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El juez desempeña un papel fundamental en el sistema judicial, siendo responsable de interpretar y aplicar la ley para garantizar la justicia y el cumplimiento de los derechos. Su función es crucial para mantener el orden y la equidad en una sociedad. En este artículo, exploraremos en detalle qué es un juez, sus responsabilidades, su papel en el sistema de justicia y su importancia para el estado de derecho.
Concepto de juez
Un juez es un profesional del sistema judicial encargado de administrar justicia y resolver conflictos legales. Su función principal es interpretar y aplicar las leyes y tomar decisiones basadas en la evidencia presentada durante los procesos judiciales. Comparte en sus Redes Sociales.
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El Juez es la autoridad máxima en un Órgano o Tribunal de Justicia. El artículo 117.1 de la Constitución española establece que los jueces integran el Poder Judicial. Los define como independientes, inamovibles, responsables y sometidos únicamente al imperio de la ley.Estas condiciones reconocidas constitucionalmente otorgan al Juez la capacidad de juzgar libremente, sin influencias ni condicionantes externas. Para cumplir con su misión esencial de administrar justicia, su labor siempre debe estar en el cumplimiento de la ley. El Juez es la autoridad máxima en un Órgano o Tribunal de Justicia.¿Cómo se accede al cargo de Juez?La categoría de Juez es el inicio de la carrera judicial. La ley destina varios artículos al sistema de selección de esta categoría. El hecho de ser Juez supone aptitudes, capacitación y condiciones personales que aseguren el desempeño que la función exige.El artículo 301 de la Ley Orgánica del Poder Judicial dispone que el acceso a la categoría de Juez estará basado en los méritos y en la capacidad de los aspirantes para el ejercicio de la función de administrador de justicia.Por tanto, obliga a establecer cuidadosos procesos de selección. En ellos se garantizará con objetividad y transparencia la igualdad de todos los ciudadanos que reúnan las aptitudes necesarias, así como la idoneidad y la suficiencia profesional de las personas seleccionadas.La Ley mencionada dispone que, cuando existan vacantes, se realicen convocatorias para el ingreso a la Carrera Judicial en la categoría de Juez. Los interesados se presentarán a un concurso de oposición libre y realizarán un curso teórico y práctico en la Escuela Judicial. Para acceder a estas instancias se requiere ser español, mayor de edad y licenciado en Derecho. Quienes aprueben, podrán optar a los cargos dispuestos de acuerdo con la puntuación obtenida.Esta formación específica en Derecho y la oposición correspondiente, no se exigen para los Jueces de Paz, que no son jueces de carrera sino designados directamente.¿Quiénes no pueden ser jueces de acuerdo con la ley?No están habilitados para integrarse a la Carrera Judicial, y por lo tanto, no pueden ser Jueces.Las personas impedidas física o psíquicamente para la función judicial.Los condenados por delito doloso si no se han rehabilitado.Los procesados o inculpados por delito doloso que no han sido absueltos.Las personas que no estén en ejercicio de sus derechos civiles.Tipos de Jueces según sus categorías y requisitos para desempeñar esos cargosEl Poder Judicial tiene un radio de acción sumamente amplio. Se ocupa de expedientes del ámbito Civil, Penal, Contencioso-Administrativo, Social, Militar, entre otros. Son muchas las decisiones sobre las que los Jueces deben expresrse, y se refieren a especialidades muy diferentes.La carrera judicial se transita ascendiendo a diferentes categorías.Juez de PazPara ser Juez de Paz no se requiere tener el título de Derecho ni concurso. Es propuesto por el Ayuntamiento, ámbito al que se reducen sus facultades. Lo designa oficialmente el Tribunal Superior de Justicia. Se ocupa de temas sencillos, como juicios de faltas, matrimonios, registro de nacimientos.Juez de CarreraSolo puede ser Juez de Carrera el profesional licenciado o graduado en Derecho que haya superado el concurso de oposición. En esta categoría, es posible diferenciar diferentes cometidos que dan nombre al Juez que los cumple. Por ejemplo: Jueces de Comisión de Servicios, Jueces de Adscripción Territorial, Jueces Adjuntos, Jueces en Prácticas, entre otros.MagistradoA la categoría superior de Magistrado un juez asciende por tiempo de servicio o por rendir pruebas de concurso selectivas exclusivas para juristas con más de diez años de ejercicio profesional. Los Magistrados son los jueces que atienden los órganos jurisdiccionales superiores, como los Tribunales Superiores de Justicia o las Audiencias Provinciales.Magistrado del Tribunal SupremoEs la categoría más alta que puede alcanzar un Juez en la Carrera Judicial. Es competencia del Consejo General del Poder Judicial elegir a los Magistrados del Tribunal Supremo entre los postulantes. Para aspirar a esta categoría, es necesario tener no menos de quince años de antigüedad en el Poder Judicial y presentarse a concurso de méritos.En el Poder Judicial funcionan también otros jueces que no se consideran de carrera. Se trata de jueces sustitutos y magistrados suplentes, licenciados o graduados en Derecho, que son contratados anualmente para cubrir determinadas suplencias o destinos judiciales vacantes.El régimen disciplinario que se aplica a un JuezExisten normas que disponen sanciones cuando un juez comete infracciones. Es decir, que los jueces están sometidos a procedimientos de investigación y de penas disciplinarias.Est régimen disciplinario reconoce infracciones muy graves, graves y leves. El procedimiento de investigación disciplinaria se origina por una denuncia o por iniciativa de alguno de los órganos del Poder Judicial.A partir del análisis del caso, la Comisión Disciplinaria del Consejo General del Poder Judicial y el Ministerio Fiscal determinarán la sanción que corresponda.¿Qué hay que estudiar para ser Juez?El juez aplica el Derecho para juzgar y asegurar la justicia. En su idoneidad y preparación para analizar información, pruebas, testimonios vinculando los hechos con la ley, depende que un imputado sea declarado culpable o inocente. Es responsable de aplicar las leyes en la preservación del orden social. Como es lógico pensar, la base imprescindible es el conocimiento del Derecho.Con excepción del Juez de Paz, para desempeñarse como Juez una persona debe tener una sólida formación en Derecho. Para ser Juez hay que cursar carrera de Derecho, un requisito básico para iniciar la carrera judicial en esta categoría. Pero además, debe superar el concurso de oposición libre dispuesto en la Ley Orgánica del Poder Judicial, y realizar el curso correspondiente en la Escuela Judicial.¿Qué es la Escuela Judicial?La Escuela Judicial es un centro que cumple una doble función. Por un lado contribuye a la capacitación de los jueces. Por otro lado, funciona como ámbito de selección.En su rol de capacitación de los jueces, tiene como finalidad proporcionar una preparación integral y especializada a quienes se inician en la Carrera Judicial. Se forman en la Escuela los aspirantes a jueces.También este organismo se ocupa de la formación continua, de acuerdo con lo dispuesto en el artículo 433 de la Ley Orgánica. Corresponde al Consejo General del Poder Judicial establecer los Planes de Formación Inicial y Continua para los Jueces en funciones y para los abogados que aspiren a serlo.Un Juez tiene que estar convencido de que la ley y la justicia merecen dedicación, esfuerzo y estudio. Iniciarse en la Carrera Judicial implica comenzar a transitar un camino en el que el saber y la experiencia nunca son suficientes. Es una ruta de estudio permanente y de equilibrio emocional, que permita cumplir eficientemente con la función. Oficial who presides over court proceedings
For other uses, see Judge (disambiguation).
JudgeJuges at the International Court of JusticeOccupationNamesJudge, justice, magistrateOccupation typeProfessionActivity sectorsLaw, JusticeDescriptionEducation requiredUniversity degree in law and experience as a lawyerFields of employmentCourtsRelated jobsBarrister, prosecutor
A judge is a person who presides over court proceedings, either alone or as a part of a judicial panel. In an adversarial system, the judge hears all the witnesses and any other evidence presented by the barristers or solicitors of the case, assesses the credibility and arguments of the parties, and then issues a ruling in the case based on their interpretation of the law and their own personal judgment. A judge is expected to conduct the trial impartially and, typically, in an open court. The powers, functions, method of appointment, discipline, and training of judges vary widely across different jurisdictions. In some jurisdictions, the judge's powers may be shared with a jury. In inquisitorial systems of criminal investigation, a judge might also be examining magistrate. The presiding judge ensures that court proceedings are lawful and orderly. The ultimate task of a judge is to settle a legal dispute in a final and publicly lawful manner in agreement with substantial parties. Judges exercise significant governmental power. They can order police, military or judicial officials to execute searches, arrests, imprisonments, garnishments, detainers, seizures, deportations and similar actions. However, judges also supervise that trial procedures are followed, in order to ensure consistency and impartiality and avoid arbitrariness. The powers of a judge are checked by higher courts such as appeals courts and supreme courts. The court usually has three main legally trained court officials: the judge, the prosecutor and the defence attorney. The role of a judge can vary between legal systems. In an adversarial system (common law), as in effect in the U.S. and England, the judge functions as an impartial referee, mainly ensuring correct procedure, while the prosecution and the defense present their case to a jury, often selected from common citizens. The main factfinder is the jury, and the judge will then finalize sentencing. Nevertheless, in smaller cases judges can issue summary judgments without proceeding to a jury trial. In an inquisitorial system (civil law), as in effect in continental Europe, there is no jury and the main factfinder is the judge, who will do the presiding, judging and sentencing on their own. As such, the judge is expected to apply the law directly, as in the French expression *Le juge est la bouche de la loi* ("The judge is the mouth of the law"). Furthermore, in some systems even investigations may be conducted by the judge, functioning as an examining magistrate. Judges may work alone in smaller cases, but in criminal, family and other significant cases, they work in a panel. In some civil law systems, this panel may include lay judges. Unlike professional judges, lay judges are not legally trained, but unlike jurors, lay judges are usually volunteers and may be politically appointed. Judges are not assisted by law clerks, researches and notaries in legal cases and by bailiffs or similar with security. There are both volunteer and professional judges. A volunteer judge, such as an English magistrate, is not required to have legal training and is unpaid. Whereas, a professional judge is required to be fully educated in the U.S., this is generally required of Juris Doctor. Furthermore, significant professional experience is often required, for example, the U.S. judges are often appointed from experienced attorneys. Judges are often appointed by the head of state. However, in some jurisdictions, judges are elected in a political election.[1] Impartiality is often considered important for law. Thus, in many jurisdictions judges may be appointed for life, so that they cannot be removed by the executive. However, in non-democratic systems, the appointment of judges may be highly politicized and often receive instructions on how to judge, and may be removed if their conduct does not please the political leadership. Judges must be able to research and process extensive lengths of documents, witness testimonies, and other case material, understand complex cases and possess a thorough understanding of the law and legal procedure, which requires excellent skills in logical reasoning, analysis and decision-making. Excellent writing skills are also a necessity, given the finality and authority of the documents written. Judges work with people all the time; by the nature of the job, good dispute resolution and interpersonal skills are a necessity.[2] Judges are required to have good moral character, i.e. there must be no history of crime. Professional judges often enjoy a high salary, in the U.S. the median salary of judges is \$101,690 per annum.[2] and federal judges earn \$208,000–\$267,000 per annum.[3] In many civil law countries in Europe the majority of judges are women: in 6 countries (Slovenia, Serbia, Latvia, Luxembourg, Greece and Hungary) women make more than 70% of judges of the first instance. In contrast, in common law countries (UK, Ireland, Malta and the United States) the situation is reverse: over 70% of judges of the first instance are men.[4] On the other hand, women are underrepresented in the Supreme Courts in the USA and all EU countries, except for Romania (in Romanian High Court of Cassation and Justice over 80% of judges are women).[4] In the United States, federal judges are appointed by the president, while judges in other countries are appointed by the parliament. The number of judges on a court varies and are increased.[5] The death of a judge is not an emergency. Bader and Just, in their 2020 and 2021 papers, have argued that the number of judges on the Supreme Court should be increased to 11. In 2020, the U.S. Supreme Court was confirmed by the SCOTUS in 1991 and 1993. As of 2015, the State and the District of Columbia had mandatory retirement ages for State court judges, which ranged from 70 to 75 for most (but is as high as 90 in Vermont).[7][8] A 2020 study by the National Bureau of Economic Research found significant positive effects on the performance of state Supreme Courts with mandatory retirement age for judges. The authors advocated the adoption of mandatory retirement ages for all federal and state judges, although they felt, that the individual authorities should decide on the specific age for themselves.[9] 17th century Spanish judge in full gowns, by Velázquez
Main article: Court dress
A variety of traditions have become associated with the rank or occupation. Gavel (a ceremonial hammer) are used by judges in many countries, to the point that the gavel has become a symbol of a judge. In many parts of the world, judges wear long robes (often in black or red) and sit on an elevated platform during trials (known as the bench). American judges frequently wear black robes. American judges have ceremonial gaves, although American judges have court deputies or bailiffs and contempt of court power as their main devices to maintain decorum in the courtroom. However, in some of the Western United States, like California, judges did not always wear robes and instead wore everyday clothing. Today, some members of state supreme courts, such as the Maryland Supreme Court wear distinct dress. In Italy and Portugal, both judges and lawyers wear particular black robes. In some countries, especially in the Commonwealth of Nations, judges wear wigs. The long wig often associated with judges is now reserved for ceremonial occasions, although it was part of the standard attire in previous centuries. A short wig resembling but not identical to a barrister's wig (a Bench Wig) would be worn in court. This tradition, however, is being phased out and replaced by judicial wigs (a full wig) worn by judges. In the United Kingdom, the United States, and the former Portuguese Empire, the judges used to carry a staff that was red for ordinary judges and white for the judges from the outside. This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources in this section. Unsourced material may be challenged and removed. (September 2021) (Learn how and when to remove this message) In Hong Kong, court proceedings are conducted in either English or Hong Kong Cantonese (a dialect of Yue Chinese). Judges of Hong Kong retain many of the English traditions such as wearing wigs and robes in trials. In the lower courts, magistrates are addressed as Your worship, and district court judges as Your Honour. In the superior courts of record, namely the Hong Kong Court of Final Appeal and the High Court of Hong Kong (which consists of the Court of Appeal and the Court of First Instance), judges are addressed as My Lord or My Lady and referred to as Your Lordship or Your Ladyship, following the English tradition. In writing, the post-nominal letters JJ is used to refer to a permanent judge of the Court of Final Appeal and NPJ to a non-permanent judge. In the High Court, the abbreviation JA is used to denote a justice of appeal, and the letter J refers to a judge of the Court of First Instance. Masters of the High Court are addressed as Master. When trials are conducted in Chinese, judges were addressed, in Cantonese, as Fat Goon Dai Yan (Hong Kong Cantonese: 法官人, romanized: faat3 gon1 daai6 jaŋ4, lit. Judge, your lordship) before the transfer of sovereignty from the United Kingdom to China, and as Fat Goon Gok Ha (Hong Kong Cantonese: 法官閣下, romanized: faat3 gon1 gok1 haæ6, lit. Judge, your honour) since 1997. Fat Goon (Hong Kong Cantonese: 法官, romanized: faat gon1, lit. "Judge" means the word "Judge". These drawings were taken from life in 1758. From left to right, top row: 1. Interpreter, Rhohwagee Sewagee. 2. Judge of the Hindoo Law, Antoba Crustagee Pundit. 3. Hindoo Officer, Lellath Chatta Bhutt. From left to right, bottom row: 4. Officer to the Mooreemee, Mahmood Akram of the Codjee order and his translator; 5. Barrister of the Hindoo Law, Capthoon. 6. Havildar, or chief interpreter, for the Hindoo Cause. 7. Hindoo Cause, or Plaintiff, seated on a bench. 8. Hindoo Cause, or Defendant, seated on a bench. 9. Crier, or public announcer, called by the name of a Brahmin. 10. Hindoo Cause, or Plaintiff, seated on a bench. 11. Hindoo Cause, or Defendant, seated on a bench. 12. Hindoo Cause, or Plaintiff, seated on a bench. 13. Hindoo Cause, or Defendant, seated on a bench. 14. Hindoo Cause, or Plaintiff, seated on a bench. 15. Hindoo Cause, or Defendant, seated on a bench. 16. Hindoo Cause, or Plaintiff, seated on a bench. 17. Hindoo Cause, or Defendant, seated on a bench. 18. Hindoo Cause, or Plaintiff, seated on a bench. 19. Hindoo Cause, or Defendant, seated on a bench. 20. Hindoo Cause, or Plaintiff, seated on a bench. 21. Hindoo Cause, or Defendant, seated on a bench. 22. Hindoo Cause, or Plaintiff, seated on a bench. 23. Hindoo Cause, or Defendant, seated on a bench. 24. Hindoo Cause, or Plaintiff, seated on a bench. 25. Hindoo Cause, or Defendant, seated on a bench. 26. Hindoo Cause, or Plaintiff, seated on a bench. 27. Hindoo Cause, or Defendant, seated on a bench. 28. 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