

Etymology of the Term “Judge” and Court Staff within the Justice System in the Context of Comparative Law*

Anatoly Slabospitsky,¹ Alexander Gurinovich²

¹ Russian State University of Justice, Moscow, Russia

² Moscow State Institute of International Relations (MGIMO University),
Moscow, Russia



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Abstract

This article examines and compares how different legal systems worldwide define and interpret the concepts of “judge” and “court staff.” The study highlights the primary challenge of establishing uniform criteria to compare the number and functions of judges and judicial personnel in international assessments of judicial efficiency. Utilizing an interdisciplinary methodology, this study integrates legal document analysis, statistical data, and comparative legal research. The authors demonstrate that even among countries sharing similar legal traditions, the term “judge” can vary significantly in meaning, institutional status, and functional responsibilities. These etymological and contextual discrepancies often introduce bias and inaccuracies when comparing performance across judicial systems. Furthermore, the article addresses institutional and methodological issues related to data collection and calibration for international comparative legal studies. As a practical solution, the authors propose applying a cluster-based approach combined with elements of fuzzy logic to enhance the precision and accuracy of comparative legal analysis. The findings and conclusions of this research are highly relevant for strengthening international legal cooperation, shaping legal policymaking, and developing global-standard judicial quality indicators that are more objective and adaptable to diverse legal traditions.

Keywords: Comparativism; Judiciary; Judicial Personnel; International Law; Legal Regulation.

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¹ **Anatoly Slabospitsky**, All-Russian State University of Justice. ORCID: <https://orcid.org/0000-0003-1659-4184>.
E-mail: anslabospitsky@mymail.academy

² **Alexander Gurinovich**, Moscow State Institute of International Relations (MGIMO University). ORCID: <https://orcid.org/0000-0002-9232-3960>. E-mail: algurinovich@mymail.academy

****Corresponding author:** algurinovich@mymail.academy

A. INTRODUCTION

The formation of a judicial system capable of resolving emerging conflicts in a timely and fair manner, as well as holding individuals accountable for acts deemed deviant, represents one of the pillars of modern society and is viewed as a crucial element in ensuring the smooth functioning of a market economy (Baidina & Truba, 2020; North, 1990).

The search for an optimal structure of the judiciary that, in light of contemporary challenges and evolving social perceptions of justice, can meet increasingly stringent criteria such as quality, speed, and reasonable cost (both for the parties involved and for society), while fulfilling its primary function of adjudicating conflicts and addressing deviant behavior, remains a task that demands continuous attention from both legal practitioners and scholars (Dolgoplov et al., 2022). This is relevant given that the judiciary stands as a foundational institution of modern society and continues to play a key role in maintaining the uninterrupted operation of the market economy (Slabospitskaya, 2022).

To attain this objective, legal doctrine has been engaged in generating proposals introducing new approaches to judicial proceedings, including the integration of modern information and communications technologies. Developers of such innovations predict that, at the very least, these tools will transform and, at best, significantly enhance key indicators, such as procedural timeframes, the quality of judicial practice, and public perception of the judiciary (Adygezalova et al., 2022). Examples of such proposals, some of which have received endorsement at the highest levels and have been implemented in practice, demonstrate how justice can evolve together with the rapidly changing worldview of modern society. These developments are well known in legal scholarship, and Russian courts are considered among the leaders in this area (Vedernikov, 2017). On the contrary, courts remain one of the most conservative institutions when it comes to adopting modern technologies (Burova et al., 2021).

Scholars acknowledge that, despite the progress already made, current judicial systems continue to rely on significant human resources (Gurinovich & Slabospitsky, 2025). As a result, these innovations have so far only accelerated certain aspects of judicial activity. It remains difficult to envision a scenario in which judges and supporting court staff would cease to play a central role in the mechanism for protecting violated rights (Slabospitsky & Slabospitskaya, 2022).

Thus, the discussion is not about replacing human judges with machine judges or doing the same with court support staff, but rather about

understanding that the first step must be the automation of certain functions, followed by an assessment of the necessary human resources (Eflova et al., 2024; Eurostat, n.d.; Karshalova et al., 2025). This task appears to be particularly complex.

To address this issue, various solutions have been proposed in legal scholarship. Some authors suggest relying on historical experience as a foundation for determining the required number of judges within specific tiers of the judiciary. Based on data regarding the volume of incoming cases, they propose structuring judicial operations for future historical periods accordingly (Flango & Ostrom, 1996). While this approach has been tested multiple times, it falls short of modern expectations primarily because the data used for such analysis is not received promptly and reflects periods that have already passed, which is especially problematic in times of historical instability and rapid social transformation.

To solve the identified shortcomings of this approach, a more detailed analysis can be applied that considers additional factors, such as the number of organizations in a given area, the number of legal representatives, and the resources used (Lienhard & Kettiger, 2011). This more detailed approach to analyzing existing data has become feasible due to the application of regression analysis and other statistical methods.

Another approach to overcoming these challenges involves the development of the so-called weighted caseload model. This method is based on analyzing the number of incoming cases with due regard to their complexity and the labor intensity required to resolve them. The resulting calculations help determine the amount of time and personnel needed to resolve these cases within acceptable timeframes and at an appropriate level of quality (Gramckow, 2012).

The latter approach requires periodic assessment of how much time and how many resources, including human resources, are necessary to maintain a balance between the effort expended and the outcomes achieved.

One of the proposed methodologies for identifying these key indicators is comparative research. In every country that applies Montesquieu's theory (regardless of other factors), time and resources must be allocated to maintain the operation of the judicial system. Moreover, each of these countries, like a prudent steward, is concerned with whether sufficient funding is being allocated to the judiciary.

Through comparative analysis, researchers aim to find answers to this pressing question. This approach is promising for seeking optimal solutions,

particularly by expanding the sample of materials under analysis and examining the strategies employed by different states in developing this area of social relations. It also provides an opportunity to gain valuable insights into the functioning of other judicial systems and to moderately adopt their experience (Zorkin, 2018). This comparative method serves as an effective heuristic tool for exploring how others respond to similar challenges. As a result, it fosters the development of legal knowledge and the exploration of new practices that may positively influence the core legal doctrine.

Despite the potential of this research method, it also faces significant limitations. One of the most prominent is the complexity of performing accurate calculations. Over a century ago, John McDonnell already wrote about one such difficulty: the challenge of determining the number of judges actively serving within a particular judicial system. At first glance, this task may not seem particularly daunting. The information is not classified and, especially considering widespread digitalization, can often be accessed relatively easily and remotely in many countries. However, upon closer examination, institutional challenges begin to emerge. McDonnell dealt extensively with the issue of gathering the necessary data on the size of the judiciary across different countries. Beyond the language barrier, which has become increasingly manageable with technological advancement, the main challenge lies in identifying a reliable source of information. In different countries, responsibility for maintaining up-to-date data on the judiciary may lie with different branches of government or administrative bodies. These difficulties pale in comparison to a more fundamental problem: the definition of the term “judge” varies considerably from one country to another (McDonnell, 1902). This discrepancy persists even among countries within the same legal family or that have ratified the same international treaties on judicial cooperation and the administration of justice.

Similarly, J. Mark Ramseyer and Eric B. Rasmusen attempted to measure the number of judges, revealing that the task is far more complex than it might initially seem. This is primarily due to the fact that the concept of judge varies significantly across countries, especially when multiple tiers of courts and diverse mechanisms for administering justice are involved (Ramseyer & Rasmusen, 2010). Furthermore, the challenge of calculating the pool of judges engaged in dispensing justice can also be approached through the perspective of their specialization in categories of cases. At a minimum, such specialization follows the division into administrative, civil, and criminal cases.

In this context, differentiation can occur along two lines. The first concerns who exactly is responsible for adjudicating particular types of cases on the merits.

The second relates to the fact that, despite shared approaches to categorizing cases into these types, countries differ in how they define what constitutes a crime versus an administrative offense and, ultimately, in what actions or omissions are decriminalized altogether.

In view of the foregoing, this study aims to identify the core criteria for such categories as judge and administrative personnel and to determine the appropriate number of individuals in each category for the optimal functioning of the judicial system.

B. METHODS

In the course of the research, a comprehensive methodological framework was employed, encompassing general scientific and specialized legal methods. Among the general scientific methods, the study used fundamental philosophical principles of the dialectical approach, as well as methods of analysis and synthesis, deductive reasoning, scientific modeling, and synchronic and diachronic analysis. These methods ensured a comprehensive and multifaceted perspective on the issue under consideration.

As for the specialized legal methods, formal logical analysis was used to examine legal norms, while the comparative-legal method was employed to identify the distinctive features and similarities of judicial systems across various countries. To assess current approaches to the organization of judicial power in the countries under review, the expert evaluation method was utilized, allowing for the integration of professional opinions from specialists in the field.

The synchronic method was applied in the context of comparing current legal and regulatory acts across different countries in their present state, whereas the diachronic method allowed for tracing the historical evolution of these legal institutions over time.

The study analyzed legal and regulatory acts and scientific works by Russian and international researchers specializing in the functioning of judicial systems. The framework of the research was formed by documents currently in force in the countries under analysis, concerning the structure of the judiciary and judicial proceedings within a short historical retrospective. Furthermore, an analysis of the legal doctrines of various countries was conducted concerning the meanings attributed to such terms as "judge" and "administrative staff", as well as the functions assigned to these roles. Special attention was also given to the

evaluation of recent achievements in this area and to statistical data related to the adjudication of legal disputes.

C. RESULTS AND DISCUSSION

1. Available Data

Various judicial systems offer numerous examples, differing in the legal mechanisms implemented, the authority of judicial personnel, and the configuration of administrative structures. A similar situation can be observed in the application of modern approaches to case management, innovations aimed at improving access to justice, and periodical reforms (modernizations) of judicial procedures, both in terms of the structure of the judiciary and procedural law.

Diverse approaches and solutions adopted by different states, whether technical, procedural, or institutional, combined with the development of national policies in this area, present a unique opportunity to study and reflect on ways to improve the administration of justice, both at the general level and within specific countries.

What remains is the task of assessing objective, reliable, and mutually consistent sources of information regarding the performance of judicial systems in different countries, the levels of judicial independence achieved, etc. These metrics include data on judges and support staff, allocated financial and material resources, and the outcomes of how these resources were used.

The absence of unified definitions, standardized instruments, and a common methodological framework significantly complicates the comparison of data on judicial systems across foreign jurisdictions. For these reasons, it is necessary to avoid direct comparisons. Thus, analyses are typically based on observed trends rather than absolute levels, relying on the assumption that the characteristics of a country's system of analysis remain relatively stable over time.

Indeed, discrepancies are bound to arise when using data collected through national analytical efforts. Such analysts operate within their own national contexts, using the information and tools available to them. Furthermore, inconsistencies in the data from different countries may occur even when domestic analysts are tasked with interpreting initially collected data according to uniform criteria. This process has already been ongoing for several years under the auspices of certain international organizations (Council of Europe European Commission for the Efficiency of Justice, 2017).

Thus, we conclude that data from government databases should not be read literally but carefully interpreted. Thus, the focus is on comparison rather than ranking. Indeed, this comparison involves equivalent phenomena across different countries, each characterized by its own geographic, economic, and other characteristics, as well as distinct legal development experiences. In the course of comparing the phenomenon across countries, special attention is given to factors such as the population's level of wealth and the varying approaches to structuring the judiciary and the roles of its participants. In addition, a significant role in the analysis is played by the specific terms used in different states and the potential differences in interpretation relative to the concepts considered under similar categories in Russia.

In the ongoing process of improving the consistency of the collected data, some definitions have been refined, although certain terms still pose challenges for consistent cross-country analysis. Typically, these definitions result from a complex process of adding new conditions (criteria) to commonly accepted categories through the study of jurisdictions. This compromise-driven process has a dual effect. On the one hand, it does not always capture all the differences among the countries analyzed. On the other hand, it reveals interesting peculiarities within different states. Given this, the data analyzed should not be passively accepted but interpreted in the context of this compromise, which can show the whole picture.

Another drawback of the analyzed information is that domestic sources do not fully reflect the situation within their own countries or may adopt interpretations provided by foreign colleagues, which often do not align with comparable interpretations. This circumstance exemplifies one of the many complexities in conducting comparative research on the functioning of judicial systems across different countries.

Let us now take a closer look at the types of information that were analyzed and the additional challenges identified during the comparative process. As previously noted, one of the primary tasks in data collection is the need to establish clear units of measurement on which further calculations and comparisons will be based. An example can be the challenge of defining the range of what is considered minor (insignificant) claims in different countries. The monetary threshold for such claims varies significantly, from as low as 50,000 rubles to as high as 4.5 million rubles. Even in Russian practice, the financial thresholds for categorizing such claims as eligible for written dispute resolution have been revised multiple times over a relatively short period. These changes

were not driven by factors such as inflation but stemmed from other considerations.

Another example is the classic definition of the term “judge.” Traditionally, this refers to an individual entrusted with direct participation in issuing a judicial decision. One possible approach to interpreting this category is to rely on generally accepted standards recognized by many countries, as reflected in documents such as the Convention on Human Rights or similar instruments with a comparable scope of application.

This creates one possible unit of measurement: the judge as a person authorized to make a decision according to the law within the framework of a legal proceeding, and across an unrestricted range of issues falling within the jurisdiction of that individual or judicial tier.

The analysis of the status of the subject leads to the conclusion that the requirements for this figure vary significantly and can be categorized accordingly. Professional judges are individuals who have received specialized legal education or retraining. They receive remuneration for their work, and most importantly, their primary function is to serve as a member of the judiciary, rather than as a university professor. When classifying an individual under this category based on the practices of various countries, their type of employment in the administration of justice (full-time or part-time) does not determine inclusion. For instance, a single unit of measurement may include judges who are only minimally involved in hearing cases, judges who spend only half of their working time on legal disputes, and judges who exceed the average caseload in a region or country.

The situation is different when it comes to other individuals who assist in the administration of justice. For example, when judges work part-time, they are counted as 1 full-time equivalent, whereas a part-time member of the support staff is usually counted as 0.5 full-time equivalent. Accordingly, professional judges who practice only occasionally are still included in this group.

The second category comprises non-professional judges, i.e., individuals who serve voluntarily, receive full or partial reimbursement for their expenses, and issue binding decisions while acting in a judicial role. Some analysts include in this category lay judges and consular judges in France.

Given these distinctions, several issues arise that complicate further analysis. One such issue involves a lack of clarity regarding how to consider specific details, for example, judges seconded to ministries, those on parental leave, etc.

In Slovakia, publicly available sources provide data on the number of judges, with the register maintained by the Ministry of Justice. Currently, their total number does not exceed 1,500 people, with over 30% represented by men. However, the data do not specify which of the categories of judges are included. For example, this figure encompasses members of the judiciary who have been temporarily removed from active service in the Slovak judicial system due to their election to international courts. It also includes judges on parental leave, those seconded to other institutions (the Ministry of Justice or a university), those engaged in the work of other judicial bodies, etc. (Council of Europe European Commission for the Efficiency of Justice, 2014).

This example from Slovakia shows that applying rigid criteria when assessing the number of judges across different jurisdictions carries a risk of distortion, whose scale can lead to significant inaccuracies in the conclusions.

One more problem in analyzing the structure of the judiciary arises from the way judges are grouped into judicial tiers and the specific powers granted to them within those tiers. The jurisdiction of courts, depending on the country under analysis, often differs from what is traditionally understood by the term "judicial powers" or court functionality in the Russian context. These differences influence various related factors, including the number of judicial support staff.

In Russia, there is a clear division into four main jurisdictions: administrative, civil, criminal, and economic. In many jurisdictions, the second and third categories (civil and criminal) are often handled by courts of the so-called "general jurisdiction", which are further divided into two branches corresponding to these case types. The remaining two categories (administrative and economic) may either be structured as two separate branches of the judicial system with an organizational setup distinct from that of general jurisdiction or be fully integrated into the general jurisdiction system.

Data on the judiciary do not indicate which categories of judges are referenced. The same problem applies to the roles of those assisting in the administration of justice. This issue is particularly relevant in countries where professional judges work alongside their non-professional counterparts. A useful example can be drawn from the experiences of France and Italy. In France, the judiciary statistics include individuals responsible for resolving administrative cases. In contrast, similar professionals in Italy are not counted as part of the judiciary, even though both countries have specialized administrative courts.

A related problem is caused by specialization within civil and criminal courts in certain countries. These include labor courts, small claims courts, and

equivalents of Russian commercial courts. Cases in such courts fall under the jurisdiction of different categories of judges. When looking at national statistics, it is often unclear how these variations are reflected, i.e., whether judges are aggregated into a general count or differentiated by their specific roles.

Returning to the case of the French Republic, it is worth mentioning that disputes arising from commercial and labor relations fall outside the jurisdiction of general courts. Instead, they are handled by specialized courts presided over by non-professional judges (arbitrators). The process of appointing these judges is influenced by business associations in commercial courts, while the appointment process is largely shaped by trade unions in labor courts.

An even more interesting case can be observed in Spain with regard to how judges are classified in official statistics. The country has a group of judges comparable to Russia's magistrates, embracing over 7,500 individuals. However, these judges are categorized as "non-professional" in the statistics. They are geographically spread across the country and primarily deal with low-value civil claims and minor criminal offenses. Notably, their responsibilities extend to functions that are atypical of judges in Russia. For instance, they are also tasked with registering births and deaths in the civil registry.

The work of such individuals in this status is temporary and limited to a term of four years. To be appointed, candidates must be elected by municipal councils. While this role is performed voluntarily, it is possible to receive reimbursement for the expenses incurred in the course of carrying out these duties.

The statistical data on the number of judges also appear to be imprecise in another important respect. In some countries, non-professional judges are reported in the overall count without any adjustment for their part-time involvement. It may be the case that a non-professional judge serves only a few part-time days per year, while professional judges work full-time under a significant workload. This highlights the need to determine the number of non-professional judges in statistical reports. A more accurate comparative study requires identifying the actual number of such judges who contribute (minimally) to the functioning of the judiciary over the course of a year. Otherwise, the data on the judicial staff fail to reflect the real amount of working time expended.

It is also possible to compare the number of judges working at each judicial instance. However, such data raise certain concerns as they are heavily influenced by the structure of the judiciary in different countries. In some

jurisdictions, courts of the second instance are also authorized to consider cases on their merits even when the case is being heard for the first time. In Russia, various approaches are used when defining what constitutes a court of first instance. Therefore, such information should also be analyzed with significant reservations, and any conclusions drawn from it should be limited to comparisons between judicial tiers sharing a similar structural organization.

2. Judicial Personnel and Court Operations

While the classification of a judge as a unit of measurement in cross-national comparisons presents several challenges, the situation becomes even more complex when considering the judicial support staff. The personnel can be subdivided into several key categories. First and foremost, there is the judicial support staff that directly assists judges in the administration of justice. Their responsibilities include active participation in court hearings, compiling case materials, transcribing proceedings, and assisting in drafting judicial decisions. The other group comprises the administrative staff. These individuals are not involved in courtroom proceedings but are essential to the day-to-day administrative functioning of the court. Their duties typically include registering incoming correspondence and distributing it among judges, overseeing the payment of court fees, maintaining archives, and performing other clerical tasks. This category also encompasses members of the court's managerial staff, such as the heads of secretariats, IT departments, finance divisions, and human resources. Finally, there is the technical staff responsible for providing logistical and technical support to the court. This group includes janitors, security personnel, procurement officers, and other staff, ensuring that judges and their teams have the necessary materials and resources. There may also be other staff members. The latter may include all staff who are not included in other categories (Council of Europe European Commission for the Efficiency of Justice, 2015).

Although this classification is primarily theoretical, it also has practical significance. Courts in various countries employ different types of staff positions, such as "administrative personnel", "judicial assistants", "legal advisors or registrars", "technical personnel", etc.

A special role among these individuals is assigned to such categories as "lay judges" and "court clerks." Among them, a distinct group is represented by individuals whose legal origins stem from the German judicial system (the *Rechtspfleger*). These individuals constitute an independent judicial body. Their status is enshrined directly in the Basic Law of the Federal Republic of Germany.

They are not auxiliary to judges as they are authorized to independently perform legal functions. These include areas of law, such as family law (including guardianship issues), inheritance law, subfields of land law, etc.

Thus, the primary distinction lies in their authority to independently issue acts equivalent to judicial decisions. In addition, they are empowered to handle matters such as granting citizenship, executing payment orders, resolving disputes arising from real estate auction sales, and conducting enforcement proceedings. They also have competence in certain areas of criminal procedure, for example, the authority to issue arrest warrants or to substitute imprisonment with community service.

As follows from the description of the *Rechtspfleger*'s functions, these individuals, although vested with powers, do not hold the status of a judge. Their status is positioned between that of judges and other judicial personnel. The use of such officials is not limited to Germany. Over time, this model has been incorporated into the judicial systems of other countries. Similar roles can be found in Central European and Balkan states. In total, at least 16 countries employ such officials, although the German *Rechtspflegers* are generally recognized as the originators of this institution. In Russia, academic discussions are still ongoing about the possibility of granting dispute-resolution powers to judicial assistants. One proposed analogy is the delegation of responsibilities similar to those of notaries. However, no legislative changes have been made to implement this approach so far.

Personnel represents a key factor in the functioning of courts. It is the most expensive budget item as human labor in the judiciary remains highly labor-intensive. Therefore, it would be of considerable interest to analyze staffing levels across different countries. However, these obstacles complicate this task. In some cases, comparisons based on the categories outlined above, particularly regarding court staff who are not judges, prove inappropriate or even impossible.

As for court activity, the main data available for comparison concern the number of incoming, pending, and resolved cases. These figures form the basis for three standard indicators that are commonly used to assess court performance: case inflow rate, case disposal rate, and estimated time to disposition.

As a rule, one of the main challenges in obtaining the necessary data lies in the precise formulation of the unit of measurement, as counting the number of court cases is not a straightforward task. Indeed, defining what we mean by a case being considered by a court and accurately calculating their volume remains

a subject of debate. This is particularly true considering two circumstances. The first concerns the timeframe of analysis. It appears that this matter lacks a clear beginning or end, especially when we consider the continuous flow of court cases rather than an individual instance, although even the latter may be sent from one courtroom to another for an extended period before reaching a final decision. As a result, a significant number of cases that come to our attention remain in an uncertain state. This is due to the fact that procedural time limits for such cases may be suspended, making it unclear how they should be classified, i.e., cases in which the judicial process has started but cannot currently be concluded. For example, this may be due to awaiting an external factor such as a ruling from a higher court or an expert examination.

The second issue is more profound and relates to the very subject of our analysis: what exactly are we trying to examine? The flow of court cases is complex because we are often unable to determine, based on statistics, where an administrative offense ends and a criminal offense begins. The blurring of boundaries between different categories of cases was one of the reasons behind the well-known judicial reform of 2014 in Russia. In this regard, we are dealing with varying jurisdictions, different models of statehood, etc.

To establish a common baseline, some foreign scholars have proposed using a particular country's legislation as a reference point for distinguishing between types of court cases. However, this approach has not resolved the issue, and the problem remains fundamentally unsolved.

As an example of how approaches to categorizing cases can vary significantly, we may refer to the experience of Austria. Specifically, statistical data from this country do not allow for a clear distinction between contentious and non-contentious cases, which makes the reported figures only approximate. A similar situation can be observed in the statistics of the Netherlands. In the Czech Republic, the number of disputes arising from electronic payment orders is published under the category of "other cases", while other EU countries classify such cases as "non-contentious".

If we try to compare the functions of judicial tiers across different countries, an additional nuance emerges. In some jurisdictions, courts are entrusted with atypical functions. In the Netherlands, courts, aside from their core responsibilities, also serve as public notaries and perform civil marriage ceremonies. Collectively, this non-standard activity accounts for 25,000 cases reviewed annually. These courts are not unique, as similar functions are performed by courts in the United States.

3. Discussion

1) According to the study, there are still significant challenges related to the formation of a comprehensive pool of statistical data concerning the number of judges and judicial staff in different countries. This complicates the ability to conduct high-level analysis of relevant information for comparative research.

Substantial differences persist between countries regarding who should be classified as a judge and the possibility of distinguishing this term into several subcategories. Moreover, even when comparing countries that are similar in various aspects, this does not guarantee uniformity in the interpretation of the term.

2) Similar issues with units of measurement also arise during more detailed examinations of judicial case statistics. Two main problems can be identified in this regard. The first relates to how different countries categorize specific types of cases. The second involves the statistical accounting of not individual cases per se but the overall flow of judicial cases. This category presents challenges in terms of correlating such case flows with arbitrarily defined time intervals, as well as with instances where judges perform atypical or non-standard functions.

3) Efforts are made to create a glossary for exchanging common definitions and interpretations of the data to be collected to avoid, as much as possible, misinterpretation. This approach is consistent with the broader emphasis in terminology research on the unification and lexicographic codification of specialized vocabulary (Slozhenikina & Zaitseva, 2024).

The development of such a glossary has necessitated the formulation of sufficiently specific requirements for the units of analysis (or measurement) and for the essential characteristics these units must possess. It is also advisable to consider the specifics of employment for the average judge, given that in some countries judges may work full time, while in others they may only serve a few days per year. A similar situation arises when we replace the term “judge” with judicial support staff or other related roles.

4) Additional clarity is also required in the classification and collection of incoming cases, which may include only initial filings, motions based on newly discovered evidence, and other types, depending on the legal context. A separate issue concerns how to account for cases already registered in the system and where some procedural action has begun, but the process was later suspended. This raises the question of whether all disputes should be categorized as active or inactive (the latter sometimes referred to as cases “stalled”). With respect to

adjudicated cases, they can be further divided into categories such as those resolved on the merits or those concluded through alternative dispute resolution methods. It is also important to consider situations where the parties resort to alternative mechanisms after the case has already been filed with the court. A complementary perspective on mediation focuses on practitioners' professional self-determination and their motivations for choosing this profession (Smolyaninov & Smolyaninova, 2024).

Among the various types of court cases, administrative cases are particularly complex. This is due to the fact that the boundaries of administrative jurisdiction vary significantly from one country to another. Consequently, this factor adds an additional layer of difficulty to comparative legal research in this area.

One of the proposed solutions to the challenge of conducting research in justice lies in the development of specific clusters of judicial systems. As a result, certain groups of countries will be formed in which the differences at least with respect to the characteristics currently under analysis are not pronounced.

Given the pluralism of judicial systems in terms of both court organization and judicial procedure, the criterion for this type of grouping (classification) is based on the fuzzy logic approach to ensure greater flexibility when forming comparable clusters.

In this context, the concept of fuzzy logic is applied broadly. This approach implies that the clusters will be formed without rigidly defined boundaries. At the same time, core characteristics will be identified based on previously analyzed data from foreign jurisdictions to form consistent groups of countries for each research question. As a result, these clusters and groupings will remain relatively flexible structures capable of adapting as the focus of the comparison shifts. To answer a question related to court organization, specifically the number of judicial tiers in a given system, we would rely on one set of clusters, with the smallest group consisting of three countries that share similar characteristics in that respect. However, the same group of countries may not be relevant when addressing a different question pertaining to judicial procedure, etc.

In this regard, scholars note that comparativists have come to understand that legal principles are not absolute. Accordingly, conflicts arising in the sphere of values should not be resolved through uncompromising (and often artificial) logic, but rather based on more flexible yet pragmatic interpretations, recognizing that compromise itself as a way out of a given situation must be justified (Cappelletti, 1983).

The difficulty lies in accurately formulating the fundamental characteristics of the judicial system under analysis. These characteristics require separate, dedicated examinations. However, it appears that they will largely depend on what is defined as the unit of analysis.

5) The fundamental variables to be considered when defining the units of analysis for comparing different judicial systems must undergo a process of qualitative and flexible calibration. This approach is typical of precise scientific fields, such as physics (Ragin, 2009), ecology (Slabospitskaya, 2021), and economics (Truba & Bratarchuk, 2024). This process facilitates the identification of judicial bodies for their subsequent grouping into a single cluster. Importantly, this process is qualitative as it is based on subject-matter expertise. The next is the process of determining acceptable margins of deviation from the standard based on the understanding that the elements being compared should be similar rather than identical.

To develop general approaches for the upcoming calibration process, it is proposed to collect and process data for just a few countries and only then gradually expand the volume of comparable material.

To enhance the reliability of the initially obtained data (typically collected by relevant departments of ministries of justice and high judicial authorities in the countries under analysis), it is proposed that these data undergo a secondary review, particularly in terms of interpretation. For this purpose, local representatives from the academic community may be engaged in the analysis. This additional review may also serve as an opportunity to foster scientific dialogue between various theorists and practitioners.

6) Due to the complexity of different justice systems and their contextual frameworks, it is advisable to focus comparative analysis on a narrow range of comparable cases, specifically categories of cases that share similar characteristics (Lijphart, 1971). When selecting a focal group for comparison, the choice is not directly related to the geographical region or other characteristics of the state. Instead, the emphasis is placed on the specific features of each justice model.

Regarding the composition of the clusters, the countries included in them may change their positions due to ongoing reforms, making this process dynamic and requiring continuous monitoring and updating due to rapidly evolving social conditions (Ragin & Pennings, 2005). Thus, one of the defining characteristics of these clusters is that their membership is inherently fuzzy.

On the contrary, the previous challenges in defining the fundamental units of measurement imply a slowdown in the progress of international comparative

research until these challenges are addressed. This situation allows scholars to focus on a single country over different time periods. The material for such a comparison would consist of the same statistical data collected over the years. In other words, the data that over time have undergone only minor changes in terms of question formulation, terminology, and similar aspects. As a result, there is little room for dispute regarding the fundamental criteria used in the assessments.

D. CONCLUSION

The identified issues serve as an impetus for raising several questions concerning the accumulation of information about justice systems. It is not always appropriate to rely on the opinions of foreign authors who are residents of the country whose legislation and judicial practice are analyzed. Their perspectives may be influenced by subjective biases, which could affect their assessment of the judicial system. Relying on such viewpoints may introduce distortions into comparative analysis and, as a result, lead to inaccurate or even invalid conclusions.

Therefore, even considering the significant work performed to collect data on judges, court personnel, and their performance outcomes, it is essential to gather additional high-quality and verifiable information before comparing the results.

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