Abstract: Psychological Aspects Affecting Judges' Decision Making with a Focus on Civil Procedure

The diploma thesis examines the impact of cognitive biases as psychological aspects influencing judicial decision-making and their implications for justice in the legal system. The thesis delves into the intersection of psychology and law, with the central idea being the hypothesis that a judge cannot be just or impartial if his or her decision-making is contaminated by cognitive biases.

The focus is on the dissection of the legal conditions that a candidate for judicial office must meet in order to be appointed to that office since the selection of a suitable judge is critical to the fulfilment of the right to a fair trial. The thesis highlights the demandingness of holding the judgeship itself. Then examines the legal and procedural principles that guide judicial decision-making, explaining and emphasizing the importance of understanding the role of the judge in the judicial process.

The diploma thesis then dives into the field of cognitive psychology and presents a Kahneman-Frederick model (dual system) dividing the human mind into System 1 and System 2, through which the cognitive biases influencing judicial decision-making can be explained. They are often rooted in intuition, which leads to the application of mental shortcuts (heuristics) in reasoning and decision-making, inducing systematic errors or cognitive biases. A considerable part is devoted to three specific heuristics leading to cognitive biases, namely: anchoring, representativeness and hindsight. The diploma thesis provides a detailed explanation of the functioning of these heuristics and gives examples from the judicial environment. The thesis also presents examples of risky procedural areas within Czech civil procedure.

The thesis also describes and discusses measures that should be introduced in order to eliminate or limit the occurrence of cognitive biases, the underlying idea being that judges must first and foremost be aware of the existence, risks and consequences of the impact of cognitive biases on their decision-making in order for certain measures to be taken. To get one step closer to a fairer justice system in the Czech Republic, the proposed way is an educational training programme for future judges. In addition, the thesis focuses on the possibility of using artificial intelligence as an assistant and additional support in decision-making.

Key words

judicial decision-making, law decision-making, cognitive bias, anchoring heuristic, hindsight heuristic, representativeness heuristic