

**GLOBAL ENCYCLOPEDIA OF JUDGES:\*\***

**POWERS, FUNCTIONS, APPOINTMENT**

**METHODS, DISCIPLINARY PENALTIES,**

**RECUSAL, AND DISQUALIFICATION**

**\*\*ACROSS ALL JUDICIAL BRANCHES**

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**Dedication #####**

**,To the pure souls of my beloved parents**

Who instilled in me the love of justice, the  
integrity of the pen, and the nobility of  
,ethics

I pray to the Almighty to admit them into  
,His vast gardens

And to grant them entry into Paradise  
\*\*without reckoning, O Most Merciful of  
.\*\*the merciful

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## Foreword ###

In a world where political transformations accelerate, borders dissolve, and justice becomes a transnational imperative, it is no longer sufficient to study the judiciary through a local or traditional lens. It has become necessary — indeed, an academic and ethical duty — to ascend to a broader cognitive horizon that compares systems, analyzes experiences, diagnoses failures, and proposes evidence-based solutions, not

I have devoted many years to studying the judiciary in over fifty countries—from Europe to Asia, from North America to Africa and the Arab world—relying on actual judgments, enacted legislation, field studies, and interviews with judges and international experts. My goal was to produce a comprehensive, scholarly, and unprecedented reference that answers essential questions: Who is the judge? What is his authority? How is he

appointed? What are his guarantees? And  
what are the limits of his responsibility

This encyclopedia is not merely descriptive; it is a reformist cognitive project aimed at elevating judicial awareness, empowering judges, and strengthening public trust in justice. It is addressed to all who carry the mission of justice: judges, prosecutors, lawyers, academics, students, and human rights defenders

**I ask God to make this work sincerely for  
His Noble Countenance, beneficial to  
.humanity, and a treasure for my nation**

**\*\*Mohamed Kamal Arefa El-Rakhawi\*\***

**Cairo, January 2026**

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### **Chapter One ##**

## **The Concept of the Judge and the Judicial Institution in Comparative Legal Systems**

## Section I: Historical and Philosophical ###

### Definition of the Judge

The judge represents one of the oldest manifestations of just state authority, predating the modern state in many civilizations. In Pharaonic Egypt, the "Vizier" sat in the Hall of Justice to deliver justice to the oppressed. In Mesopotamia, Hammurabi established the first written code granting the "judge" the right to adjudicate disputes. In Islamic civilization,

a Prophetic saying states: "Judges are three: one in Paradise, two in Hellfire," underscoring the moral and spiritual gravity of this role

Philosophically, Montesquieu defined the judge as "the mouth of the law," limiting his role to mechanical application of the text. However, this concept has evolved in the modern era: the judge is now seen as "conscious of justice," not merely a technical conduit. Contemporary philosophers such as Ronald Dworkin

distinguish between the "judge as umpire" and the "judge as co-legislator," especially .in cases where the law is silent

## Section II: The Constitutional Status #### of the Judge and the Judiciary

In modern democracies, constitutions enshrine judicial independence, freeing it from any authority other than the law.

Article 97 of the German Basic Law of 1949 states: "The judiciary shall be

independent." Article 64 of the French Constitution of 1958 affirms: "The President of the Republic shall be the guarantor of the independence of the judicial authority." In the United States, Article III of the Federal Constitution protects the independence of federal judges.

However, practical reality differs. In some Arab systems, administrative justice remains subordinate to the executive, or the President appoints judges without

effective oversight. In other countries, such as China or Russia, the judiciary is directed according to the ruling party's interests, undermining the principle of impartiality

Hence the critical importance of constitutional comparison: not everything written in a constitution is necessarily implemented on the ground. True justice is not measured by constitutional texts, but by the judge's actual independence from political and economic pressures

## Section III: Major Comparative ####

### Judicial Systems

Global judicial systems fall into four main  
:families

The Latin (French-German) system: .1  
based on codified law, written procedure,  
and an active judicial role, where the judge  
".acts as an "investigator

The Anglo-American system: relying on .2  
precedent (\*stare decisis\*), oral  
proceedings, and a passive judicial role  
.akin to a "match referee

The Islamic system: based on Sharia, .3  
applied in Saudi Arabia, Afghanistan (under  
the Taliban), and partially in Malaysia and  
Indonesia. The judge (or Islamic judge)  
interprets religious texts through \*ijtihad\*  
.((independent reasoning

The mixed system: combining multiple .4  
traditions, as in South Africa (Sharia +

common law) or Lebanon (French law + .(Islamic law

This chapter highlights that the choice of a judicial system is not merely technical but reflects the state's philosophy toward power, the citizen, and justice

Section IV: The Principle of Judicial ###  
Independence in Light of International  
Standards

**The United Nations General Assembly  
adopted the "Basic Principles on the  
Independence of the Judiciary" in 1985,  
:which stipulate that**

**Judges must be appointed based on -  
.competence, not political loyalty**

**.Arbitrary removal is prohibited -**

**They enjoy immunity for acts performed -  
.in the exercise of their functions**

**They have the right to form professional -  
.associations**

**The European Court of Human Rights has issued decisive rulings in this area, notably in **\*\*Baka v. Hungary\*\* (2016)**, where it condemned Hungary for dismissing the President of the Constitutional Court merely for criticizing government reforms, considering it a violation of Article 10 of the European Convention**

## Section V: The Judge as Guardian of ### the Rule of Law

No state can claim to uphold the rule of law without an independent judiciary. The judge is the bridge between legal text and real-world application. When justice becomes a tool of repression, the rule of law collapses. Thus, effective protection of the judge—through material and moral guarantees—is not a favor to him, but a guarantee for society as a whole.

**The chapter concludes with a comparative  
analysis among**

**Sweden\*\*: judges enjoy absolute\*\* -  
independence; no minister sits on the  
.judicial appointment council**

**Turkey\*\*: thousands of judges were\*\* -  
dismissed after the 2016 coup attempt in  
collective procedures lacking procedural  
.safeguards**

**Morocco\*\*: the "Supreme Council of\*\* - the Judicial Authority," established by the 2011 Constitution, aims to ensure neutrality but remains partially subject to executive influence.**

### **Conclusion of Chapter One ###**

**The judge is not merely a function; he is the embodiment of justice in society. Justice will never be just as long as the**

judge is fearful, biased, or submissive. Therefore, a deep understanding of the concept of the judge and his institution across time and space is the first step toward building a just, transparent, and effective judicial system

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Chapter Two ##

Judicial Branches and Types of Judges

## **Introduction to the Chapter ####**

**The judiciary is no longer a monolithic entity adjudicating all disputes indiscriminately. It has evolved into a complex network of specialized courts, each with its own rules, procedures, and judicial profiles, reflecting the nature of the relationships it governs. The difference in dispute type—civil, criminal, administrative, or constitutional—necessitates differences**

in judicial approach, procedure, and even  
the psychological and professional makeup  
.of the judge

This chapter maps the judicial branches in  
comparative legal systems, analyzing the  
functional roles of judges in each branch,  
drawing on actual legislation, judgments,  
and field experiences from fifteen selected  
countries: France, Germany, Canada,  
Japan, South Korea, UAE, Saudi Arabia,  
Morocco, Tunisia, Jordan, Lebanon, Turkey,  
India, Brazil, and Argentina, excluding

# Egypt and Algeria per the author's .directive

## Section I: Civil Judiciary ####

### First: Nature of Civil Jurisdiction #####

Civil jurisdiction is the oldest and broadest in scope. It adjudicates disputes between individuals or private legal entities concerning financial rights, personal rights, contracts, and tort liability. It relies on civil

law, the core of legal systems in civil law  
.countries

Second: Types of Civil Judges #####

Judge of Urgent Matters\*\*: issues\*\* -  
provisional orders to protect a right at risk  
.of being lost

Investigating Civil Judge\*\*: in some\*\* -  
systems (e.g., France), gathers evidence  
.before trial

Enforcement Judge\*\*: oversees\*\* -  
.execution of civil judgments

Mediation and Conciliation Judge\*\*:\*\* -  
.seeks amicable resolution before litigation

### Third: Comparative Model #####

In \*\*Germany\*\*, civil courts are called -  
\*Landgerichte\* and \*Oberlandesgerichte\*,  
with judges progressing from first to higher  
.instances

In \*\*Japan\*\*, civil and commercial - judges are sometimes merged due to the .complexity of economic relations

In \*\*Morocco\*\*, independent - "commercial courts" were established in 1997, with judges appointed from among .lawyers and economic experts

## Section II: Criminal Judiciary ####

### First: Nature of Criminal #####

## Jurisdiction

It aims to protect society from crimes and impose penalties on the convicted while respecting the accused's rights. It applies criminal law and criminal procedure

## Second: Types of Criminal Judges #####

Investigating Judge\*\*: leads\*\* -  
preliminary investigation (in Latin  
.systems

**Summary Judge\*\*:** handles minor\*\* -  
.offenses without lengthy investigations

**Assize Judge\*\*:** adjudicates serious\*\* -  
. (crimes (e.g., murder, terrorism

**Juvenile Judge\*\*:** specializes in\*\* -  
juvenile delinquency, emphasizing  
.rehabilitation over punishment

**Third: Comparative Model #####**

**In \*\*France\*\*, the investigating judge is -**

central to criminal proceedings, though powers have diminished since reforms in 2000 and 2021.

In the \*\*United States\*\*, no investigating judge exists; prosecution manages investigation, with judicial oversight limited to constitutional compliance.

In the \*\*UAE\*\*, specialized criminal courts for money laundering and cybercrimes appoint judges with technical backgrounds.

## **Section III: Administrative Judiciary ####**

### **First: Constitutional Basis #####**

**Based on the principle of "administrative liability," it adjudicates disputes involving public authorities. Originating in France, the "Conseil d'État" (Council of State) serves as the supreme administrative court**

### **Second: Types of Administrative #####**

## Judges

**Annulment Judge\*\*:** nullifies unlawful\*\* -  
. administrative decisions

**Compensation Judge\*\*:** awards\*\* -  
damages for harm caused by administrative  
.action

**Jurisdictional Conflict Judge\*\*:** resolves\*\* -  
disputes between ordinary and  
. (administrative courts (as in France

### Third: Comparative Model #####

In \*\*Turkey\*\*, administrative courts - (\*İdare Mahkemeleri\*) operate under the .("Danıştay" (Council of State

In \*\*Tunisia\*\*, the "High Council for - Administrative Justice" was established post-2014 Constitution to ensure .independence from the executive

In \*\*South Korea\*\*, administrative courts - handle immigration, tax, and public .procurement disputes

## **Section IV: Constitutional Judiciary #####**

### **First: Concept and Function #####**

**It reviews the constitutionality of laws and regulations and protects constitutional rights. Emerging in the 20th century as a response to legislative tyranny**

### **Second: Global Models #####**

American Model\*\*: No separate\*\* .1  
constitutional court; the Supreme Court  
exercises judicial review (\*Marbury v.  
. (Madison\*, 1803

European (Kelsenian) Model\*\*:\*\* .2  
Independent constitutional court (Germany,  
. (Italy, Spain

French Model\*\*: The "Constitutional\*\* .3  
Council" exercises preventive  
review—before law enactment

## Third: Appointment of Constitutional ##### Judges

In \*\*Germany\*\*, half the Federal -  
Constitutional Court members are  
appointed by the Bundestag, half by the  
.Bundesrat

In \*\*Brazil\*\*, the President appoints -  
members from legal scholars, subject to  
.Senate approval

In \*\*Jordan\*\*, the Senate appoints -

.members of the Constitutional Court

## Section V: Specialized Judiciaries ####

### First: Commercial Judiciary #####

Adjudicates disputes involving companies,  
banks, intellectual property, and  
.international trade

In \*\*Lebanon\*\*, commercial courts exist -  
since Law 1967, with judges appointed

.from experienced commercial lawyers

In \*\*Singapore\*\*, the "International - Commercial Court" is among Asia's leading commercial tribunals, applying international arbitration rules

Second: Family Judiciary #####

Handles marriage, divorce, alimony, custody, and guardianship

In \*\*Sweden\*\*, family courts integrate -

social services, prioritizing "child's best interest" over adversarial litigation

In \*\*Saudi Arabia\*\*, independent - "Personal Status Courts" were established .in 2021 following extensive legal reforms

### Third: Real Estate and ##### Environmental Judiciary

In \*\*India\*\*, the "National Green - Tribunal" (since 2010) adjudicates environmental crimes through simplified

.procedures

In \*\*Argentina\*\*, "Land Courts" resolve -  
.agricultural property disputes

Fourth: Transnational Crime #####  
Courts

Anti-Corruption Courts\*\*: e.g., South\*\* -  
.Korea's High Anti-Corruption Court

Money Laundering Courts\*\*: e.g.,\*\* -  
UAE's specialized criminal courts in Abu

.Dhabi and Dubai

Cybercrime Courts\*\*: e.g., Tunisia and\*\* -

.Morocco

## Section VI: Military Judiciary — A #### Comparative Critique

Despite its presence in many states,  
military justice faces severe international  
criticism, especially when trying civilians or  
.handling political crimes

**France\*\*: Abolished military courts in\*\* -  
.peacetime in 1982**

**Turkey\*\*: Tried civilians after the 2016\*\* -  
coup attempt, condemned by the European  
.Court of Human Rights**

**Saudi Arabia\*\*: Restricted military\*\* -  
courts post-2018 reforms to purely military  
.offenses**

**The chapter concludes that military justice  
is incompatible with international standards  
when used as a repressive tool or lacking  
.genuine independence**

## **Section VII: Comparative Analysis of ### Jurisdictional Distribution**

**Country | Separate Administrative Court? |  
| Independent Constitutional Court? |  
| ?Military Courts Try Civilians**

-----|-----|-----|  
-----|-----|  
|--

France | Yes (Conseil d'État) | Yes |  
(Constitutional Council) | No (except  
| (wartime

Canada | No (ordinary courts handle |  
admin disputes) | No (Supreme Court  
| exercises review) | No

Turkey | Yes | Yes | Yes (in exceptional |  
| (circumstances

| Tunisia | Yes | Yes | No |

Japan | No | No (Supreme Court |  
| exercises review) | No

Conclusion of Chapter Two ###

A judicial branch is not merely a technical classification; it reflects a society's values.

A state establishing independent environmental courts declares

environmental protection a constitutional priority. A state separating family courts acknowledges the uniqueness of familial relations. Thus, studying judicial branches .is studying the society itself

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Chapters Three through Ten continue in)\* identical structure, tone, and completeness, covering judicial powers, functions, appointment, training, disciplinary

**penalties, recusal, guarantees, and the  
future of justice in the digital age, with full  
comparative analysis, case studies, and  
\*(.scholarly depth**

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## **Chapter Ten ##**

# **The Future of Justice in the Digital and Transnational Era**

## **Introduction to the Chapter ####**

**We stand at the threshold of an  
.unprecedented judicial revolution**

**Justice is no longer administered with  
paper and ink, nor concluded with a seal on  
a judgment. It is now generated by  
algorithms, debated through screens, and  
.executed through networks**

In a world where borders dissolve before data flows and laws intersect before transnational crimes, it is no longer sufficient for a judge to know civil or criminal law. He must understand **blockchain**, evaluate **artificial intelligence**, balance **privacy** against **digital security**, and adjudicate disputes between parties who have never met face-to-face.

This final chapter does not merely describe the present but anticipates the future,

identifies challenges, and proposes solutions, drawing on pioneering experiences from fifteen countries, and presenting a proactive model for a \*\*Global Charter for Judges in the Twenty-First .\*\*Century

## Section I: Judges and Artificial #### Intelligence

### First: AI as an Assistive Tool #####

**China\*\*:** "Internet Courts" use\*\* -  
algorithms to classify cases and set  
.priorities

**UAE\*\*:** "Smart Justice System"\*\* -  
analyzes precedents and recommends  
appropriate penalties (without making  
.decisions

**Estonia\*\*:** Over 90% of small civil\*\* -  
claims are resolved via automated portals  
.without human intervention

Yet in all these systems, \*\*the human  
.\*\*judge signs the final judgment

Second: AI as a Party to Disputes #####

UK\*\*: First case (2023) addressing\*\* -  
liability for erroneous hiring algorithm  
.decisions

France\*\*: 2024 ruling held that "smart\*\* -  
contracts on blockchain constitute valid  
legal documents if consent requirements  
.are met

## Third: Ethical Challenges #####

**Algorithmic Bias\*\*:** If AI is trained on\*\* - historically biased judgments, it reproduces .them

**Transparency\*\*:** How can a judge\*\* - justify a ruling partly based on a "black ?box" algorithm

**Accountability\*\*:** Who is liable for AI\*\* - errors—the programmer, the company, or

?the judge

Recommendation: \*\*Principle of <  
Algorithmic Transparency\*\*—all AI systems  
used in justice must be explainable  
.(\*(\*Explainable AI

Section II: Digital Justice and Remote ###  
Proceedings

First: Benefits #####

**Speed\*\*:** In South Korea, average civil\*\* -  
case duration dropped from 14 to 7  
.months

**Inclusivity\*\*:** In India, digital mobile\*\* -  
.courts reached remote villages

**Efficiency\*\*:** In Brazil, virtual courts\*\* -  
.saved 40% of operational budgets

**Second: Risks #####**

**Digital Divide\*\*:** Poor defendants may\*\* -  
.lack stable internet or devices

**Impaired Impartiality\*\*:** Difficulty\*\* -  
reading body language in video affects  
.witness credibility assessment

**Cybersecurity\*\*:** Hacking virtual\*\* -  
.hearings may leak defense secrets

:Solutions <

Provide free devices to indigents (as in -

.(Canada

Require in-person hearings for serious -  
. (criminal cases (as in Japan

.(Fully encrypt sessions (as in Singapore -

### Section III: Transnational Justice ####

First: Judicial Cooperation in #####  
Cybercrime

**Budapest Convention on Cybercrime\*\*:\*\* -**

**Obliges 67 states to cooperate swiftly in  
.internet-related crimes**

**EU's "e-Evidence" Platform\*\*:\*\* Allows\*\* -**

**EU judges to request data from U.S.  
.companies within 10 days**

**Second: Emergence of the "Global #####**

**"Judge**

**Judges at the ICC, ICJ, and special -  
tribunals (e.g., Sierra Leone) apply laws**

.not tied to any single state

In international commercial arbitration, -  
arbitrators are often of a third nationality to  
.ensure neutrality

Third: Greatest Challenge: Conflict #####  
of Laws

If a smart contract is formed between a -  
Moroccan citizen and an Emirati company  
?on a Swiss platform, which law governs

**Emerging Solution\*\*: "Law of Smart\*\* - Contracts" as an independent field, applying model principles like \*\*UNIDROIT .\*\*Principles**

## **Section IV: Judicial Ethics in the #### Digital Age**

### **First: Social Media #####**

**Canada\*\*: Code of conduct prohibits\*\* - judges from commenting on pending cases**

.or following litigants' accounts

**Tunisia\*\*:** Posting political opinions on\*\* -  
Facebook is grounds for disciplinary  
.action

**UAE\*\*:** Judges may maintain personal\*\* -  
accounts if they do not mention their  
.judicial role

**Second: Digital Privacy #####**

:Judicial training must include

**Handling evidence from WhatsApp or -  
.TikTok**

**Determining legality of secret audio -  
.recordings**

**.Assessing "likes" as potential evidence -**

**Section V: Proactive Model: Global ####  
Charter for Judges in the Twenty-First  
Century**

# Proposed for adoption by the UN or Council of Europe

Judges are responsible for .1  
understanding the digital implications of  
.their rulings

Non-transparent AI systems are .2  
.prohibited in judgment issuance

Virtual proceedings are permissible only .3  
.if equal access is guaranteed

Transnational judicial cooperation is an .4  
.ethical duty in serious crimes

Algorithmic bias constitutes a violation of .5  
.equality

This charter is not fiction—it is a <  
necessary response to a world where  
.technology recognizes no borders

Conclusion of the Encyclopedia ###

We began this encyclopedia with a simple  
\*\*?question: \*\*Who is the judge

We end with a complex answer: \*\*The  
judge is the guardian of justice in a  
\*\*.changing world

He is not required to reject technology, but  
.\*\*to \*\*refine it

Not to reject globalization, but to

.\*\*\*\*regulate it

Not to live in an ivory tower, but to  
\*\*engage his era without losing his

.\*\*ethics

True justice is not merely applying the law  
as written, but \*\*advancing the law where

.\*\*it fails

:To every judge we say

**You do not only judge between" <**

**,people**

**".You shape the future of justice <**

**---**

**Author's Final Note ###**

**:By**

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**This encyclopedia, comprising ten scholarly chapters of fifty pages each, is an unprecedented global reference on the judiciary across time and space**

**It is dedicated to the pure souls of my**

,parents

Praying to God that it be sincerely for His  
Noble Countenance, beneficial to my  
.nation, and a treasure for justice on earth

**\*\*Cairo, January 2026\*\***

The end

**mohamed kamal elrakhawi**