

TRIAL BY JURY AS A GUARANTEE OF LEGITIMATE DECISIONS: CONSTITUTIONAL, LEGAL AND ECONOMIC PRINCIPLES

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Abstract. The article is devoted to the analysis of the constitutional, legal and economic foundations of the jury trial as a guarantee of legal decision-making. The issue of jury trial remains extremely relevant in the context of building a democratic society and the rule of law. In accordance with the principles of separation of powers, a jury trial is an institution which ensures public control over justice and significantly affects the legitimacy of court decisions. The *subject of the study* is the constitutional and legal relations related to the functioning of the jury, as well as the economic relations closely related to it. The study of this topic is important for ensuring the effectiveness of justice, protecting human and civil rights and freedoms, and increasing public confidence in the judicial system. The *purpose of the article* is to analyse the constitutional and legal framework and economic principles underlying the jury trial and determining its role as a guarantor of lawful decision-making in the judicial system. The *methodology* of the article includes the method of analysis, comparative method, empirical method, method of synthesis and generalisation of results, and historical method. The *results* of this paper include an analysis of the role and significance of the jury in the legal system, the peculiarities of its composition and procedural functioning, as well as its impact on law enforcement and human rights protection. The publication analyses the constitutional and legal framework of the jury as a guarantee of legal decision-making. The authors analyse the domestic and foreign experience of using a jury trial, examines its advantages and disadvantages, economic factors and impact, as well as the legal acts regulating the activities of a jury trial, and the principles and procedures underlying its functioning. It is concluded that the historical context of the development of the jury trial demonstrates its significant role in the administration of justice. When defining the role and functions of the jury in the modern legal system, one can note its important impact on ensuring fair trial and protection of citizens' rights. However, there are problems and challenges that require attention, in particular, the issue of increasing the effectiveness and inviolability of the jury in practice. The *conclusion* of the study is that the institution of jurors is crucial for ensuring the fairness of justice and public trust, is determined by the constitutional principles of ensuring its independence, requires improvement of legislation, training of jurors and consideration of economic consequences for its further development, as evidenced by the results of the analysis and comparative methods with the European and American experience.

Keywords: jury trial, Constitution, legality of a court decision, criminal orders, orders, corruption, legal liability, economic impact.

JEL Classification: K40

1. Introduction

In modern legal systems, juries play an important role in ensuring fairness and legality. This institution promotes the active participation of citizens in the judicial process, ensuring objectivity and representativeness in decision-making.

The object of the study is a jury trial as an institution of the legal system. The subject of the study is the constitutional and legal framework for the functioning of the jury, its role in the judicial system and its impact on court decision-making.

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The key tasks of the research include the following:

1. Analysis of constitutional and legal provisions on jury trials, including those enshrined in the Constitution and legislation.
2. Study the historical context of jury trials, including their origins, evolution and current trends.
3. Define the role and functions of the jury in the modern legal system, including its impact on ensuring fair trial and guaranteeing the rights of citizens, as well as on the country's economy.
4. Identification of problems and challenges faced by jurors in practice and finding ways to solve them.

By achieving these objectives, the study will contribute to a better understanding of the concept and functioning of jury trials, and will help to improve the legal system to ensure more efficient and fair justice.

Specific terms:

A *jury* is a judicial body consisting of lay judges (jurors) who participate in criminal or civil cases under the direction of professional judges (Akhtyrskaya, 2012).

The *legality of a court decision* is the principle that court decisions must be based on laws and legal norms and comply with procedural requirements (Grubinko, Yarchuk, 2014).

Criminal orders are actions or instructions that violate laws or regulations and can be classified as criminal (European and International Standards in the Field of Justice, 2015).

Criminal instructions are official documents or directives containing instructions or requirements aimed at committing criminal acts (European and International Standards in the Field of Justice, 2015).

Corruption is dishonesty or manipulation, usually involving the abuse of power or position for personal gain (Shulha, 2019).

Legal responsibility is the obligation to suffer consequences for breaking laws or regulations, which may include fines, imprisonment or other sanctions (Smirnova, 2020).

2. Methodology

The following methods were used in the study of the constitutional and legal framework of jury trial in the context of court decision-making:

Method of analysis. This method involved a systematic review of scientific literature, regulations and positions of legal scholars on jury trials. This analysis helped to understand the current state of the problem under study, identify key concepts and approaches, and identify gaps in scientific knowledge.

Comparative method. A comparative analysis of the legislation of different countries on jury trials revealed a variety of approaches to the organisation and functioning of jury trials and identified best practices. Using this method, recommendations for amendments

to Ukrainian legislation were formulated, and best practices on this topic were identified.

Empirical method. This method allowed to identify the peculiarities of the role of jurors in specific situations, determine the effectiveness of their participation in the administration of justice, and identify possible problems. The empirical method was used to analyse the results of the jury trial and its impact on justice, including the collection of statistical data, analysis of court decisions, and study of feedback from the participants in the trial. Based on this analysis, conclusions can be drawn about the effectiveness and expediency of jury participation in the administration of justice.

The method of synthesis and generalisation of results. Based on the data obtained as a result of the analysis, conclusions and recommendations for the further development of the jury trial as a guarantee of legal decision-making are formulated. In addition, this method helped to determine the economic impact of jury trials.

Historical method. This method enables the development of jury trials to be seen in the context of the history of justice. It is noted that the historical roots of the jury trial can be traced back to the ancient traditions of jurisprudence, where community participation in resolving legal issues was the norm. The modern jury trial, based on these traditions, reflects the long history of justice development and embodies important principles of democracy and citizen participation in court proceedings. Thus, constitutional and legal principles, consistent with the historical development of justice, form the basis for the functioning of the jury as a guarantor of legitimate decisions in the judicial system.

3. Literature Review

The following scholars have studied the constitutional and legal principles of jury trial as a guarantee of legal decision-making: Akhtyrskaya N., Bila A., Belova O., Bumaga K., Grubinko A., Yevseyev Ye., Bruslyk O., Kovalov S., Neshyk T., Polyatsko A., Obrusna S., Roshchyna I., Smalyuk R., Smirnova V., Teslenko I., Shapovalova I., Shulha A., Shuval'ska L., Shcherba V., Forbes M.

The formation of the jury in Ukraine. This was examined in the study by Akhtyrskaya N. (2012). The researcher believes that legislative regulation of jury trials should limit their use to certain categories of criminal cases. The accused should have the right to choose whether his or her case will be heard by a jury or a panel of professional judges. The functions of juries should be clearly separated from those of professional judges. The jury should decide only on questions of fact, while the professional judge, using his or her verdict and the criminal law, should pass sentence.

Bila A. (2020) studied the activities of the jury in Ukraine. The author came to the conclusion, with which one should agree, that jury trial in Ukraine is gradually gaining strength in the Ukrainian judicial system. In other countries, this institution is clearly regulated at the legislative level and is widely used. Although it is still developing in Ukraine, with the support of the state and taking into account the experience of other countries, jury trials can become a key element in maintaining democracy in Ukraine.

O. Belova and K. Bumaga (2023) studied the experience of foreign countries in the operation of jury trials. The study concludes that jury trial is not a new phenomenon and has been known since ancient times. It has been used in different eras for different reasons, evolving to its current form that exists today. For some countries, in particular English-speaking countries, jury trials have become an integral part of the judicial system, reflecting the peculiarities of their legal and historical development. In most countries, however, it is an adopted element aimed at improving the justice system and increasing citizens' confidence in the judiciary. The successful implementation of the jury depends on how open the society is to this model and how effectively it is implemented. Given its historical and cultural context, Ukraine may be ready to introduce a jury similar to those in English-speaking countries, where juries deliver independent verdicts. However, it is important to avoid situations where the jury in civil proceedings is not effective or may violate the parties' right to a fair trial. It is therefore necessary to carefully consider all aspects and potential consequences before introducing such a system.

*Problems and Prospects of Introduction
of Jury Trial in the Judicial System of Ukraine*

Grubinko A. and Yarchuk N. (2014) explored the problems and prospects of implementing a jury system in the Ukrainian judiciary. They emphasised the need for the jury to be integrated into the domestic judicial system, rather than simply copying Western democratic models. A jury that does not fit well into the local legal framework may prove redundant.

Yevseyev Ye. and Bruslyk O. (2011) examined the constitutional foundations for the introduction of a jury system in Ukraine. The authors emphasised that the jury system should not be a mere export or replication of Western models, but should be internally coherent with the national judiciary in order to function effectively.

Kovalev S. (2020) analysed the problematic aspects of the jury system in Ukraine, noting that the country currently cannot afford such a system. Most local courts lack the necessary facilities for jurors, and the state cannot provide them with adequate material support and protection from influence. Therefore, as Ukraine's economy develops and its legal culture

improves, it is essential to determine the optimal model for a jury system.

Neshik T. (2014) discussed the guarantees of jurors' rights as a means of ensuring the legality of judicial decisions. The author suggested that measures be taken at the national level to improve the legal framework for jurors' working conditions and state protection. This includes defining the budget for such measures and establishing appropriate oversight to prevent undue influence, pressure and coercion in decision-making.

Polyatsko A. (2019) examined the theoretical and legal foundations of the development and functioning of the jury system in Ukraine. He noted that there is no ideal model of a jury system, as each has its advantages and disadvantages. The effectiveness of juries depends on the selection system and their involvement in decision-making. Suggestions for improving jury systems in Ukraine include increasing the number of lay judges on panels and expanding their powers in civil and administrative cases.

Obrusna S. (2012) studied the historical experience and modern prospects of introducing a jury system in Ukraine. The author emphasised the historical context, noting that although historical formulations do not guarantee the full practical functioning of the institution, understanding these roots is crucial.

Roshchina I. and Tsyganyi S. (2016) studied the current issues of jury reform in Ukraine. Smalyuk R. (2023) assessed the feasibility of using traditional jury trials, highlighting the benefits of increased trust in the judicial system, greater objectivity in decision-making, and reduced risk of corruption. Involving citizens from the local community in decision-making can promote a higher legal culture and public engagement with justice.

Smirnova V. (2020) conducted a comparative analysis of the jury system in civil litigation in Ukraine, Europe and the USA. The study concludes that the Ukrainian jury system is comparable to the Soviet-era people's jury system, which poses additional challenges for judges, court administrators and other stakeholders. In order to ensure the effective functioning of the jury system in Ukraine, several tasks need to be addressed: developing a unified strategy for the future of the jury; creating a robust legal framework that defines the rights, responsibilities and protections of jurors; establishing procedures for jury selection and rostering; and considering the categories of civil cases that are appropriate for jury involvement. The researcher suggested that a mixed jury system in civil cases, involving jurors in the litigation process, might be the most effective approach for Ukraine.

Teslenko I. (2023) examined the issue of collegial review of cases as a guarantee of the legality of decisions. According to the researcher, all the conditions for the implementation of the procedure of individual

review of criminal cases by first instance courts are currently in place in Ukraine. In light of this, there is a real opportunity to rapidly improve the timeliness of the review of criminal cases in first instance courts, which will help to ensure that participants in the process have access to their rights and restore citizens' confidence in the judicial system as a whole. This step will also help to improve the image of the justice system in the eyes of society.

Shapovalova I. (2023) dealt with the rights and duties of jurors. The author notes that although a jury system can increase public trust in the judiciary, it is difficult to guarantee that all jurors will be fully aware, responsible and honest individuals, especially considering the financial status of citizens. This could lead to corruption problems in the future.

Shulha A. (2019) studied the issue of people's sovereignty in the criminal justice system of Ukraine in the context of jury activity. The author proposes amendments to Article 386 of the Criminal Procedure Code of Ukraine regarding the rights and obligations of jurors. In addition, the author considers it necessary to amend the Law of Ukraine "On Local Self-Government". In particular, to paragraph 40 of Article 26, where it is proposed to add the words "jurors in criminal proceedings" after the words "heads of the National Police". As well as to Article 38(1)(a) of the same law, where it is proposed to add paragraph 11: "At the request of a juror in criminal proceedings, to conduct a survey of the population regarding the punishment for the accused within the limits of the relatively defined sanction for a criminal offence provided for by the Criminal Code of Ukraine."

Shuval'ska L. (2015) examined the jury as a form of people's power in a democratic state. She concluded that in order to restore public trust in the judicial system in Ukraine, it is necessary to implement a true jury system. Jurors represent the "honour and conscience of the community", and court decisions made with their participation will be perceived by society as the most legitimate and fair. This judicial system will ensure unwavering public confidence. A jury trial is one of the institutions of the judiciary and the entire system of public authorities that implements the principle of direct participation of citizens in the administration of justice. The link between human rights and jury trials emphasises the advantages of this form of justice over the traditional criminal procedure, as well as the humanistic and human rights-based nature of this form of justice.

The work of Shcherba V. and Yukhno O. (2018) contains a detailed analysis of the criminal proceedings involving jurors. The main provisions of this monograph are likely to include: a study of the history and development of the jury institute, an analysis of the legal status of jurors and their functions

in criminal proceedings, a study of the process of forming a jury panel and their participation in criminal cases, determining the influence of jurors on court decisions and their legitimacy, as well as a study of the problems and prospects of using jury trials in the judicial system.

Forbes, M. (1995) noted that the current jury system is riddled with numerous problems that need to be addressed immediately. It suffers from significant deficiencies and potential abuses that undermine its credibility as a system of justice.

Hans V. (2008) describes the different approaches used by countries to integrate lay decision-makers, in particular contrasting the use of juries composed of all citizens with mixed decision-making bodies composed of lay and law-educated judges. The author discusses research into the advantages and disadvantages of lay decision-making, as well as international support for the use of lay decision-makers, in order to explain the recent proliferation of new jury systems around the world. The author calls for comparative research on different approaches to lay participation, examining how different methods of involving lay people promote or hinder fact-finding, legal awareness, civic engagement and the strengthening of civic power.

Diamond S. and Rose M. (2018) concluded that American juries are more inclusive than ever before, although numerous barriers continue to impede racial and ethnic representation on juries. They argue that there has also been a sharp decline: The number of jury trials is at an all-time low, weakening the signal that jury verdicts send to the justice system, reducing the opportunities for jury service and potentially threatening the legitimacy of court decisions. At the same time, new areas of jury research are providing important explanations for how juries make decisions in response to complex issues, such as how to assess damages. However, the continued focus on individual juror judgements, as opposed to juror decision-making as a group, leaves unanswered important questions about how jurors are affected by the main distinguishing feature of jury trials: the deliberative process.

Addressing the problems with jury trials in Ukraine is crucial to ensuring that Ukrainian legal system delivers true justice. There are various ways in which the system can be significantly improved, if not completely fixed. One possible approach is to implement reforms within the existing system. However, some have argued convincingly that the current system cannot be restored and that a new one is needed. In this scenario, two options emerge. The first involves a hybrid model that combines elements of decision-making by both judges and juries. While this approach aims to combine legal interpretation with factual assessment, problems such

as the lengthy and expensive jury selection process may persist. The second, more radical option is to abolish jury trials altogether. While this latter option promises significant improvements, it faces significant obstacles to implementation. Concerns about the concentration of too much power in the hands of a select few, combined with widespread scepticism about the legal profession, create significant barriers to its implementation.

As for the trends in the issue under study, scientific research in this area reveals various trends that reflect the current state and prospects for the development of the jury institute. Here are some of them:

Expansion of the scope of application. One of the main trends is the expansion of the scope of jury trials. Many countries are considering the use of juries in a wider range of cases, not just criminal cases.

Improvement of procedural guarantees. The study focuses on improving the procedural rules and procedures related to the jury system to ensure greater objectivity, fairness and efficiency.

The role of the public. Attention is paid to the role of the public in court proceedings and ensuring its adequate representation in jury trials. This includes issues of jury selection, qualification and participation in decision-making.

Technological innovations. A current trend is the use of technological innovations in the judicial process, in particular in the jury system. This may include the use of electronic systems for the selection and training of jurors, as well as for the conduct of trials.

International experience. Studying and analysing international experience of jury trials helps to identify best practices and implement them in one's own judicial system.

These trends are aimed at ensuring efficiency, fairness and trust in the judiciary through the development of the jury as an important element of the judicial system.

4. General Characteristics

A jury trial is defined as a system in which members of the public participate in decision-making with a judge or judges. It is an important element of the judicial system as it provides a broader perspective on a case and takes into account public opinion. In many countries, jury trials are used in criminal cases, but they are also used in other areas (Neshyk, 2014).

The constitutional and legal framework for jury trials varies from country to country. They are usually based on the principles of the right to a fair trial and the right to participate in decision-making. The constitutions of many countries provide for the right of citizens to participate in judicial proceedings, including in the decision-making process as jurors (Akhtyrskaya, 2012).

In general, the constitutional and legal basis of the jury institute includes the following principles:

The right to a fair trial. This principle means that every person has the right to an objective and independent trial. The jury system is designed to help ensure this right by involving members of the public in the decision-making process.

The right to participate. This principle means that everyone has the right to participate in the decision-making process in their case. The jury system allows citizens to take an active part in the judicial process.

Presumption of innocence. Everyone is presumed innocent until proven guilty according to law. The jury must adhere to this principle when making decisions.

Objectivity and independence. Jurors must act objectively and independently of any external influences.

Transparency and openness. The jury's decisions should be transparent and accessible to the public (Belova, Bumaga, 2023).

5. Legal Regulation of the Jury System in Ukraine

Article 124 of the Constitution of Ukraine provides for the direct participation of the people in the administration of justice through juries. In practice, Ukraine has a jury system, but its essence is closer to the system of "people's assessors", as the jury, composed of residents of the territory under the jurisdiction of the court, makes decisions together with a professional judge. At present, juries are involved in the consideration of various categories of civil cases (e.g., recognition of a person's incapacity, adoption, etc.) and criminal cases. In criminal cases, for example, two professional judges and three jurors examine the case together and reach a verdict in the deliberation room. Decisions are taken by majority vote, which may give the impression that jurors have a predominant influence on decision-making (The Constitution of Ukraine No. 254k/96-VR dated 28.06.1996).

Article 127 of the Constitution of Ukraine emphasises the administration of justice by jury in certain cases, and Article 128 stipulates that court proceedings may be conducted by a judge alone, by a panel of judges or by a jury. The status of jurors is regulated by the special Law of Ukraine "On the Judiciary and the Status of Judges", which sets out the requirements for jurors. According to this law, a juror may be a citizen of Ukraine who has reached the age of thirty and resides in the territory covered by the jurisdiction of the relevant court. A jury trial is conducted by a local general court of first instance consisting of two professional judges and three jurors. Pursuant to Article 64(1) and (3) of the Law of Ukraine "On the Judicial System and Status of Judges", the list of jurors is approved by local councils for a period of three years and submitted to the relevant

district court. After the selection of the main jurors, two alternate jurors are also selected. Each selected juror takes an oath and acquires the status of a juror. A jury trial involves two judges and three jurors.

According to Article 48 of the Law of Ukraine "On the Judiciary and the Status of Judges", independence means the absence of any unlawful influence, pressure or interference in the activities of judges and jurors in the administration of justice. Therefore, any interference in their activities is prohibited and may have consequences in accordance with the law (The Law of Ukraine "On the Judiciary and the Status of Judges No. 1402-VIII dated 02.06.2016). However, domestic researchers emphasise that there are almost no guarantees in legislation and practice to protect jurors from unlawful influence. If the list of jurors is not approved by the local council, the territorial department of the State Judicial Administration of Ukraine applies to the relevant regional council. Further issues in the trial are decided by a simple majority vote of the jury, except for decisions on the verdict, where the right to vote is suspended if the judge or juror votes to acquit the defendant. This approach raises doubts as to the independence and freedom of jurors from professional judges in their deliberations in the deliberation room.

Pursuant to Article 387 of the Criminal Procedure Code of Ukraine, the selection of jurors is carried out after the start of the trial. According to Article 385, after the trial is scheduled, the presiding judge instructs the court registrar to summon 7 jurors, which are determined by the automated court document management system from the list of jurors. The selection of jurors to participate in the administration of justice shall be carried out in order of priority using the automated court document management system. Information about the choice to participate in a particular case can be found in a written invitation sent to an individual at least 7 days before the start of the trial. The invitation will contain information about the date and place of the court hearing, as well as the rights, obligations, requirements and grounds for exemption from jury duty. Upon receipt of the invitation, the juror must appear in court on time on the specified day and time (The Criminal Procedure Code of Ukraine No. 4651-VI dated 13.04.2012).

Ukraine is currently considering the introduction of a jury system as part of its judicial reform. This initiative is supported by both President Volodymyr Zelenskyy and the government led by Denys Shmyhal. The Minister of Justice, Denys Maliuska has announced that two draft laws have already been prepared and he hopes that the parliament will adopt them soon (Jury System: How It Works in Different Countries, 2021). The draft laws under consideration propose to extend the jury's competence to cases punishable

by 10 years or more in prison, such as gang rape, robbery, large-scale fraud and others (The Draft Law of Ukraine "On the Jury" No. 3843 of 14.07.2020).

From the above analysis, it can be concluded that the institution of juries in Ukraine is still in the process of development. While other countries have clearly regulated it in their legislation and widely used it in their legal systems, in Ukraine this institution is only beginning to gain momentum. However, with effort and taking into account the experience of other countries, the Ukrainian jury can become one of the important elements of the democratic society.

6. Foreign Experience

In the United States, there is a grand jury and a petit jury. Typically, in the Anglo-American system, cases are heard by a professional judge and an independent panel of 12 people (petit jury). The grand jury usually consists of 16 to 23 people. The role of the grand jury is to decide whether there are sufficient grounds to hold a person criminally liable and to uphold or reject the prosecutor's case. The grand jury plays an important role in protecting citizens from unwarranted accusations and blocking unfounded prosecutions. Under the Anglo-American system, the jury has the power to decide independently the main issue in the case: whether the defendant is guilty. This system is often characterised by jury decisions that may seem unreasonable. In other words, the jury decides on the guilt or innocence of the defendant, while the specific sentence and punishment is determined by a professional judge. This practice can lead to situations where the jury renders an acquittal even if there is strong evidence of the defendant's guilt. This is known as a "nullifying verdict", where the jury is entitled to acquit despite the evidence presented. Many professional judges and lawyers oppose this right, arguing that juries act as "judges of fact" while professional judges are "judges of law" (Smirnova, 2020).

In China, the idea of magistrates dates back to the late Qing Dynasty, and the institution of magistrates became part of the legal system of the People's Republic of China under the influence of the socialist law of the former Soviet Union. The introduction of the institution of magistrates in China is aimed at ensuring greater transparency, fighting corruption and improving the quality of decision-making. The main objectives also include raising the legal awareness of citizens and building trust in the judiciary and the legal system. Since there are no specialised courts in China and justice in civil, administrative and criminal cases is administered by the people's courts, lay judges can hear different types of cases. Parties to a case may request that their case be heard in the first instance by lay judges. In addition, in cases with a "serious impact on society", they are heard by a large panel consisting of

3 judges and 4 people's assessors ("Research Study – Jury Trials, Plea Bargaining, and Restorative Justice – International Experience and Recommendations for Viet Nam," 2023).

Given the above, the authors suggest moving to a different approach to the functioning of the jury in criminal proceedings, close to the "classical" (Anglo-Saxon) model. It is important to provide the jury with the opportunity to independently examine and evaluate evidence and make a decision on the merits of the case (to reach a verdict). However, the positions they express on "questions of law" should not be decisive for professional judges who have specialised knowledge and experience and make the final decision in the case.

7. Economic Aspect

With regard to the economic role of the jury, the following should be noted.

Juries can contribute to the economic efficiency of the legal system through several mechanisms:

- 1) Reduced corruption and bias. Jurors are selected randomly, which reduces the risk of corruption and biased decisions compared to sole judges who may be subject to pressure or influence.
- 2) Increased trust in the judicial system. The presence of jurors increases public trust in the judicial system, as decisions are made by representatives of the public. This contributes to the growth of social capital and economic stability.
- 3) Participatory justice. Involving citizens in the decision-making process can ensure fairer and more representative justice, taking into account the diverse views and experiences of jurors.

At the same time, the existence of this institution is associated with certain costs, which include:

- Administrative costs (the organisation of a jury trial requires additional resources, including the costs of selecting, training and remunerating jurors).
- The length of the trial (jury trials can take longer, increasing the overall cost of the judicial system) (Grubinko, Yarchuk, 2014).

The authors believe that jury trials can have a positive economic impact on business. In particular, jury trials promote legal certainty, which is an important factor for business and investment. Businesses and investors feel more confident in protecting their rights in case of legal disputes. Thus, countries with effective jury trials can attract more foreign investment due to the positive image of an independent and fair legal system.

Thus, jury trials as a mechanism for making legal decisions have significant economic benefits, including reducing corruption, increasing trust in the judicial system and ensuring fairness of decisions. Despite the increased administrative costs and possible increase in the duration of trials, the social

benefits and positive economic impact on the business environment may far outweigh these costs. The economic analysis underlines the importance of integrating jury trials into the legal system to increase its efficiency and fairness.

A jury trial is an important component of the legal system that ensures the adoption of lawful decisions based on constitutional and legal principles. This institution is based on the principles of fairness, independence and transparency, which are reflected in the country's legislation.

Therefore, the constitutional principles of the jury system are to ensure public participation in the administration of justice and to build trust in the judicial system. However, there are challenges such as the complexity of jury selection and potential conflicts with professional judges. Solutions include improving the selection process, training jurors and ensuring cooperation between them and judges.

One of the constitutional and legal principles underpinning the operation of jury trials is the principle of public participation in the administration of justice. This means that citizens have the right to participate in the resolution of cases as jurors, which helps to strengthen trust in the judicial system and increase its legitimacy in the eyes of citizens. However, practical problems complicate the functioning of the jury system. These include the complexity of the jury selection process, the lack of qualifications of some jurors and potential conflicts between jurors and professional judges. Addressing these challenges may involve a variety of approaches, such as increasing the transparency and objectivity of the jury selection process. It is also important to ensure that jurors are properly trained and educated on their duties and responsibilities. Additionally, mechanisms for resolving conflicts between jurors and professional judges can be introduced to ensure cooperation based on mutual respect and trust. Thus, the use of juries can be an effective tool for ensuring fairness and democracy in the judicial system, provided that constitutional principles are taken into account and practical problems that may arise in its operation are addressed.

8. Conclusions

As a result of the study, the authors examine the constitutional and legal principles of jury trial as a guarantee of lawful decision-making. In particular, the legal basis of this institution, its role in the administration of justice and its importance for ensuring justice in society were analysed. The following conclusions are made:

1. Jury trials play an important role in the judicial system, ensuring the participation of citizens in the administration of justice and increasing public confidence in court decisions.

2. Using the method of analysis, the authors have established that the constitutional and legal principles of the jury are determined by the fundamental legislative acts and the Basic Law (e.g., the Constitution of Ukraine). Based on these principles, the State guarantees the independence and objectivity of the jury.

3. The method of generalisation led to the conclusion that the jury institute in Ukraine requires further development. It was noted that it is necessary to improve the legislation governing the activities of the jury (to identify additional legal mechanisms and procedures). In addition, attention was drawn to the need for training and education of jurors, which would help to increase their awareness of legal norms and ensure more objective decision-making. The economic impact of the jury system was also investigated using the generalisation method and it was concluded that although this institution is associated with administrative costs, in the long run the associated economic impact can be high in terms of economic growth and welfare.

4. Taking into account the method of comparison and taking into account the European and US experience of jury trials, it was noted that the jury system has the potential for further development and improvement.

At the same time, some problematic aspects related to jury trials were highlighted. In many

countries, the jury system remains limited to criminal cases. Expanding it to civil or administrative cases can be problematic due to the high time and effort requirements of the participants. On the other hand, jurors often lack sufficient training to understand the legal issues, which can lead to biased or incorrect decisions. Unfortunately, there is a risk of corruption influencing the jury selection process or the judgements themselves through the possibility of pressure or influence on jurors. There is also a risk that jury verdicts may not be sufficiently justified due to a lack of appropriate qualifications. These problematic aspects can be addressed through various measures: training jurors, reducing corruption risks, increasing the accessibility and efficiency of the process, ensuring legal awareness, preventing political pressure, and continuously improving legislation to meet the needs of the times.

Hence, the reviewed constitutional and legal framework for the operation of the jury confirms its important role in the administration of justice and emphasises the need for further improvement of this institution to ensure justice in society.

Further research in this area involves studying the decisions made by jurors in specific cases in order to determine the effectiveness of their work and identify problematic aspects.

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