

Ordinary courts - Finland



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This section provides information on the ordinary courts and administrative courts in Finland.

General and administrative courts – introduction

One can divide the **courts of law in Finland** into **general** courts for civil and **criminal matters**, **administrative** courts for administrative adjudication and special **courts**.

The term '**general courts**' refers to **courts** whose jurisdiction is general. In other words, they handle legal disputes that have not been made the responsibility of some other court of law. General courts are:

- **District and City Courts (20)**
- **Courts of Appeal (5)**
- **Supreme Court.**

General administrative courts **are administrative courts**.

Administrative courts are the Supreme Administrative Court and the Regional Administrative Courts. There are six regional administrative courts in Finland: Administrative Court of Helsinki, Hämeenlinna, Eastern Finland, Northern Finland, Turku and Vaasa. Åland also has its own administrative court, Ålands förvaltningsdomstol.

The highest administrative court is the **Supreme Administrative Court (Korkein hallinto-oikeus/Högsta förvaltningsdomstolen)**.

District courts

 **District** courts are the **lowest** instance of ordinary courts. They deal with civil, criminal and certain applications, such as divorces. There are 20 county courts in Finland. Their size, both in terms of the number of files and the number of staff, varies considerably. Every year, county courts deal with approximately 550 000 cases (criminal cases, 80 000 cases, 420 000 cases and 50 000 cases). The total number of staff in district courts is around 1900.

Provisions governing the functioning and administration of these courts are laid down in the **Courts Act (673/2016)** and the Rules of Procedure of the Courts. According to the law, the leading judge in a court of first instance is also the administrative head of that office.

In addition, the District Court has lay members, i.e. laypersons, who are involved in the resolution of the most serious criminal and land cases. The lay members are chosen by municipal councils. The Ministry of Justice confirms the number of lay members to be chosen by the municipalities. Their remuneration is paid out of state funds.

Procedure in district courts

In a **district court**, a **civil case** is divided into two stages: **A preliminary preparation and a main hearing**. The preliminary preparation commences with the written submissions of the parties. Uncontested debt claims are already settled at this stage. The preparation shall be oral and one judge shall be present at the hearing.

If the case cannot be resolved at this stage, a separate main hearing is scheduled. In that case, the county court consists of either one or three judges. The proceedings are as continuous as possible.

In **criminal cases**, the **composition of the district court varies** depending on the offence in question. Minor offences are dealt with by a single judge and more serious offences are dealt with by a single judge and two juries or three judges.

Criminal procedure follows the same principles as in civil cases. A preparatory hearing may also be held in criminal proceedings. The court may ask the accused to make a plea before the main hearing. The proceedings shall be oral and the judgment shall be based on facts and evidence brought to the attention of the court by the parties. All evidence is received in the main hearing. Criminal proceedings shall also be held, as far as possible, on a continuous basis. The composition of the court may not be changed during the main proceedings. Under the conditions laid down by law, criminal proceedings may also be decided by written procedure without the submission of a main hearing.

If the court does not reach a **consensus on the judgement**, a vote is taken. Each member of the panel has an individual vote. Where there is a tie in a civil case, the judge voices his final opinion; in a criminal case, the more lenient alternative prevails.

The decision of the District Court shall state the reasons on which it is based. In most cases, the judgement is handed down to the parties immediately after the conclusion of the main hearing. However, in the case of large or otherwise complex criminal cases, the sentence may not take more than two weeks. The judgment will then be available in writing from the registry of the court.

Hovioikeudet

There are  **five** courts of appeal in Finland (Helsinki, Eastern Finland (Kuopio), Rovaniemi, Vaasa and Turku Court of Appeal).

As superior courts, these handle appeals and petitions against the rulings of the district courts. In certain cases, courts of appeal also act as courts of first instance: E.g. for the impeachment of a lower court judge or civil servants of high standing.

The courts of appeal are also responsible for supervising the application of the law in district courts, and for certain matters pertaining to judicial administration. One administrative matter in particular requires issuing an opinion to the judicial selection committee on applicants applying for the office of judge of a district court or court of appeal. The statement of opinion is made by the committee of the court of appeal charged with this responsibility. The president (chief justice) of the court of appeal is responsible for its operations and efficiency.

The Court of Appeal is divided **into divisions**. The division consists of a head of division and other judges. Cases are normally dealt with by a formation composed of three judges.

Procedure in the court of appeal

In some civil and criminal cases, the claimant needs a further authorisation from the Court of Appeal. The granting of an authorisation for further processing is regulated by law. Cases are dealt with by the Court of Appeal either by written procedure or at an oral hearing.

The Supreme Court

 **The** Supreme Court is the highest appellate level. Like the court of appeal, the Supreme Court is divided into sections which, to be legally competent, consist of five members.

To refer a case to the Supreme Court, the interested or involved party must apply for leave to appeal against a judgement of a court. On receipt of this petition, the Supreme Court examines whether or not it can grant leave to appeal in this particular case. The matter is considered by a two or three-person panel. Leave to appeal may be granted only on grounds stipulated by law.

Since 1980, the Supreme Court has become a precedent-setting institution. To all intents and purposes, a case that the Supreme Court has settled sets a legal norm that other courts of law must follow in similar cases. No leave to appeal is required in cases where a court of appeal has functioned as court of first instance.

The operations of the **Supreme Court are presided over by its president**. Members of the Supreme Court are called justices of the Supreme Court. The rapporteurs are the Permanent Secretary, the Rapporteurs' Counsellors, senior legal secretaries and legal secretaries.

In addition to judicial proceedings, the Supreme Court appoints temporary judges at ordinary courts for a period of more than one year. The Supreme Court also comments on proposed legislation and clemency petitions sent to the President of Finland.

The procedure in the Supreme Court is usually written. If necessary, an oral **hearing shall** be held.

Administrative courts

Administrative Courts:

The Constitution requires that all public activities comply strictly with the law. Any person or entity which considers a decision of a State or municipal authority to be unlawful in a matter concerning him may, as a general rule, appeal against it.

The authority shall indicate, together with the decision, how and to whom an appeal may be lodged against the decision. Often the decision can first be reviewed by the administrative authority and then appealed to the administrative court if the decision is [still dissatisfied](#). The jurisdictions of the administrative courts are determined by the territorial division of the provinces in such a way that one or more provinces may be included in a single jurisdiction.

On appeal, the Administrative Court decides whether the contested authority's decision is lawful. If the decision of the administrative court is not satisfied, in most cases an appeal may still be brought before the Supreme Administrative Court or, at least, an application for leave to appeal to the Supreme Administrative Court.

Administrative rights are governed by the Administrative Justice Act (430/1999), the Government Decree on districts of administrative courts (865/2016) and the individual Rules of Procedure. As a procedural law, the Administrative Judicial Procedure Act (586/1996) applies to administrative courts.

Administrative courts deal with over 20 000 cases each year. Most cases are appeal cases, but administrative courts also deal with administrative disputes and subordination cases. According to the diagonal formula, there are almost 300 categories of cases to be dealt with, which illustrates the wide range of cases. Administrative courts are general regional courts which, as a general rule, deal with all administrative court cases. However, some cases are concentrated on certain administrative rights:

- The Helsinki Administrative Court deals, inter alia, with all matters relating to VAT and customs duties.
- The Vaasa Administrative Court will hear an appeal against permit and order decisions under the Water Act and the Environmental Protection Act.
- The Hämeenlinna Administrative Court deals with appeals against agricultural aid, rural development aid and agricultural structural aid.
- The Administrative Court of Northern Finland hears appeals against aid cases concerning reindeer husbandry and natural means of farming, as well as certain cases to be decided under the Skolt Act.

The Administrative Court has a supreme judge of the Administrative Court and other members of the Administrative Court. The functioning of the Administrative Court is managed and managed by a supreme judge. Administrative courts may be divided into sections. The Chambers shall be headed by the Administrative Judge appointed as President of the Chamber. In addition to administrative judges, there are rapporteurs and secretarial staff in the Administrative Court. Administrative courts employ a total of around 550 staff.

Formations of the Administrative Court

The Administrative Court is a collegiate court, which usually has a quorum of three members. The members of the Tribunal are the Supreme Judge of the Administrative Court and the Administrative Judges of the Administrative Court. In addition, in certain cases, such as cases concerning mental health and the taking of children into care, a non-active expert member is involved in the deliberations and decision-making. In addition to legally qualified members, judges in the field of science or engineering are involved in cases under the Environmental Protection and Water Act. The normal composition of these groups is four members.

It is possible for administrative courts to resolve certain simpler appeal cases, as defined by law, in more restricted configurations. This presupposes that the legal protection of the parties is not compromised.

The composition of two judges may decide on certain cases listed by law where the appeal case is clear and does not require a new type of interpretation of the law. These include a number of complaints relating to income taxes, property taxes, car taxes and building permits. In the event of disagreement between the judges in a two-member formation, the case shall be referred to the normal three-member formation for decision. One judge may decide on complaints concerning, inter alia, the parking fee, the transfer of a vehicle, driving licence cases and the public transport inspection fee. In addition, one judge may decide on all interim injunctions and prohibit or suspend the enforcement of taxes and duties.

The procedure before the administrative court

In administrative law, cases are mainly dealt with in writing, but the organisation of hearings and inspections has increased in recent years. There are many oral hearings, in particular on child protection and foreigners.

In the course of the proceedings, the appellant or applicant is, in principle, required to provide evidence of their claims and of the pleas in law on which they are based. However, on the basis of the so-called formal principle, the Administrative Court is responsible for ensuring that the matter is resolved. According to the Administrative Judicial Procedure Act, the Administrative Court shall ex officio investigate the matter to the extent necessary for the fairness of the proceedings, the fairness of the proceedings and the nature of the case.

In administrative law, cases are dealt with in the order in which they are initiated. However, certain cases are dealt with as urgent by law. Once a case has been brought before the administrative courts, the rapporteur is preparing the case. In administrative courts, administrative court secretaries and notaries, sometimes also administrative court judges, act as rapporteurs. The rapporteur shall obtain the necessary opinions or explanations from the authorities and shall ensure that interested parties are heard.

The proceedings are followed by an examination of the procedural requirements and, in the event of an appeal, an opinion of the authority and the documents on which the decision is based are obtained. The other parties, if any, and the appellant will then be heard.

The rapporteur shall draw up a reasoned opinion on the matter to be decided. The documents and the Opinion will circulate to the judges and the case will then be decided at a hearing before the Administrative Court.

The Administrative Court will consider all the issues raised and will decide which issues are relevant to the decision. If the Judges taking the decision do not agree, the decision shall be put to the vote. The rapporteur may also submit a dissenting opinion. After the hearing, the statement of reasons for the decision may be further specified and, once the formation of the court has signed it, it shall be served on the parties and on the authority.

The Supreme Administrative Court

☞ The Supreme Administrative Court is the Supreme Administrative Court and has supreme jurisdiction in administrative judicial proceedings.

Most of the cases before the Supreme Administrative Court come from other administrative courts. In some cases, you must first apply to the Supreme Administrative Court for leave to appeal.

In Finland, the Supreme Administrative Court may also be appealed on legal grounds against decisions of the Council of Ministers and Ministries of the Supreme Executive.

The Supreme Administrative Court may issue opinions and proposals on legislative matters. It supervises the administration of justice in its field of activity. The aim is to ensure that the administrative court system functions as a whole and efficiently. In addition, the Supreme Administrative Court appoints judges of administrative courts for a fixed term of more than one year.

The Supreme Administrative Court is headed by the President of the Supreme Administrative Court. Members of the Supreme Administrative Court are called legal advisers. There are around 20 legal counsellors. In addition, there are around 50 lawyers in the Supreme Administrative Court as rapporteur and the same number of other staff. The Supreme Administrative Court is divided into chambers. The Permanent Secretary shall direct the Registry.

The Supreme Administrative Court receives about 6000 cases each year. In the Korkein hallinto-oikeus (Supreme Administrative Court), judicial cases are regularly dealt with by the formations of five members. In the case of leave to appeal, the application may be rejected by a panel of three judges. In addition to the jurisprudence members, the composition of the court consists of two ad-hoc experts in the Water and Environmental Protection Act, as well as in the patent, utility model and district design of the integrated circuit. The expert member shall have the status of independent judge. The procedure in the Supreme Administrative Court is mostly written, reviewed and oral hearings of less than ten per year.

Legal databases and websites

Repository name

Finlex ☞ <https://www.finlex.fi/>

Website of the Finnish Judiciary ☞ <https://oikeus.fi/tuomioistuimet/fi/index.html>

Is the website or database free of charge?

The website is **free of charge**.

The website of the ☞ [Finnish Judiciary provides information](#) on the judicial system in Finland. It is a one-stop portal for those seeking information on the courts, prosecutors, bailiffs, legal aid bureaus and other public bodies dealing with the administration of justice in Finland.

It includes, for example, the latest case law from the courts of appeal and administrative courts. The largest databases of the Supreme Court, courts of appeal, administrative courts and specialised courts are located in the free Finlex ☞ service operated by the Finnish [Ministry of Justice](#).

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