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Nedbálek Karel JUDr., Ing., PhD., MBA, general director, Slušovice, Slušovice 520, post code 763 15 Slušovice, Czech republic, tel.: 420604 293 355, e-mail: slusovice@motelgolf.cz, <https://orcid.org/0000-0002-1010-2460>

MAIN ISSUES OF CZECH JUSTICE SYSTEM

Abstract. Proved that in fact, since our country gained independence, the creation of an effective judicial system has been a rather important precondition for its development and prosperity. Regarding the reform of this system, the relevant talks at all levels of government have been going on for quite a long time. Even today, on the part of the state authorities, we are witnessing certain steps aimed at reforming the domestic judicial system. However, any reforms that have been carried out in this area have in fact never yielded the desired result. Therefore, given the failure to reform the judiciary, our legislators should adopt the experience of countries that had a socialist past and achieved success in this area. One of such countries is the Czech Republic (Czech Republic), which differs from other countries in Central and Eastern Europe by achievements in the legal field, including the judiciary.

The United Kingdom, which has Anglo-Saxon law and a jury system, has around 3 judges per 100,000 inhabitants. The Czech Republic has about 30 judges per 100,000 inhabitants. In the Anglo-American system, there is a fundamental division of responsibilities between a judge who decides legal issues and a jury that considers only questions of guilt. In criminal cases, a single judge would decide on first-instance courts in the matter of imprisonment for up to 5 years, instead of a senate with jurors, and the institution of jurors would be abolished. The Ministry of Justice should create rules, evaluation of judges, in which only those judges with the ability to make quick, impartial, and correct decisions would be active. The courts of first instance must decide the case no later than 6 months after the file has been submitted to the court.

Keywords: Cardassian law, juror, judge, jury system, mentally biased judge, cognitive bias, Czech law.

Недбалек Карел кандидат наук, МВА, генеральний директор, Слюшовіце,

Слюшовіце 520, поштовий індекс 763 15 Слюшовіце, Чехія, тел: +420604 293 355,
e-mail: slusovice@motelgolf.cz, <https://orcid.org/0000-0002-1010-2460>

ОСНОВНІ ПИТАННЯ ЧЕШСЬКОЇ СИСТЕМИ ПРАВОСУДДЯ

Анотація. Доведено, що фактично з моменту здобуття нашою країною незалежності, доволі важливою передумовою її розвитку і процвітання стало створення ефективної судової системи. Щодо реформування даної системи, то відповідні розмови на всіх рівнях державної влади ведуться доволі тривалий період. Навіть станом на сьогодні, з боку державної влади ми спостерігаємо певні кроки, спрямовані на реформування вітчизняної судової системи. Однак, будь-які реформи, які проводилися у цій сфері фактично жодного разу не принесли бажаного результату. Тому, зважаючи на безуспішність реформування судової влади, нашим законотворцям доцільно перейняти досвід країн, які мали соціалістичне минуле і досягли успіхів у даній сфері. Однією із таких країн є Чеська Республіка (Чехія), яка вирізняється на фоні інших країн Центральної та Східної Європи здобутками у правовій, зокрема й у судовій сфері.

Великобританія, яка має англосаксонське законодавство, систему присяжних утримує приблизно 3 суддів на 100 000 жителів. У Чехії, на 100 000 жителів припадає близько 30 суддів. В англо-американській системі існує фундаментальний розподіл обов'язків між суддею, який вирішує юридичні питання, та присяжними, які розглядають лише питання про вину. У кримінальних справах суддя-одноосібник вирішує питання про суди першої інстанції у справах про позбавлення волі, на строк до 5 років замість сенату з присяжними, а інститут присяжних був скасований. На сьогодні, Міністерство юстиції має створити правила оцінки судів, в яких працюватимуть лише ті судді, які здатні приймати швидкі, неупереджені та правильні рішення. Суди першої інстанції повинні вирішити справи не пізніше ніж через 6 місяців після передачі справи до суду.

Ключові слова: кардасіанське право, присяжний, суддя, система присяжних, упереджений суддя, когнітивне упередження, чеське право.

Problem statement. Marcus Aurelius On Life, Thoughts 89

Everything we hear is an opinion, not a fact.

Everything we see is a perspective, not the truth [1].

The hypothesis of this article is defined as follows:

H: „Cardassian law applies in the Czech Republic.”

Do you ever feel like you are in science fiction and the rule of law does not apply?
In my everyday practice I am dealing with judiciary system of the Czech Republic and

all its parts and I am beginning to suspect that Cardassian law is already part of our lives. Who carefully reads the regulations and applies the law, he, unintentionally, knowingly, or unconsciously acts between good and evil. However, the law also applies to those whose estimated rights are determined. It follows that they are a matter not only of expediency, but also of morality, good and evil.

The use and application of the law can be assessed according to the criteria of morality and fairness. Radbruch [2], for example, states, "a law is a fact whose purpose is to serve justice." Linking law with institutions and knowing that justice is a feature of social institutions and people who are the addressees of legal norms also reminds us that law has value and moral significance [2].

The importance of Radbruch's ideas is evident by the fact that the Constitutional Court of the Czech Republic cites the Radbruch formula in its decision-making: *"The conflict between justice and the reliability of the law should be solved in favor of the positive law, law enacted by proper authority and power, even in cases where it is unjust in terms of content and purpose, except for cases where the discrepancy between the positive law and justice reaches a level so unbearable that the statute has to make way for justice because it has to be considered "erroneous law."* [19].

Analysis of the latest research and publications. In both Ukrainian and Czech literature, the issues of formation and functioning of sources of law are given sufficient attention, and the issue of their variability in modern conditions is not left out. The issues of national systems of sources of law (in particular, Ukraine and the Czech Republic) remain less covered, especially in the context of European integration changes.

Purpose of the article is to identify the features of the Czech justice system.

Presentation of the main material. On Cardassia, the verdict is always known before the trial begins. And it is always the same.

In that case, why bother with a trial at all?

Because the people demand it. They enjoy watching justice triumph over evil every

time. They find it comforting. This satisfaction, however, only lasts until they have their own experience with this justice system.

Picture 1: Oldřich Tichý 1988, Behind the Curtain – "Warped Justice", oil 55x45

Cardassian jurisprudence was premised upon "swift justice"; where all crimes were solved and all criminals were punished.

The Cardassian criminal justice system was a post-Inquisition inquisition system. **Inquisition proceedings are a legal system in which there is a judicial procedure where one person often appears on the part of** the plaintiff, the prosecutor and the judge and is actively involved in the search for evidence in the case. He changes the indictment so that the defendant has no idea what he is and what he is no longer accused of. When a defendant's deposition case, which indicates other persons, grows, they are involved and indicted in the interests of economic, political, or even religious interests. The Inquisitor sometimes acquires part of these persons' assets. The sprawl of defendants takes place until they encounter persons with special influence, or the process crosses borders and the meaning of criminal proceedings.

In the Inquisition Process, confessions made on torturers had to be repeated without the use of violence the next day, otherwise it was deemed invalid, but the information obtained remained part of the process. Although the accused may have had a lawyer, if convicted, the lawyer was prevented from continuing to practice.

International tribunals established to judge a crime against humanity, such as the Nuremberg Tribunal and the International Court of Justice, exemplify the use of an inquisitive rather than adversarial management model.

This contrasts with the **adversarial** system, where the prosecutor, the public prosecutor represents the state, and the defense lawyers represent the defendant, and the position of both parties is equal before the law. The trial takes place before an impartial and unbiased judge.

Under Cardassian law, an offender was guilty before appearing in a trial. The penalty, usually death, was also predetermined. It was up to an offender to prove their innocence, but no evidence was permitted to be submitted after the verdict was reached. Cardassian citizens seen and heard criminals confess and justice has been served. The people demand it. They enjoy watching justice triumph over evil every time. They find it comforting. People are subjected to a mass media campaign, and many succumb to their message, and they are displeased when the court does not turn out according to their truth and the proclaimed "clear evidence." The notion of public spectacle was central to the *raison d'être*, or reason of being, of a Cardassian criminal trial; to demonstrate to the Cardassian people the futility of behavior contrary to good order. The main purpose of a trial was to reveal how an offender's guilt was proven, and key to

the productive functioning of this system was for the offender's counsel to help the offender concede the wisdom of the state and properly admit the crime.

Rules of criminal procedure of Cardassian law

Upon arrest, an offender was informed of their right to refuse to answer questions, but such refusal might be construed as a sign of guilt. Following arrest, the offender was offered an opportunity to make a confession. Also, the perpetrator was deprived of all human rights of a proper unenfranchised citizen. The offender was represented by their conservator and advised by their nestor (instructive, moralist). The defense attorney had no investigative options, nor could he prove anything and present evidence. The offender's legal team had to be certified as a court clerk and usually assigned to him by the court, you might say ex officio. Nestor was not allowed to go to court, he was only allowed to advise the perpetrator. The nestor was not permitted to address the Court, they were only allowed to advise the offender. Today's defense attorneys also find that they carefully record time spent in court and travel expenses, but they do not have to do anything for the defense attorney.

Procedure before the Tribunal:

At the outset of a trial, the Chief Archon announced the charges against the offender, the guilty verdict, and the sentence. Following this announcement, the Chief Archon invited the offender to confess to dispense with the proceedings. Next, the offender's spouse was offered the opportunity to dissociate themselves from the offender's actions by testifying against them.

Further witnesses – who must be certified as officers of the Court – were examined and cross-examined by the conservator and Chief Archon. Witness testimony was accepted even if the source of information might not be revealed due to reasons of national security.

The final witness to testify was the offender, who was not permitted to decline to answer questions. The testimony and the questioning were permitted to be wide ranging and not limited to the charge; lines of inquiry might have explored aggravating and mitigating factors such as a history of abuse or a history of prejudice. Following the testimony of the offender, it was expected that the defense attorney (conservator) shall concede the verdict.

Something similar has been repeated several times in history, so Cardassian law is not just fiction based on the American TV series **Star Trek**. Oddly enough, even today, some courts tend to be Cardassian courts in their methods. You could say that these judges look up to the Cardassian law for inspiration. Sometimes there is a perception that Cardassian law is gradually being enshrined in the regional courts.

RIGHT TO JUDICIAL AND OTHER LEGAL PROTECTION [16].

Article 36

1) Everybody may assert in the set procedure his or her right in an independent

and unbiased cerate of justice and in specified cases with another organ.

2) Anybody who claims that his or her rights have been violated by a decision of a public administration organ may turn to a court for a review of the legality of such decision unless the law provides differently. However, review of decisions affecting the fundamental rights and freedoms listed in the Charter may not be excluded from the jurisdiction of courts.

3) Everybody is entitled to compensation for damage caused to him or her by an unlawful decision of a court, another organs of the State or public administration, or through wrong official procedure.

4) The conditions and detailed provisions in this respect shall be set by law.

Article 37

1) Everybody has the right to refuse making a statement if he or she would thereby incriminate himself or herself or a close person.

2) Everybody has the right to legal assistance in proceedings held before courts, other organs of the State, or public administration organs from the beginning of such proceedings.

3) All parties are equal in the proceedings.

4) Whoever sates that he or she does not speak the language in which the proceedings are conducted is entitled to the services of an interpreter.

Article 38

1) Nobody shall be denied his or her statutory judge. The jurisdiction of the court and the competence of the judge are set by law.

2) Everybody is entitled to having his or her case be considered in public without unnecessary delay and in his or her presence, and to expressing his or her opinion on all the submitted evidence. The public may be excluded only in cases specifies by law.

Article 39 Only the law shall determine which acts constitute a crime and what penalties or other detriments to rights or property may be imposed for them.

Article 40

1) Only a court shall decide on guilt and on the penalty for criminal offenses.

2) Anybody who is accused of a crime in penal proceedings shall be considered innocent until proven guilty in a final verdict issued by a court.

3) The accused has the right to be given the time and the possibility to prepare his or her defense and to defend himself or herself or through counsel. If he or she does not choose a counsel although he or she must one under the law, counsel shall be appointed for him or her by the court. The law shall determine in what cases the accused is entitled to free counsel.

4) The accused has the right to refuse making a statement; he or she may not be denied this right in any manner whatsoever.

5) Nobody may be prosecuted under penal law for an act of which he or she was

already convicted under a final verdict or of which he or she has been acquitted. This rule does not preclude the application of special means of legal redress in accordance with the law.

6) The question whether an act is punishable or not shall be considered and penalties shall be imposed in accordance with the law in force at the time when the act was committed. A subsequent law shall be applied if it is more favorable for the offender [16].

The Constitution and other laws adopted by our democratic republic imply and define the following fundamental pillars of democracy, as follows: [15]

- Legislature; Parliament
- Executive; Government
- Judiciary; Courts
- Right to self-govern, representative bodies of the region, town, and municipality,

There is secularism in our country, so the state is separated from the church. We have adopted a system that does not support hermetic ideologies and various cults of personality, state power is from the people, and every defined period of time (usually every 4 years) is an election that set new parameters in accordance with the Constitution. There is a principle stating that people are free and equal in their dignity and in their rights. Whether someone is powerful or poor, they all have right to vote and all votes have same value. We have civil society; we do not discriminate based on faith. We tolerate faith that does not violate our Constitution. Our system is certainly not perfect, but it is free from medieval delusions, and the so-called Golden rule, which translates into the demand for rejection of violence, any manipulation of people, and the requirement of minimal expression of solidarity, is settled. In your negative formulation, the basic principle is: "Do unto others as you would have them do unto you."

Act No. 89/2012 Coll., Czech Civil Code, in its provision immediately in §1 subsection 2) states: Unless expressly prohibited by a statute, persons can stipulate rights and duties by way of exclusion from a statute. Prohibited arrangements are stipulations contrary to the

- good morals,
- public order or
- law concerning the status of persons, including the right to protection of personality rights.

Freedom and equality of people in dignity and rights are declared.

Czech Civil Code (Act No. 89/2012 Coll.) § 2 subsection 3) states: The interpretation and application of a legal regulation must not be contrary to good morals and must not lead to cruelty or inconsiderate behavior offensive to ordinary human feelings.

Many indications suggest that the greatest threat to democracy is the pillar of the judiciary. The judges It is apparent from the Constitution of the Czech Republic: Judges shall be independent in the performance of their duties. Nobody may threaten their impartiality. Judges are appointed to their office for an unlimited term by the President of the Republic. They assume their duties upon taking the oath of office. In making their decisions, judges are bound by statutes and treaties which form a part of the legal order; they are authorized to judge whether enactments other than statutes are in conformity with statutes or with such treaties [6].

Current system creates a sect of people for whom the checks on the brakes of the second pillars cease to function, i. a. they are unlimited by elections or terms. After some time, these people, as proof of their infallibility, subconsciously or deliberately approach elements of Cardassian law. Right to a fair trial is one of the building blocks of legal certainty in a healthy society and is one of the four pillars of the power of democracy and thus a healthy state.

When balance of power limps, the whole state is on a bad

A judge is a person charged with making authoritative decisions in contradictory matters. The Constitutional Court of the Czech Republic says: In determining guilt and innocence, the judge builds on evidence by a method of free evaluation of evidence, where neither of them may be taken as decisive, but must deal with any objections of the defendant properly [20].

The court proceeds according to the principle of indictment according to par. 220 of Act No. 141/1961 Coll., the Code of Criminal Procedure, according to which it is entitled to rule only on the act referred to in the plea. That means that the offender can only be prosecuted in court based on an indictment, otherwise it constitutes a serious defect in the judgment [17].

The Law on Courts and Judges says, among other things:

Everyone has the right to have his case heard and decided by the court without undue delay.

This is the main issue!

Judges feel they deserve their office and are entitled to it forever. The phrase "without unnecessary delay" says nothing at all. Judges are not responsible for time limits and non-compliance, no personal penalties. When there is no longer a caller to heaven, the internal body of the court decides on an admonition, or a ridiculous reduction in salary or even only a reduction in the judge's bonuses!

Similarly, the indication that we have more than 3000 judges in the Czech Republic will not tell us anything. The comparison with the number of judges in other Countries of Europe is much more telling. In the Czech Republic, there are two to three times more judges per 100,000 inhabitants. What is very strange is that in England and Wales, which has Anglo-Saxon law, as well as the lay jury system, this ratio is about ten

times lower than in Czech Republic. The United Kingdom has about 3 judges per 100,000 inhabitants. Czech Republic has around 30 judges per 100,000 inhabitants, far outstrips other countries, with Switzerland only having about 15 judges per 100,000 inhabitants, France, Italy, Norway, and Sweden, with around 10 judges per 100,000 inhabitants.

Graph 1 Number of judges per 100 000 inhabitants, CEPEJ-STAT data for 2018

Election of judges in United States of America

The United States is a federal republic of 50 states, a federal district, five territories and several uninhabited island possessions. Every state is a member of the American federation with a considerable degree of autonomy. The United States comprises a total of 50 individual states and the Washington D.C. (District of Columbia). The sovereignty of the USA also includes Puerto Rico, the US Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and other smaller remote islands of the USA, which, however, are not represented in the Senate.

Methods of judicial selection vary substantially across the United States. States may apply more than one method across different levels of courts. Though each state has a unique set of guidelines governing how they fill their state and local judiciaries, there are five main methods:

1. Partisan elections: Judges are elected by the people, and candidates are listed on the ballot alongside a label designating political party affiliation.
2. Nonpartisan elections: Judges are elected by the people, and candidates are listed on the ballot *without* a label designating party affiliation.
3. Legislative elections: Judges are selected by the state legislature.
4. Gubernatorial appointment: Judges are appointed by the governor. In some

cases, approval from the legislative body is required.

5. Assisted appointment, also known as merit selection or the Missouri Plan: A nominating commission reviews the qualifications of judicial candidates and submits a list of names to the governor, who appoints a judge from the list. After serving an initial term, the judge must be confirmed by the people in a yes-no retention election to remain on the court.

Picture 2: Methods of judicial selection across the United States

Associate justice - Judge of the People

In addition to the professional judges, in some instances the courts are also appointed the associate justices. Some legal matters are decided by collegium of one professional judge and two associate justices. The court decision is made by vote. So according to the law and with full consequences these associate justices vote on guilt and innocence, although in most cases they have no legal training. Before 1948, it was long considered to introduce jury courts. After “the popularization” of the judiciary in 1948, the concept of “judge of the people” came into practice. Since 1991, judges of the people have been defined by the law as associate justices. The co-decision in chambers composed of two associate justices and a professional judge as chairman. The two associate justices thus decide only in first instance proceedings, not in appeal proceedings. The function of two associate justices in court is mostly performed by pensioners, there is no interest in the institute and the level of its prestige is questionable and in its role they are passive. Here I would add that sometimes people who in some way deal with the frustration of their lives and are very satisfied that they sit at the bench of court on the sides of the judge with a gown. In many cases, they do not even know what is being discussed and what the nature of the crime is. In exceptional cases, the associate justices overturn the professional judge.

Currently, 5671 persons perform the function of as judges according to the data from the source below, of which 931 are active in regional courts. Of those, 2014 are 60

to 70 years old and 1461 are over 70 years old. More than 61 percent of the members are of retirement age. About a quarter of them are beyond the retirement age for judges.

The cost of associate justices is not high; slightly above fifteen million Czech crowns, but the damage to this system can amount to billions [10].

Jury system in Anglo-Saxon law

In England, juries made up of 12 citizens drawn ad hoc to decide mainly in criminal trials of serious crimes at the Crown Courts. Their task is to assess the facts of the case and unanimously deliver a guilty or not guilty verdict based on evidence carried out **by the prosecutor and the counsel**. The jury is complemented by a professional judge who directs the trial and directs it from a legal point of view, clarifies the basis on which laws jurors decide, and ultimately determines the sentence.

A slightly different system is in the United States.

Small jury – many civil cases also decide,

grand jury – it is convened for serious crimes to decide whether there is enough evidence to formally prosecute or whether the prosecution will be stopped. In other countries, this decision is usually the responsibility of the public prosecutor or the investigating judge.

In the revolutionary year 1791 the English jury system was adopted in France and after the revolution in 1848 it was introduced in Germany. Today, the jury also plays a role in many countries of continental law, although otherwise they are based on Roman traditions. The Anglo-American system has a fundamental division of responsibility between the judge who decides the questions of the law and the lay jury, which assesses only questions of fact and the decision of guilt and innocence.

The jury system generally has one more important function; is the former of morality in each space and time. The jury's decision is clear of legal jargon and twisted, unclear legal provisions. The meaning of these provisions and sections is often influenced by intonation and presentation and the text contains several phrases with many negations, it is difficult to navigate, which ordinary people find difficult to understand, because it is far from their language and understanding.

Mentally biased judge

The Constitutional Court of the Czech Republic notes that a party who raises an objection of the bias of a judge must state the specific facts for which he/she considers the judge biased. Reasonable doubts as to the judge's impartiality are a category of objective nature and, as such, must be based on facts of objectivity of the judge's decision-making which are opposed, to such an extent that they shake the judge's decision not from the point of view of the party to the proceedings, but in an objective sense constitutionally protected by the impartiality of the judge's decision.

Mere subjective doubts as to the ratio of the judge to the parties are insufficient to exclude the judge. In that regard, the Constitutional Court points out that the conclusion

of bias could be inferred if the judge and the parties have a relationship of kinship friendly or manifestly hostile arguments set out below are based on an objective measurable nature.

Objective reasons for bias

Submarine disease is provoked by a stereotypical situation with a lack of stimuli. It develops within some closed collective of people when it is not possible to solve the problem in a certain way. Gradually, tension escalates, the ability to think rationally decreases. The objects of the relationship in mutual and non-verbal contact increase the level of adrenaline and behave completely unpredictable – irrationally.

We get an answer when we look at a relationship from the psychological point of view of cognitive psychology, a theory that is focused on processing information, gaining general knowledge in the process of understanding, and inferring objective truth. The cognitive revolution in psychology has introduced a fundamental change in the scientific paradigm and overcoming behaviorism. The knowledge of cognitive sciences also influences several areas of practice of immense importance for modern society - e.g., management theory, mass communication [4].

We need to focus attention on the issue of human rationality. As in other areas, here the streams of thought go against each other. How to explain the existence of interindividual differences and irrational behavior between people? By perceiving the concerns, which often lead us to completely flawed conclusions. As naïve scientists, we usually need an explanation for events in our area, and we look for causality even where it occurs somewhat differently. The specificity of this model is the combination of rational principles and human tendency to be subject to illusions and excessive generalization [9].

By nature, we are equipped with instincts that are largely innate to us and which are reflected in our reasoning. Their advantage is that they speed up or even automate our thinking in several situations. They often lead us in the right direction, but sometimes they hurt our thinking. Generalization is one of the most common cases of reasoning, which, in addition to its beneficial and less favorable aspects, has generalizations.

But instinctive thinking sometimes tends to simplify things and distort reality. He can therefore deceive us. Therefore, relying too much on instinctive reasoning can sometimes lead to our thinking losing the necessary criticality and sometimes logic. This happens especially if we are not very aware of the instinctive nature of our thinking in each situation. It often happens that we do not understand even the language of our tribe, that is, we are not able to perceive the context in Czech. We need to understand how the human brain works and how it uses communication channels [5].

Our minds work as a computer into which both knowledge and experience are written, both self-learned and accepted. Based on the summary of all this, we decide

how we behave in a particular situation, what kind of opinion we form, what course of action we choose. In fact, taught schemes are an obstacle to finding a more creative, beneficial solution. Whether we want to or not, the world is still transforming, nothing is the same as before. New situations, however like the previous ones, can be addressed in new ways. What was positive thinking today may not apply tomorrow. Our minds are not enough to find new solutions, bring new ideas, be creative, and evolve spiritually toward perfection. We need something more. It is intuition. It is the ability to capture sensations, visions, sudden impulses, strong feelings, etc [8].

The brain is divided into two hemispheres, they are not yet fully known mutual coordination affects the actions and thinking of a person. Each of the two hemispheres of the human brain performs slightly different functions. Ordinary education develops mainly the left hemisphere, logical reasoning, language disposition is improved. The right hemisphere then forms emotional functions, it has the upper hand in the awareness of complex contexts, it is the seat of imagination, creativeness [7].

Sometimes we can say with some certainty that "the left hand does not know what the right is doing" and we have blocked, intuitive considerations which will be reflected in the actions of a person.

We do not know and do not have a clear explanation as to whether this is due to submarine disease or cognitive perceptions that may shift the level of our reasoning and judgment. For each, this rate manifests itself differently, and each has different boundaries.

When the unresolved case returns a third time for the same judge, there is a likelihood that he is unable to think from a different point of view and we can boldly say that he is "mentally biased" and should be removed from the case for this kind of bias.

De lege ferenda

The courts decide extremely slowly and poorly. The achievability of justice over many years is now almost zero! So, the changes are necessary, for example

- In criminal cases, a single judge would decide the cases sentenced to up to 5 years in prison in the first instance courts, instead of a chamber with a judge and two associate justices, thus abolishing the institute of the associate justice. The abolition of the associate justice would reduce the length of the proceedings. The members are not in the judicial system within Europe, for example, Spain or Italy.
- Not everyone can become a good judge, and therefore there must be a mechanism for exposing and possibly disqualifying incompetent, incompetent, inconsistent judges.
- When an unsolved case returns a third time to the same judge, he is " **mentally** biased."

- If a judgment is not reached within a short period of one year, then the search for justice is already difficult and often misses the point.
- A person is sentenced to "waiting for justice", which is no punishment under the law, but at the same time it is the cruelest psychological punishment!
- The defendant is paralyzed because he is exposed to the uncertainty and inability of the judiciary to decide, often losing his job, social status, money or even his family, without it being clear whether he committed the deed or not.

Conclusion. After many years of legal proceedings, the courts are left with kilograms of papers, which usually only states the same facts known at the time of the opening of legal proceedings. The only difference is that the witnesses lose their memory, and the judges stop to process new information and do not prepare properly for the hearing. The accused and then the defendant are absolutely not guilty of this, nor is he clear about the deed on which he is accused. We are no longer talking about the intention of knowingly or unconsciously, or negligent act of the defendant, and when assessing these attributes should be followed by a penalty according to the law [12]. What was previously clear becomes inaccurate, and in many cases the depositions begin to dissipate, thus losing credibility. The court file is weeding itself with a lot of redundant and ballast information and becomes difficult to decide.

Negative forces come to power, corruption rampant, etc.

How to fix things?

The Ministry of Justice should create rules in which only the most talented judges with the ability to make quick, impartial, and correct decisions are selected. This amendment will in no way require interference with the Constitution of the Czech Republic, but a minor amendment to the Law on Courts and Judges No. 6/2002 coll. will suffice [13].

As an example, I will give the following changes:

1. The courts of first instance must rule on the case no later than 6 months after the file has been handed over to the court.
2. The court of appeal, if any, will then rule within the same time limit.
3. A judge of first instance, who returns 40 % or more cases a year to the Court of Appeal, should not stand trial further.
4. On the other hand, a judge with 90% or more of the appeals court's certificates per year is entitled to a higher salary against the current salary.
5. A judge who does not judge gets half his salary against the status quo.

The increase in the salaries of active judges will not affect the total wage costs of judges, as less than half of the current number of judges will be fully sufficient.

One military motto was very apt: " An important decision is a quick decision. "

By judging slowly, the law is taken into its own hands by the police and prosecutors, who, at their discretion, "sentence" a suspect to custody or leave him

paralyzed in a legal uncertainty that can last for several years, still without due process. The suspect is thus morally and socially impossible, although after some time the prosecution is stopped for various reasons. The police and prosecutors thus can intervene in business and political relations and do so with all sorts of motivations.

A quality judge who has the prerequisite to make quick and high-quality decisions will not create space for either the prosecutor or the police to create a grey area.

It is worth considering that the judge should even judge anonymously! The prosecutor will write the arguments, all without names and crime scenes. A counselor will write his arguments against that. These documents will then be given to any judge in the Czech Republic and since it will not be burdened either by name or place or even by the appearance of a person, it can decide impartially and quickly. Justice must be achievable in time and quality.

It is completely unacceptable for the courts to last for years or decades. The judge does not suffer from it, but the person on trial is going through hell. This condition generates lawlessness that begins with the inability of the court machine to decide [3]. The system thus loses public confidence in this pillar of democracy.

Post scriptum: and yet it is Cardassian law

Why do I think our current criminal law should be called Cardassian law? I will describe very briefly the deed where I act as a mentor advisor. The incriminating event took place in 2007, between 2014 and 2018 there were 2 judgments of the First Instance Regional Court and both were annulled, and the high court always returned the decision to the First Instance Regional Court, which heard it for the third time. According to the protocol, the last hearing lasted a little over two hours and 7 minutes. Today, the regional court's ruling has 47 pages, and a courts record has of more than 5,000 pages.

During the last hearing, the prosecution asked the court whether it would modify the prosecution, the court said it would not. *Unfortunately, it is not recorded in the hearing log, but it happened as will the audio recording prove.* Subsequently, the court rejected further motions for evidence and, after a very brief consultation between the judge and associate justices, stated that the taking of evidence was complete and declared, in accordance with Section 216 of the Code of Criminal Procedure [11], that it would not take further evidence. The chairman declared the taking of evidence over and gave the floor to the closing statements.

The interesting thing is that if the judge changed the classification of the act, he would become biased, then he knows very well a key witness, and as the witness said that he goes jogging with the judge and has extrajudicial activities, of course it is not in the protocol. In her closing speech, the prosecutor proposed that the proceedings be followed, as indicated by the High Court in Olomouc.

The prosecutor has proposed that the description of the act be amended on this point. Allegedly, in 2007, a subsidy fraud of the amount of the indictment was not

committed, but only at the rate of less than 3,8 %, the original amount and the remainder cannot be regarded as subsidy fraud but must be regarded as embezzlement. I would point out that the defendant would have carried out the embezzlement essentially against himself because, he had lent at least that amount to the company without interest.

Furthermore, in order to assess paragraphs 2 and 3 of the indictment, the public prosecutor suggested that the description of the act should be changed, and the conduct reclassified, where the act should have been committed not by the spending of subsidy money in 2008 and 2009, but by providing false information in the application for a subsidy. On the one hand, he did not sign the application and the final adjustment was made by a key witness. No one qualified anything, and there was no change indeed. There were other closing arguments and then the end of the trial. Three months later, a verdict was handed down, where according to the indictment's proposal in the closing speeches during the main trial the judge in paragraph 1 of the indictment, according to the prosecution's motion, in his closing argument at the trial, changed the deed from subsidy fraud to embezzlement, but added embezzlement in paragraph 1, in addition to the prosecution's request, which the prosecution had requested. It is also remarkable in the whole case that evidence is lost from the file to the detriment of the client, the lieutenant colonel of the police, who carried out house searches, is now the defense attorney of another accused, but he was acquitted. The wiretap clearly shows who was in charge, but the judge refuses to give evidence, play the wiretaps, and so on.

Is this already Cardassian law and a violation of the right to a fair trial?

A sample from the upcoming new book, with much more similar topics.

REJ MASEK

Subheading: Colloquium Talk ABOUT IT ALL about nothing

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