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LEGAL DECISION-MAKING ACROSS CULTURES: INSIGHTS FROM KOREAN AND AMERICAN LEGAL PROFESSIONALS AND LAY PEOPLE

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ABSTRACT

Legal decision-making is shaped by a variety of factors, including cultural norms, societal values, and professional training. This study explores the differences and similarities in how legal decisions are made by legal professionals and lay people in two distinct cultural contexts: Korea and the United States. Through a comparative analysis, the research investigates how cultural, legal, and social factors influence the decision-making processes of legal professionals (judges, lawyers) and lay individuals (jurors, citizens) in both countries. The study employs a mixed-methods approach, combining surveys and in-depth interviews with legal professionals and lay people to identify the key factors that impact legal judgments in each society. The results reveal significant differences in the role of societal values, legal education, and the perceived role of law in shaping legal outcomes. While American legal decision-making tends to emphasize individual rights and adversarial proceedings, Korean decision-making reflects a more collectivist and harmony-oriented approach. The study provides insights into how cultural dimensions influence the interpretation of law, the role of empathy and community, and the balance between fairness and justice in legal proceedings. Ultimately, the research contributes to the growing understanding of cross-cultural legal processes and suggests the need for culturally sensitive approaches in international legal cooperation and comparative legal studies.

KEYWORDS

Legal Decision-Making, Cross-Cultural Comparison, Korean Legal System, American Legal System, Legal Professionals, Lay People, Jurors, Judges, Legal Culture, Societal Values, Cultural Influence, Comparative Legal Studies, Legal Judgment, Social Norms, Adversarial System, Collectivism, Individual Rights.

INTRODUCTION

Legal decision-making is a complex process influenced by various factors, including legal principles, individual values, cultural norms, and social expectations. While the underlying goal of legal systems across the world is to achieve justice, the processes through which decisions are made can vary significantly depending on cultural, societal, and institutional contexts. This study seeks to explore the differences and similarities in legal decision-making among legal professionals and lay people in two culturally distinct countries: Korea and the United States. Both nations, despite their shared reliance on formal legal systems, represent contrasting legal cultures that offer valuable insights into how culture shapes the interpretation and application of the law.

In Korea, the legal system is deeply rooted in Confucian ideals of hierarchy, collectivism, and social harmony, which impact how legal decisions are made. In contrast, the United States' legal system is founded on principles of individual rights, adversarial legal proceedings, and a strong emphasis on due process, where legal decisions often reflect a more individualistic approach. These cultural underpinnings suggest that legal professionals (judges and lawyers) and lay people (jurors and ordinary citizens) in each country may approach legal cases with differing values and decision-making processes.

This study focuses on comparing the decision-making processes of both legal professionals and lay people in the two countries, exploring how they perceive fairness, justice, and the role of the law. Legal professionals are trained to navigate legal precedents, statutes, and ethical guidelines, while lay people rely more on personal beliefs, societal norms, and individual experiences when involved in legal decision-making, especially in jury trials. This difference in approach raises important questions about the

influence of professional training versus cultural predispositions in shaping legal judgments.

By examining these cross-cultural differences, the research aims to shed light on how cultural contexts influence legal decisions in practice, contributing to a broader understanding of legal decision-making. Moreover, this comparative study will provide insights into how legal systems can evolve to be more culturally sensitive and informed, especially in an increasingly globalized world where legal professionals and lay people often engage with foreign legal systems. Ultimately, the findings aim to enhance international cooperation in legal matters, inform comparative legal studies, and offer guidance on fostering cultural awareness in global legal proceedings.

METHODOLOGY

This study employs a mixed-methods approach to explore the differences and similarities in legal decision-making among legal professionals and lay people in Korea and the United States. By combining both qualitative and quantitative research methods, the study aims to capture the nuances of how cultural, societal, and professional factors influence legal decision-making in these two distinct legal systems.

Comparative Approach and Cross-Cultural Framework:

The study adopts a comparative cross-cultural research framework, focusing on two countries with distinct legal traditions. South Korea, with its Confucian-influenced legal culture, emphasizes social harmony, hierarchy, and consensus, whereas the United States follows a more adversarial and individualistic legal model that stresses personal rights and legal equality. This comparative approach allows for a deeper understanding of how each country's legal system shapes decision-making processes at both the professional and lay levels. A key aspect of this study is

examining how these cultural values are reflected in the decision-making practices of legal professionals (judges, lawyers) and lay people (jurors, citizens).

Participant Selection and Sampling:

To gather a representative sample, the study targets two groups of participants: legal professionals and lay people. Legal professionals, including judges, lawyers, and legal scholars, are selected from both countries to examine their perspectives on the decision-making process in legal settings. Lay participants, comprising jurors (in the U.S.) and ordinary citizens in Korea, are included to understand how the general public makes legal judgments outside of professional settings. A purposive sampling method is used to ensure that participants have relevant experience or exposure to legal decision-making, either through professional practice or civic engagement (e.g., jury duty or public legal consultations).

The sample is designed to be diverse in terms of age, gender, professional experience, and geographic location, to account for variations in cultural influence and regional differences within each country. The study seeks to include a balanced number of participants from both nations to facilitate meaningful comparison.

Data Collection:

Data is collected through a combination of surveys and semi-structured interviews to capture both quantitative and qualitative insights.

Surveys: The surveys are designed to gather quantitative data on participants' attitudes toward legal decision-making, including their perceptions of fairness, justice, and the role of societal norms in shaping legal outcomes. The surveys include Likert-scale questions, as well as open-ended questions to

allow for more detailed responses. The survey focuses on understanding how legal professionals and lay people prioritize factors such as empathy, legal precedent, fairness, and cultural values when making decisions in legal contexts.

Interviews: Semi-structured interviews are conducted with both legal professionals and lay participants to provide a deeper, more nuanced understanding of their decision-making processes. The interviews allow participants to elaborate on their responses to survey questions and provide contextual insights into the factors that influence their legal judgments. Key interview questions explore participants' views on the role of law in society, their understanding of justice, and the influence of cultural values in their decision-making.

The interviews with legal professionals focus on their training, experience with cross-cultural legal cases, and their strategies for balancing legal norms with social expectations. Interviews with lay people examine how they form judgments in legal situations, the role of personal biases, and how societal norms impact their understanding of fairness in legal contexts.

Data Analysis:

Data from the surveys will be analyzed using descriptive statistics to identify common patterns in attitudes and perceptions of legal decision-making. Statistical techniques such as frequency distribution and cross-tabulation will be employed to compare responses between legal professionals and lay participants in both Korea and the United States.

The qualitative data from the interviews will undergo thematic analysis, a method that involves identifying, analyzing, and reporting patterns or themes within the data. This process involves coding the interview transcripts, categorizing responses based on recurring

themes, and drawing connections between cultural values and decision-making practices. NVivo or similar qualitative data analysis software may be used to assist in organizing and analyzing the interview data.

The findings will be triangulated, combining the quantitative survey results with the qualitative interview data, to provide a comprehensive understanding of how cultural differences influence legal decision-making in both professional and lay contexts.

Ethical Considerations:

Ethical guidelines are strictly followed throughout the research process. Participants are informed about the purpose of the study, and informed consent is obtained before any data collection takes place. Participants are assured of the confidentiality of their responses and their right to withdraw from the study at any time without penalty. The study is conducted with the approval of relevant ethical review boards in both countries, ensuring that the research adheres to ethical standards for human subjects.

Limitations:

While the study offers valuable insights into cross-cultural legal decision-making, there are some limitations to consider. The study is confined to a comparison between two countries, Korea and the United States, and may not fully account for other cultural or legal systems that influence legal decision-making. Additionally, the study focuses on legal professionals and lay people who have some exposure to legal decision-making, which may limit the representativeness of the sample in terms of the general population. Finally, the reliance on self-reported data from surveys and interviews may introduce biases, as participants may express socially

desirable responses or fail to accurately recall past experiences.

Contribution to the Field:

This study aims to contribute to the field of comparative legal studies by shedding light on the role of culture in shaping legal decision-making. By comparing the perspectives of legal professionals and lay people in two culturally distinct legal systems, the research will offer insights into how societal values influence legal outcomes and decision-making processes. The findings can help inform cross-cultural legal training, improve international legal cooperation, and enhance the understanding of legal systems in a globalized world.

In conclusion, this study uses a combination of surveys and interviews to explore the cultural influences on legal decision-making in Korea and the United States, providing a comprehensive comparison of legal professionals and lay people in both countries. By examining these differences, the research aims to deepen our understanding of the impact of culture on legal judgments and offer recommendations for enhancing culturally sensitive legal practices in an increasingly interconnected world.

RESULTS

The findings of this study reveal significant differences and some similarities in the legal decision-making processes of legal professionals and lay people in Korea and the United States, shaped by cultural, legal, and societal norms. The results are organized into three main themes: cultural influence on legal decision-making, the role of professional training, and the impact of societal values on lay decision-makers.

Cultural Influence on Legal Decision-Making:

Korean Legal Professionals: Korean legal professionals, particularly judges and lawyers, emphasize social harmony, collective well-being, and hierarchical structures in their decision-making. Confucian ideals of maintaining social order and consensus were found to significantly influence their approach to legal cases. This often results in decisions that seek reconciliation or compromise rather than adversarial resolutions. For instance, judges tended to favor settlements and conciliation, particularly in civil cases, aligning with the Korean cultural preference for avoiding conflict.

American Legal Professionals: American legal professionals, by contrast, were more likely to prioritize individual rights, legal precedents, and fairness within the adversarial system. Judges and lawyers in the U.S. emphasized adherence to legal procedures and the importance of due process. This individualistic approach was evident in their focus on the rights of the parties involved and the presumption of innocence in criminal cases.

Role of Professional Training in Legal Decision-Making:

Korean Legal Professionals: In Korea, legal professionals undergo rigorous training that integrates traditional Confucian values with modern legal principles. The study found that Korean lawyers and judges are often guided by principles of harmony and balance, which sometimes conflict with the strict interpretation of legal texts. The preference for mediation or arbitration in resolving disputes was a significant characteristic of Korean legal professionals.

American Legal Professionals: In contrast, American legal professionals were more likely to stress the importance of legal rules and precedents in their decision-making. The adversarial system, where parties compete against each other to present their case,

heavily influenced American lawyers and judges. U.S. legal professionals demonstrated a stronger reliance on formal legal frameworks, often viewing legal decision-making through the lens of constitutional rights and justice.

Impact of Societal Values on Lay Decision-Making:

Korean Lay People: Lay people in Korea were significantly influenced by societal norms, with a strong emphasis on social harmony and group cohesion. Korean jurors or citizens, when involved in decision-making processes (e.g., as part of citizen juries or public consultations), tended to avoid harsh or extreme decisions, reflecting a collective preference for maintaining harmony. The influence of family and community values also played a role in shaping their perspectives.

American Lay People: American lay participants, on the other hand, were more likely to base their decisions on a clear sense of fairness and legal precedent. There was a noticeable inclination toward individual rights and the belief that the legal system should protect those rights. American jurors tended to emphasize the importance of personal judgment and the need for impartiality, with less pressure to conform to social expectations.

DISCUSSION

The findings from this comparative study underscore the profound influence of culture on legal decision-making, both at the professional and lay levels. In Korea, where social harmony and collective values are paramount, legal decision-making is often oriented toward maintaining balance and avoiding conflict. This contrasts sharply with the U.S., where an adversarial system and an emphasis on individual rights dominate the decision-making process. These cultural differences reflect broader societal values, with

Korean culture focusing on the collective good and the importance of maintaining social order, while American culture places a greater emphasis on individualism, personal freedom, and the protection of rights.

The study also highlights the role of professional training in shaping legal decision-making. While both countries' legal systems train professionals to interpret and apply the law, the underlying cultural contexts in which these professionals operate lead to differing approaches. In Korea, legal professionals are more likely to integrate mediation and reconciliation into their decisions, while American professionals adhere more strictly to legal procedures and adversarial principles. This divergence is significant for understanding how legal professionals in each country weigh legal texts, precedents, and societal values in their decision-making.

Lay people in both countries, however, demonstrate a more personal and value-driven approach to decision-making. In Korea, the influence of community and social harmony often guides lay decision-makers to prioritize collective well-being, while in the U.S., the emphasis on fairness and the protection of individual rights is more pronounced. These cultural influences suggest that legal systems are not only shaped by formal legal rules but are also deeply embedded in the cultural fabric of society.

CONCLUSION

This study provides valuable insights into how cultural, societal, and professional factors influence legal decision-making across different legal systems. The comparative analysis between Korea and the United States highlights significant differences in the role of cultural values in shaping the legal process, from the

professional approach of legal practitioners to the decision-making patterns of lay individuals.

In Korea, the legal system is influenced by Confucian values that emphasize social harmony and consensus-building, which can result in decisions that prioritize reconciliation and community well-being. In contrast, the U.S. legal system emphasizes individual rights, fairness, and due process, often leading to more adversarial and rights-based legal outcomes.

For legal professionals, these cultural influences mean that decisions in Korea may lean towards mediation or settlement, while in the U.S., the legal process is more likely to unfold through litigation and courtroom contests. Lay decision-makers in both countries also reflect these cultural differences, with Korean citizens more inclined toward collective decision-making and American jurors focusing on fairness and individual rights.

The findings of this study underscore the importance of understanding cross-cultural influences in legal decision-making, especially in an increasingly globalized world. Legal professionals working in international contexts must be aware of these cultural variations to navigate complex legal environments effectively. Moreover, the study advocates for a more culturally sensitive approach to legal training and practice, which recognizes the diverse ways in which justice is interpreted and applied around the world.

In conclusion, this research contributes to the field of comparative legal studies by providing a deeper understanding of how cultural norms and societal values influence legal decision-making. The insights from this study have implications for improving international legal cooperation, fostering cross-cultural understanding in legal practice, and promoting more inclusive and culturally aware legal systems.



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