

Errors in a court decision-making process

Polona Mozetič, LL.B., Young Researcher, Institute of Criminology at the Faculty of Law, Poljanski nasip 2, 1000 Ljubljana, Slovenia

Every individual constantly has to make rapid decisions on the basis of a complex multitude of data. However, the capacities of the human brain are limited with regard to processing information. By the use of so-called cognitive short cuts, a person is nevertheless capable of responding properly in such situations, by minimising the amount of time and effort needed to reach a relatively good decision. Such cognitive processes are mostly reliable and lead to adequate decisions. At the same time, they are a cause of some systematic errors, resulting from the fact that cognitive processes do not follow the principles of the so-called model of rational choice. This also applies to persons who adopt legal decisions. The legitimacy of judicial decision making is based on the notion of the sort of decision-making. It is understandable that tribunals sometimes make errors, but in general, they are not expected to make systematic errors in a well established legal system. Some empirical research studies, however, indicate that such expectations are unfounded and that judicial decision-making is subject to the operation of simplified heuristic methods and cognitive illusions.

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