



Justizielle Autonomie in Europa (German Edition)

Mareike Jeschke

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Die richterliche Unabhängigkeit ist ein grundlegendes Prinzip der freiheitlich-demokratischen Grundordnung. Nur eine unabhängige justizielle Kontrolle ermöglicht wirksamen Freiheitsschutz vor öffentlichem und privatem Machtmissbrauch und eine wirksame Kontrolle der anderen Staatsgewalten. Als Grundbedingung jedes modernen Rechtsstaats beinhaltet sie auch die Aufforderung an die Justizverwaltung, Strukturen zu schaffen, in denen ein Richter dieser Verpflichtung auf eine starke und wirksame justizielle Kontrolle der anderen Gewalten Folge leisten kann.

Die vorliegende Arbeit möchte die in diesem Zusammenhang geführte Debatte um eine Selbstverwaltung der Justiz um eine europäische Dimension erweitern. Im Anschluss an die Arbeit der Bund-Länder-Kommission „Judicial System“ werden Erfahrungen europäischer Justizverwaltungen mit Selbstverwaltungsstrukturen im Gerichtsalltag ausgewertet. Diese Ergründung von Umsetzungsbedingungen für Selbstverwaltungsstrukturen kann als Informationsgrundlage der deutschen Richterschaft, der Justizministerien, der Landesparlamente und der Gesellschaft genutzt werden, um ihnen durch eine fundierte Erkenntnisbasis eine Entscheidung für oder gegen strukturelle organisatorische Veränderungen der Länderjustizsysteme zu ermöglichen.

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