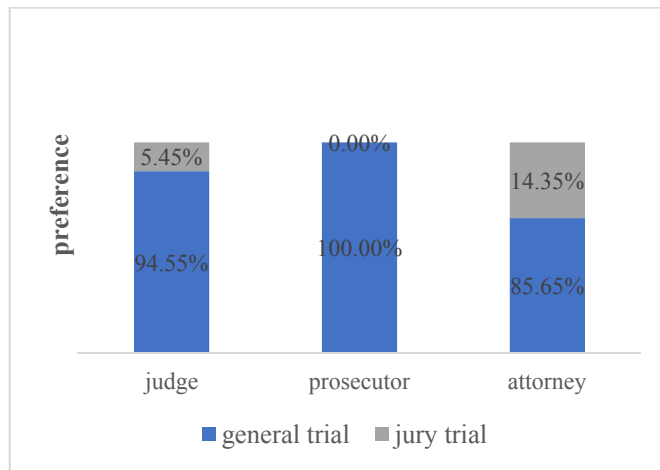


Figure 2. Preferred trial types of legal experts in the survey

Interestingly, as noted, all 52 prosecutors surveyed preferred the conventional trial. This preference of prosecutors is also evident when evaluating the opinions of legal professionals as to whether the jury trial is achieving its original purpose of enhancing the democratic legitimacy and credibility of the judiciary. Judges and defense attorneys felt that jury trials have been achieving their goals, whereas almost all prosecutors felt that they did not. Specifically, judges were the most likely to agree with the statement “the jury trial system is suitable for our judicial system” (44.1%), followed by defense attorneys (32.9%), while prosecutors agreed at a much lower rate (3.3%). Additionally, judges were most likely to agree with the statements that “jury trials secure the democratic legitimacy of the judicial system” (78.0%) and that jury trials “build trust in the law” (76.3%). The item most agreed upon by all three legal professional groups was that the jury trials “contribute to the improvement of public awareness of the law and legal education” (81.1% of judges, 69.3% of prosecutors, and 78.3% of defense attorneys). The Kruskal-Wallis H test was conducted to see if there were any statistical differences between the groups. All survey items were found to be statistically significant, which indicates that there are differences among the three legal professional groups on the survey items.

Table 5. Mean value comparison of the purpose of the jury trial

survey items	judge	prosecutor	attorney	Kruskal-Wallis test
Jury trials are suitable for our judicial system.	2.36	1.69	2.24	H(2)= 31.801***
Jury trials was successfully established within the judicial system.	2.27	1.92	2.12	H(2)=6.769*
Contribute to securing the democratic legitimacy of the judicial system	2.88	2.46	2.78	H(2)= 10.313**
Contribute to building trust in the law.	2.88	2.27	2.74	H(2)= 19.783***
Contribute to the protection of human rights for the accused.	2.61	2.19	2.63	H(2)=14.431***
Contribute to the improvement of public awareness of law and legal education.	3.07	2.69	2.97	H(2)= 8.108*

*p<0.05, **p<0.01, ***p<0.001

(b) *General public and jurors*: The general public thought that they had an average level of knowledge about jury trials, as reported in the questionnaires. Specifically, 87.6% of them reported that they “know roughly” about jury trials, 7.3% answered that they “know in detail” about jury trials, and 5.1% answered that they “do not know at all” about jury trials.⁸

In the case of jurors, they were asked if they knew about the jury system before participating in the jury trial. Like the general public, most jurors were unaware of the system until they participated in a trial. The response “knew roughly” about jury trials was the highest with 76.8%, followed by “did not know at all” at 17.3%, and “knew in detail” at 5.7%. Taken together, the general public and the jurors answered “know roughly” the most.

⁸ ‘Know roughly’ in the survey item was meant to ‘knowing the existence of jury trial, without complete understanding of it’. Here the author uses the simple phrase ‘know roughly’ for better readability.

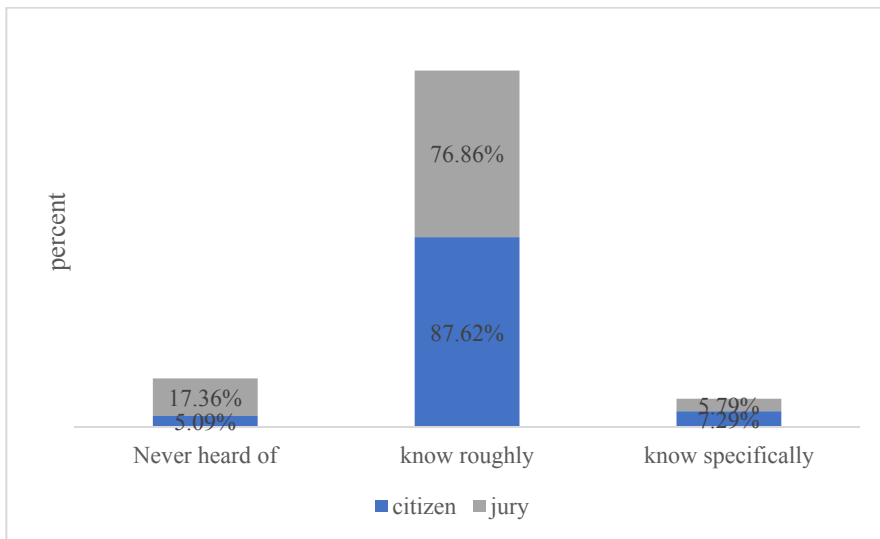


Figure 3. Awareness of the jury trial system

Since awareness of jury trials could vary according to gender, age group, and educational level, the author analyzed whether awareness depended on these demographic variables. It was found that there was a statistically significant difference in awareness according to educational level ($F(3, 1038)=3.01, p=.029$). Specifically, the more educated the citizens were, the more they knew about jury trials. There was no difference in the general public's awareness of jury trials according to gender ($t(1040)=.450, p=.653$) or age group ($F(4, 1037)=1.081, p=.364$).

Similarly, the jurors' awareness of jury trials prior to their participation also varied only according to educational level ($\chi^2(9) = 18.114, p<.05$). There was no difference in awareness according to gender and age ($ps>.30$). The higher the educational background, the lower the percentage of respondents who said they "did not know jury trial at all."

Evaluation of jurors' decision-making process

(a) *Legal professionals*: Legal professionals did not have high confidence in the jury's verdicts. However, prosecutors felt that the jurors' judgment process was less reliable than judges and defense attorneys did. Among legal professionals, 51.2% of defense attorneys viewed the jurors' understanding of complex trials positively, compared to 36.4% of judges, and 9.6% of prosecutors. On the other hand, 80.7% of prosecutors agreed with the statement "jurors made their verdict based on prejudice or emotion," while only 52.4% of judges and 42.5% of defense lawyers did. Additionally,

defense attorneys thought that jurors were more likely to be affected by the judge's "attitudes, speech, and the way the judge conducts the trial." Regarding the influence of prosecutors and defense lawyers, all three groups expected the jurors to be affected (above average 80%), and there was no statistically significant difference among the groups. Finally, regarding whether the jurors were biased, the percentage of legal professionals who answered "no" was higher than those who answered "yes."

Table 6. Mean value comparison of jury decision process by legal experts

survey items	judge	prosecutor	attorney	Kruskal-Wallis test
Even if there is a lot of evidence and a lot of issues, the jury understands it well.	2.31	1.85	2.48	H(2)=29.169***
The jury bases their verdict on preconceived notions or emotions rather than objective evidence.	2.45	2.90	2.40	H(2)=21.094***
The jury takes precedence over the judge's opinion during the trial process.	2.5	2.73	2.78	H(2)=6.922*
jurors tend to consider only direct evidence as evidence of guilt.	2.4	2.80	2.37	H(2)=15.567***
The jury lacks objective standards or knowledge about sentencing.	2.76	3.00	2.72	H(2)=6.345*
The jury is influenced by the judge's speech.	2.79	3.02	3.05	H(2)=7.002*
The jury is influenced by the way the judge conducts the trial.	2.79	3.13	3.10	H(2)=12.795**
The jury is influenced by the judge's attitude.	2.81	3.10	3.17	H(2)=13.190***
The jury is affected by the attorney's abilities and the way they plead.	3.02	3.15	3.05	H(2)=1.123
The jury is affected by the prosecutor's ability or the way he pleads.	3.04	3.10	3.03	H(2)=.472
Jurors have a guilty bias.	2.13	2.02	2.50	H(2)=22.954***
Jurors have an innocence bias.	2.15	2.35	1.98	H(2)=15.713***

*p<0.05, **p<0.01, ***p<0.001

(b) *General public and jurors*: The opinions of the general public and the jury on the jury deliberation process were somewhat differentiated. The general public were asked to indicate how much the jurors will be able to express their opinion in the verdict. 77.8% of the general public responded that the jurors speak up and express their opinion. In actual trial proceedings, jurors express their opinions more actively than the general

public expected, as 95.5% of jurors stated that they expressed their opinion. Thus, it is found that the jurors were able to fully express their opinions in coming to their verdicts, much more than the general public expected. The difference between the two groups was statistically significant ($\chi^2(1)=19.58, p<.01$).

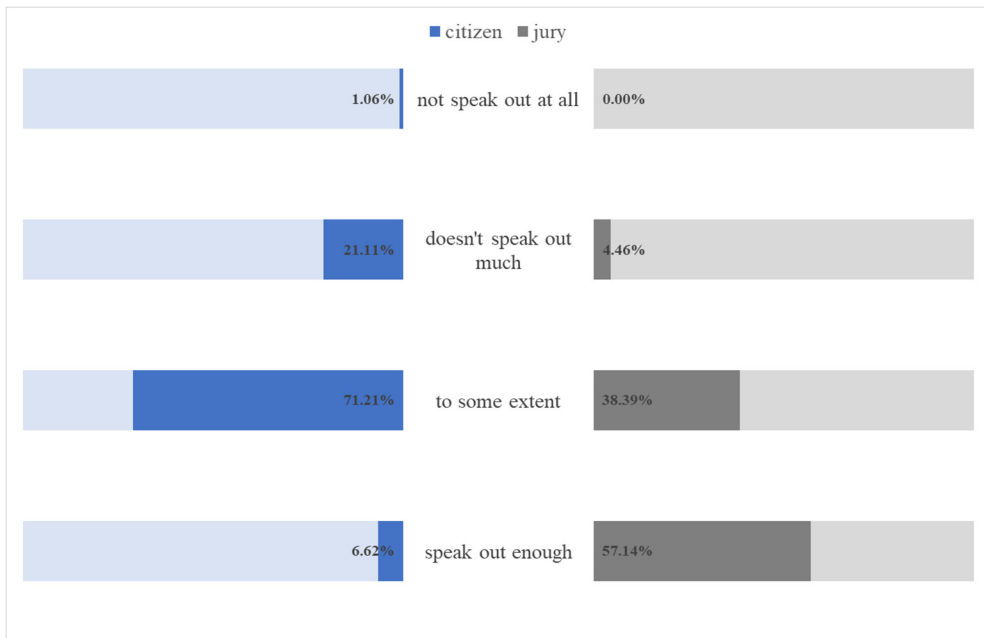


Figure 4. Expectation and actual evaluation of the extent to which the jury expressed their opinion in the verdict

The general public thought that the jury would have difficulties in the trial process. However, compared to the expectations of the general public, where most of them expected that the jurors would have difficulty in reaching a verdict (79.2%), only 65.2% of the jurors answered that it was difficult to come to a verdict of not guilty.

Table 7. Mean value comparison of difficulty of deciding the verdict

	very difficult	a bit difficult	not difficult	not difficult at all	total	(df) χ^2
citizen	133 (12.8)	692 (66.4)	204 (19.6)	13 (1.2)	1042 (100.0)	(1) 27.23 **
jury	26 (23.2)	47 (42.0)	27 (24.1)	12 (10.7)	112 (100.0)	

n/a(jury): 10, * $p<0.05$, ** $p<0.01$

Evaluation of the verdicts

(a) *Legal professionals*: Legal professionals were asked to appraise the juries' verdicts. It was found that judges and defense lawyers evaluated jurors' verdicts more positively than prosecutors. Specifically, 80.0% of judges and 85.0% of defense lawyers agreed with the jury verdict "in general," whereas only 46% of prosecutors agreed with it. This trend was also found in jurors' sentencing decisions. While more than half the judges (71.0%) and defense attorneys (76.2%) found the jurors' verdicts reasonable and satisfactory, only 32.7% of prosecutors thought so. Regarding the consistency and predictability of the jurors' verdicts, judges (44.4%, 43.6%, respectively) and defense lawyers (53.1%, 43.8%, respectively) gave more moderate evaluations compared to other questions than the prosecutors (28.8%, 17.3%, respectively).

Table 8. Mean value comparison of jury's verdict by legal experts

survey items	judge	prosecutor	attorney	Kruskal-Wallis test
<i>Agree with the jury verdict in general</i>	2.89	2.37	3.00	H(2)=30.707***
<i>Agree with the jury's sentencing decision in general</i>	2.71	2.46	2.76	H(2)=6.520*
<i>Jurors' verdict is reasonable and satisfactory</i>	2.75	2.19	2.89	H(2)=31.569***
<i>Jurors' sentencing decision is reasonable and satisfactory</i>	2.62	2.37	2.69	H(2)=7.216*
<i>Jury's judgment is consistent</i>	2.44	2.12	2.56	H(2)=11.964**
<i>Jury decisions are predictable</i>	2.4	1.9	2.43	H(2)=18.897***

*p<0.05, **p<0.01, ***p<0.001

(b) *General public and jury*: Regarding the final verdict, the opinions of the general public and the jury in actual trial proceedings were differentiated. First, in regards to achieving consensus, only 50.2% of the general public expected that jury members would reach a consensus. On the other hand, in actuality, 67.0% of jurors answered that their jury's final verdict was unanimous (not shown in the table). This shows that jurors produce a unanimous verdict and the figure slighter higher than the expectation of the general public. Meanwhile, in principle, a jury trial must reach a unanimous decision, but there are cases in which disagreements exist. In such a case, the jury can decide by a majority vote after hearing the judge's explanation. Although the court cannot be involved

in the jurors' deliberation process, the judge's opinion can certainly have an influence. Therefore, this study examined how much the jury is affected by the judge's opinion.

It was found that regarding to judges' opinion on the jurors' verdict, the general public expected that the influence of the judge's opinion on the juror's verdict would be high, as 86.4% agreed with the statement "judges affect jurors", while 74.3% of the jurors in actual trial proceedings did so. The difference between the two groups was statistically significant ($\chi^2(1)=11.64, p<.01$). In addition, only 1.06 percent of the general public thought that the judge's influence would not affect at all, while 12.8 percent of jurors agreed.

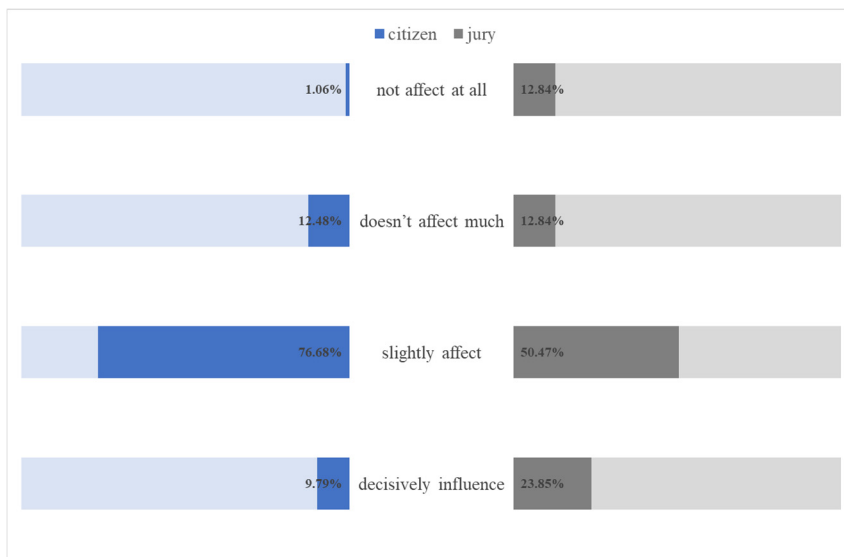


Figure 5. Expectation and actual evaluation of the extent to which the judge influence on the juror's verdict

CONCLUSION

The purpose of this study was to examine the present state and future of participatory trials in Korea by examining the history, the current situation, and the perceptions of the participants. To this end, based on the available statistical data, the author examined how current jury trials are being operated and we examined how each group that participates in jury trials evaluates the system through a survey of judges, prosecutors,

defense attorneys, the general public, and jurors.

The percentage of criminal cases resolved through jury trials has been decreasing since 2017. The reason for this is that the driving force to perpetuate the system has disappeared, and inherent limitations in the relevant statute, the low public awareness of jury trials, and the reluctance of legal professionals to participate in jury trials are potential factors.

A major limitation of the system is the court's broad discretion to choose conventional criminal trials by arbitrarily refusing applications for trial by jury. This seems to be related to the fact that in South Korea, fact-finding proceedings continue through all levels of the judicial system, from the initial trial stage to the Supreme Court, unlike in the United States, where the opportunity for fact-finding is limited to the initial trial. As a result, it seems that legal professionals believe that there is no substantive benefit to using a jury in the first trial. Likewise, due to the fact-finding proceedings of the judicial system the jury's decision has no binding force but to have an advisory opinion to the judge. Even if the court accepts the jury's decision in the initial trial, there is possibility that this decision will be overturned in the appeals court and Supreme Court. Therefore, jury's advisory opinions carry little legal weight and authority.⁹

The survey results clearly indicate that legal professionals do not prefer that jury trials over conventional trials. A majority of all three groups, defense lawyers, prosecutors, and judges, thought that the jury system was not appropriate for the current judiciary system in Korea and did not favor it. Looking at the legal professionals' evaluations of the jury's verdict, it can be seen that trust in the jury's verdict is still not high. In particular, prosecutors find the jury's judgment process less reliable than do judges and defense lawyers. Finally, legal professionals were not confident in the jury's understanding of complex trials, and in the case of prosecutors, a large percentage believed that the jurors based their decisions on prejudice or emotion.

⁹ Although current Korean jury delivers an advisory rather than binding verdict, Supreme Court has issued a precedent that requires a court of appeals to give great deference to a jury's verdict (Supreme Court Decision 2009Do14065 Order of 25 March 25, 2010 [Injury by Robbery, Aiding or Abetting Escape of ...the Road Traffic Act Unlicensed Driving]).

In case where the jury participated in the whole process of witness questioning and the verdict of acquittal by unanimous opinion as to the adoption of evidence such as credibility of witness statement and fact-finding corresponds to the trial bench's belief and is adopted as it is, the first instance court's determination as to the adoption of evidence such as credibility of witness statement and fact-finding should be respected all the more in light of the purport and spirit of the direct and open trial priority unless sufficient, convincing and clearly opposite evidences appear through evidence questioning of the appellate court.

On the other hand, there were positive views about the jury system itself. A large percentage of legal professionals believed that this system would help to increase the legitimacy, fairness, and transparency of the judicial system. All three legal professional groups believed that jury trials contribute to increased public awareness of the law and legal education. Jurors also indicated that they expressed their opinions thoroughly during the decision-making process, and most of the final decisions of the juries were unanimous, which shows that, contrary to the concerns of legal professionals, the jury can be an independent decision-maker.

The survey results of legal professionals seem rather contradictory. On the one hand, legal professionals do not favor the jury trial and question the jury's decision-making process and their abilities. On the other hand, they believe that the jury trial enhances both democratic participation and public legitimation of legal decision. This contradictory attitude of legal experts implies that they agree with the purpose of the jury trials and its implementation, but still do not favor it in reality. As a result, although the jury's function should be the fact-finding roles, which finds the facts and applies them to the relevant statute or law, but their role in practice is in a very limited scope. It was found that there is a gap between the legislative purpose of the jury trial system and its actual application in the judicial process.

If the system is not supported by legal professionals, it is difficult to expect it to grow in the future. As seen in this study, courts are avoiding jury trials by using various, broad statutory exclusion criteria, and legal professionals are also expressing doubts about the effectiveness of the jury system. The system will be robust only when there is respect for the jury's decision-making process and verdicts.

The biggest characteristic of the general public and the jurors who participated in the actual jury trial was that they did not know much about the system. In particular, close to 20% of those who actually participated as jurors did not know anything about the system until they participated in the jury trial. This suggests that the jury trial itself may feel unfamiliar to the general public even though it has been 10 years since the system was operated. The jury system went into effect in 2008 with the aim of bringing fundamental changes in judicial decision-making in Korea, which has traditionally been managed only by professional judges. Korea's adoption of the jury trial was mainly driven by participatory democratic concerns (Lee, 2009). Therefore, it is preferable for Korean judicial system to enhance awareness of juries among the populace and to inform about the effects of the system—people's trust in the judiciary and the democratic

legitimacy of criminal trials—which were the goals of initiating the jury trial system in Korea.

Despite this seemingly unfamiliar environment, more than half of the jurors said that they were able to express their opinions in the verdict freely. In particular, 6 out of 10 respondents answered that they speak out their opinions enough. Similarly, 7 out of 10 general public thought that the jury would be able to express their opinions well, which also contrary to the expectations of legal professionals that the jury was not able to sufficiently express their opinions on legal matters. In addition, unlike the general public who predicted that reaching a verdict would be difficult for jury (close to 80% predicted that it would be difficult), the number reported by jurors that the verdict is difficult was lower than that (65%).

In the actual judicial process, the jury did not appear to be decisively influenced by the judge's opinion. This is because only 23% of the total jurors reported that judge had a decisive influence on them, and only 12% of the respondents answered 'not at all affected' or 'not significantly affected', respectively. It could be interpreted that the influence received by judges is not at a level of concern, unlike legal professionals. These results suggest that the perceptions of legal professionals and the jury are somewhat different. In this study, when the author asked legal experts whether the jury would be affected by the judge's speech or the way the judge conducts a trial, the results showed that all legal professionals tended to answer 'yes' to both questions, and especially in the case of prosecutors and lawyers, the trend was more pronounced.

Some suggestions arose from this study. First, the jury's verdict should have legally binding force, as currently the jury's verdict is still merely advisory. Negotiations on the binding force of the jury verdict have not yet been concluded and it remains a legislative matter. It should be noted that the jurors' advisory verdict is contrary to the original purpose of jury trials, namely including citizens' common sense and values in the judicial process. Although the Supreme Court made a meaningful decision¹⁰ several years ago that the verdict of the jury should be respected unless there are sufficient and convincing circumstances that clearly contradict it (Kim et al., 2013), it currently still does not have legally binding force. Considering the original purpose of participatory trials along with the concordance rate between judges and jurors, the public's trust in jury trials, and the responses of jurors shown in the study, jury verdicts may carry a

¹⁰ *Supreme Court of Korea* (2009Do14065), Order of 25 March 2010; *Supreme Court of Korea* (2010Do4450), Order of 3 May 1991

binding authority. Discussion the constitutionality of the jury trial then will become a real issue (Lee, 2009).

Second, it is necessary to create a court or division to be in charge of jury trials. In order to enhance people's trust in the judiciary and the democratic legitimacy of criminal trials, which were the goals of initiating the jury trial system in Korea, a dedicated jury trial division should be established.

Finally, incentives should be put in place to encourage the use of the system. The court should remove as many barriers to jury trials as possible, because after all, no matter how effective a system it is, jury trials cannot be implemented without the support of the people who would actually participate in them. Most importantly, it should be noted that there are drawbacks to entrusting the implementation of the system only to the courts.

References

- Ainsworth, J. (2017). Procedural Justice and the Discursive Construction of Narratives at Trial, *Lingue Culture Mediazioni - Languages Cultures Mediation* 4.
- Choi, S. (2011). Four Years of Implementation, a Review on the Participatory Trial System. *Criminal Policy Research* 118.
- Dammer, H. R., & Albanes, J. S. (2014). *Comparative Criminal Justice Systems 5th ed.* (Wadsworth).
- Eisenberg, T., Hannaford-Agor, P. L., Hans, V. P., Waters, N. L., Munsterman, G. T., Schwab, S. J., & Wells, M. T. (2005). Judge-Jury Agreement in Criminal Cases: A Partial Replication of Kalven and Zeisel's the American Jury. *Journal of Empirical Legal Studies*, 2(1), 171-207. <https://doi.org/10.1111/j.1740-1461.2005.00035.x>
- Hong, S. H. (2014). Änderung über das Gesetz zur Bürger-Teilnahme Entscheidung: die bindende Kraft eines Beschlusses der Geschworenen. *Korean Criminological Review* 25.
- Jeong, B. K. (2020). The Achievements and Improvements of the Public Participation Trial System - Focused on jury Review and Verdict. *Journal of Law and Politics research* 20.
- Judicial Development Committee Expert Member Study Group 1. (2018). Expansion and Reinforcement of Public Participation in Judicial-Public Participation in Judicial Promotion (Additional Report).
- Judicial System Reform Promotion Committee. (2006). *Reform for Advancement of the Judicial System*. White Paper of the Warwin Association for the Promotion of Judicial System Reform.

- Kim, H. J., & Sook, H. K. (2009). The Issues of Lay-people Participatory Trial System and Its Reformation. *Chung-Ang Journal of Legal Studies*, 33
- Kim, M. S. (2019). *Constitutional Transition and the Travail of Judges: The Courts of South Korea*. Cambridge University Press.
- Kim, S., Park, J., Park, K., & Eom, J. (2013). Judge-Jury Agreement in Criminal Cases: The First Three Years of the Korean Jury System. *Journal of Empirical Legal Studies* 10.
- Kwak, D. (2018). *A Plan to Optimize Trial Practice for the Purpose of Vitalizing Citizen Participation Trial [Paper presentation]*. Conference on Citizen Participation Trials. Supreme Court of Korea.
- Kwon, J. (1996). An Isolation in Systems of Law: Differences Between the Commerical Codes of the United States and Korea. *Loyola of Los Angeles Law Review* 29.
- Kwon, S. (2017). Judicial Reform in Korea: Its Current State and Future Prospects for Development. *JURIS I*.
- Lee, C. W., (2007). Korea's Modern, Jurisdiction, Authority, *Colonization Modernity of Korea*, 67.
- Lee, D. H. (2015). The Achievements and Challenges of the Citizen Participatory Trial in Korea. *The Justice* 146.
- Lee, J. (2009). Getting Citizens Involved: Civil Participation in Judicial Decision-Making in Korea. *East Asia Law Review* 4.
- Lee, J. (2012). *Japan's Influence on Korea's Judicial Modernization: Examining the Reality of Judicial Modernization by Analyzing Legal Cases in the Late Nineteenth Century*. Univ.-Bibliothek Frankfurt am Main.
- Lee, S. (2022). Comparative Legal Research on the Impact of Decisions of the U.S. Federal Court on Those of the Supreme Court of Korea. *Journal of Hongik Law Review* 13.
- Ministry of Justice Korea. (2020). *2008-2019 Citizen's Participation in Criminal Trials*. Research Report.
- National Court Administration. (2020). *Analysis of the results of Citizen's participation in Criminal Trial from 2008 to 2020*. Supreme Court of Korea.
- National Judicial Participation Committee. (2013). *Public Hearing for Determination of Final Form of Korean Citizen's Participation in Criminal Trials*.
- Park, M., Seo, J., & Choi, Y. (2019). Koreans View Crime and Justice. 13, 10 Years of Implementation of Civil Participation in Criminal Trials, and Related Policy Plan. *Korean Institute of Criminology and Justice*, 19-B0-02.
- Park, R. (2010). The Globalizing Jury Trial: Lessons and Insights from Korea. *American Journal of Comparative Law* 58.
- Sim, M. (2019). Legal Issues and Prospects on the Introduction of Citizen Participation Trials in Administrative Litigation. *Soongsil Law Review* 43.

- Son, S, S. (2021). Citizen Participatory Trials and the Right to be Tried in Conformity with the Act by Judges. *Constitutional Law* 27.
- Supreme Court of Korea. (n.d.-a). *The Judiciary, Reform*. Retrieved from <https://eng.scourt.go.kr/eng/judiciary/history/reform.jsp#t105>.
- Supreme Court of Korea. (n.d.-b). *The Judiciary, History*. Retrieved from <https://www.scourt.go.kr/eng/judiciary/history/history.jsp>.
- United States Courts. (2018). *U.S. District Courts—Criminal Defendants Disposed of, by Type of Disposition and Offense, During the 12-Month Period Ending September 30, 2018*. Retrieved from https://www.uscourts.gov/sites/default/files/data_tables/jb_d4_0930.2018.pdf.
- Valerie, P. H. (2014). Reflections on the Korean Jury Trial. *Journal of Korean Law* 14.