

Trial by jury and the fight against corruption: Ukrainian context

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Abstract

The study aimed to conduct a comparative analysis of the organisation and operation of jury trials in Ukraine and the United States, as well as to identify problematic aspects and propose recommendations. In addition, the system of jury selection, the organisation of their activities during the trial and the decision-making procedure were addressed. The study was conducted using the methods of legal document analysis, comparative law, and analysis of judicial practice. The results of the study demonstrated significant differences in the organisation of jury trials in Ukraine and the United States. In Ukraine, there are restrictions on the age of jurors, no clear rules for replacing jurors during trials, and no unified system of jury instruction. In contrast to Ukraine, the United States has a clear system of jury selection and replacement, as well as detailed instructions for jurors, which helps to improve their efficiency. As a result of the analysis, several recommendations were made to improve the jury system in Ukraine, in particular: reviewing the age requirements for jury candidates, introducing clear rules for replacing jurors, creating a unified system of jury instruction and enhancing media coverage of jury trials. Implementation of these recommendations will help to improve the effectiveness of jury trials, strengthen public trust in justice and further democratise the judicial process in Ukraine

Keywords: jury system, comparative legal analysis, Ukraine, United States, judicial reform.

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Introduction

In the current context of reforming the judicial system of Ukraine, the institution of jury trials attracts special attention. Its implementation and improvement an important aspect in the context of ensuring fair trials and fighting corruption. The involvement of citizens in court decision-making contributes to the transparency of the judicial process and strengthens trust in the legal system. At the same time, existing problems, such as restrictions on the composition of jurors and the lack of a unified system of jury instruction, create obstacles to the effective functioning of this institution. The experience of countries with developed judicial systems, such as the United States, demonstrates that more flexible jury selection procedures and developed instructions for jurors can significantly improve the efficiency of the trial. A comparative analysis of jury trials in Ukraine and the United States reveals both the advantages and disadvantages of the national model, which opens up opportunities for improvement.

The analysis of scientific publications in the legal literature of Ukraine determined constant attention to the issues of jury trials. Grande (2019) investigated the key problems of the implementation and functioning of this institution in Eastern Europe, laying the foundation for further research.

Subsequent studies have focused on specific aspects of this issue. For instance, Horan (2024) studied the problems related to the implementation of jury trials in the national justice system, while Bongiorno (2022) analysed its role in the protection of human rights. Recent research is developing and expanding. Mirazbekova (2021) conducted a detailed analysis of the jury trial institution in Ukraine, focusing on the procedure for reviewing criminal cases, identifying the shortcomings of the existing model and analysing proposed changes. The author concluded that the main problems are outdated regulation, inefficiency of the institution and limited application. Popova (2024) analysed the current state and possibilities for the development of jury trials in Ukraine, which emphasises the importance of this topic and the need for further research in this area.

At the same time, research on jury trials in the United States has a long history and covers various aspects of this institution. Alschuler and Deiss (1994) presented an overview of the development of the criminal jury in the United States, focusing on its key role in ensuring justice and protecting the rights of the accused. They traced the evolution of this institution from its origins to the current state, identifying the key stages and factors that influenced its formation. Hale (2016) examined both the achievements and obstacles that have arisen in the institution of juries in America. The study analysed its role in the political and social context, identifying both positive

and negative aspects of its functioning. Wilford and Bornstein (2021) analysed the reasons for the decline in the number of jury trials in the United States. They analysed the factors contributing to this trend and suggested ways to preserve this important institution, emphasising its importance for a democratic society. Króliczek (2020) conducted a comparative analysis of the jury and magistrate judges in the United States. The author identified the peculiarities of each of these institutions, their advantages and disadvantages, and the interrelationships in the American justice system.

The role of the judiciary and its interaction with other branches of government is also the subject of research. Tushnet (2020) analysed the role of activist judges in shaping American law and their influence on the political process. The study addressed the role of judges who actively use their powers to shape law and influence political processes. The author identified how such judges can contribute to social change and the protection of minority rights and considered the possible risks of such activism for democratic institutions. Kutler (1968) studied the complex period of Reconstruction after the US Civil War, addressing the role of the judiciary in this process. The study analysed how the courts influenced the reconstruction policy by protecting the rights of African Americans and limiting the power of the states, as well as how political forces tried to influence the judiciary. Naurin and Stiansen (2020) studied the problem of divergent judgements, particularly in the context of international human rights courts. They analysed how such discrepancies can affect the legitimacy and effectiveness of judgments, as well as the willingness of states to comply with them. Jia (2020) analysed the manifestations of illiberal law in American courts, i.e. the tendency to restrict the rights and freedoms of citizens that contradict the principles of liberal democracy. The study also examined specific court decisions and their potential impact on democratic values and human rights in the United States.

Despite extensive legal and comparative research, the issue of the effectiveness of the Ukrainian jury system in comparison with established models, such as the American one, remains insufficiently studied. Most existing works focus either on theoretical aspects or on internal challenges of the jury institution in Ukraine, without conducting a comprehensive comparative analysis. As a result, there is still no clear understanding of how the strengths and weaknesses of the Ukrainian model relate to those of mature systems, or how foreign experience, particularly that of the United States, can be effectively adapted to the legal and cultural environment of Ukraine. The lack of comparative analysis limits the practical implementation of reforms aimed at increasing transparency, reducing the risks of corruption, and strengthening public confidence in the judiciary.

This study aimed to identify the advantages and disadvantages systems, identified the problems with the Ukrainian model, and proposed solutions based on US best practices.

Materials and Methods

The research was conducted using the method of legal document analysis, comparative jurisprudence and case law analysis. The main research material was based on the legal acts of Ukraine and the United States regulating the activities of the jury, as well as scientific publications on this topic. The Law of Ukraine No. 1402-VIII “On the Judiciary and the Status of Judges” (2016) and Law of Ukraine No. 1700-VII “On Prevention of Corruption” (2014), other legislative and regulatory acts relating to jury trials in Ukraine, in particular, Draft Law of Ukraine No. 8253 “On Jury Trial in Ukraine” (2011) and Letter from the Highest Specialized Court of Ukraine for Consideration of Civil and Criminal Cases No. 223-106/0/4-17 “On Some Issues of Criminal Proceedings in the Court of First Instance by a Jury” (2017) were analysed in detail.

In the United States, federal and state laws and regulations governing jury trials were analysed (The United States..., 2024). Comparative jurisprudence compared and analysed various aspects of the organisation and operation of jury trials in Ukraine and the United States, identifying commonalities and differences, and evaluating the effectiveness of different approaches. The analysis of the court practice of both countries determined how theoretical provisions are implemented in practice, what problems arise during the trial of cases involving jurors, and what decisions are made by the courts in controversial situations.

In addition, the emphasis was placed on studying court decisions relating to the selection and replacement of jurors, their instructions and decision-making procedures (Mottley et al., 2002; King, 1999; Pollack, 2021; Kolbe, 2020; Chafetz, 2023; Robertson and Shammas, 2021; Epps and Ortman, 2022; Roth, 2022).

Results

Comparative analysis of the jury selection system

Despite some commonalities, the jury selection systems in Ukraine and the United States demonstrate significant differences that affect jury

representativeness, trial efficiency, and ultimately public confidence in the justice system. Ukrainian legislation sets age restrictions for potential jurors: only citizens aged between 30 and 65 can be included in the jury lists (Law of Ukraine No. 1402-VIII, 2016). Although this approach aims to ensure that jurors have sufficient maturity and life experience, it also excludes a significant portion of the population from participating in the administration of justice. Young people aged 18 to 30 are an active and socially engaged part of society, whose participation can bring fresh perspectives, adaptability and critical thinking to jury deliberations. The inclusion of this group would not mean the automatic involvement of all young citizens, but rather the introduction of clear selection criteria, such as a minimum level of education, no criminal record and demonstrated civic competence. Although legal education would not be mandatory, basic legal knowledge and the ability to understand and analyse evidence could be assessed during the selection process, as is done in other jurisdictions.

Removing the upper age limit of 65 could broaden participation without compromising deliberation quality. Older citizens bring valuable life experience, emotional intelligence, and social insight, enhancing fairness and balance in decisions. Participation could, however, require medical or psychological fitness verification. Expanding the age range and adopting transparent selection based on competence, integrity, and cognitive ability would foster diversity and legitimacy, reflecting Ukrainian social pluralism and strengthening public trust. Experienced jurors can offer deeper understanding of motives and behaviour, crucial in criminal cases (Alua et al., 2025; Spyska, 2022; 2023; Tsurkan-Saifulina and Stupak, 2022). In the United States, jury eligibility is broader: all citizens over 18 may serve, ensuring diversity across social and age groups. This inclusiveness promotes civic engagement and more representative jury decisions. Both Ukraine and the U.S. restrict jury service for individuals with specific professions or criminal records to avoid bias and conflicts of interest (Makhambetsaliyev et al., 2024; Tsurkan-Saifulina and Popelnytska, 2023). These limits uphold impartiality and fairness in trials.

Ukraine, however, lacks clear procedures for juror substitution. Although the Criminal Procedure Code of Ukraine (2012) (Chapter 30, Section IV) permits replacement, it fails to regulate selection, preparation, or participation of reserve jurors, leading to procedural delays and retrials. In contrast, the U.S. uses pre-selected substitutes, ensuring continuity and efficiency (Akimbekova et al., 2021; Khamzina, 2020; 2021). Strengthening Ukrainian legislation in this area would enhance procedural stability and public confidence.

Table 1 shows similarities and differences in the jury selection system in Ukraine and the United States. Both countries strive to ensure the objectivity and impartiality of jurors by excluding persons with certain professional connections and criminal records. However, the Ukrainian jury selection system is characterised by stricter age restrictions, which may limit the representativeness of the jury and deprive the court of important social perspectives (Tsurkan-Saifulina and Dudchenko, 2018). In addition, the lack of clear rules for replacing jurors in Ukraine poses risks to the efficiency and effectiveness of the judicial process.

Table 1 – Comparison of key aspects of jury selection in Ukraine and the United States

<i>Aspect</i>	<i>Ukraine</i>	<i>USA</i>
Age restrictions	30-65 years	18+ years
Professional restrictions	Judges, prosecutors, military personnel, law enforcement officers, civil servants, etc	Judges, prosecutors, military personnel, law enforcement officers, civil servants, etc. (in some states also doctors and lawyers)
Criminal record	Persons with an unspent or unexpunged criminal record are excluded	Persons with an unspent or unexpunged criminal record are excluded
Replacement of the jury	No clear rules	Procedures developed in detail
Formation of jury lists	Random selection from the State Voter Register	Random selection from various sources (voter lists, driver's licences, etc.)
Number of jurors	12 principal and 2 alternate judges in the court of first instance; 3 principal and 1 alternate judge in the court of appeal	Typically, 12, but may vary by state and case type
Dismissal of the jury	unlimited number of challenges with a reasoned basis and a limited number of unreasonable challenges	A limited number of challenges with a reasoned basis and an unlimited number of unreasonable challenges

Source: Compiled by the authors based on the Constitution of the United States (1787), Law of Ukraine No. 2453-VI “On the Judicial System and the Status of Judges” (2010) and Law of Ukraine No. 1402-VIII “On the Judiciary and the Status of Judges” (2016).

In contrast, the American jury selection system is more flexible and inclusive, allowing for a broader pool of citizens and providing detailed

procedures for jury replacement. This increases the representativeness of the jury and ensures the continuity and efficiency of the trial. The Ukrainian system has stricter age limits and unclear rules for replacing jurors, which can negatively affect its effectiveness. In contrast, the US jury selection system is more flexible and provides for detailed replacement procedures, which helps to ensure the continuity and efficiency of the trial.

Organisation of the jury

An important aspect that distinguishes the Ukrainian and American jury models is the approach to jury instruction. In Ukraine, there is currently no unified, standardised system of jury instructions, which can lead to ambiguous interpretations of legal provisions and evaluation of evidence by jurors. Ukrainian legislation does not contain detailed instructions on the content and form of the jury instructions, which leaves considerable room for subjective interpretation by judges (Letter from the Highest Specialized Court..., 2017). This situation creates a risk that jurors may misunderstand complex legal terms and misjudge evidence.

In the United States, by contrast, there is a well-developed and standardised system of jury instructions based on years of experience and practice. These instructions, which are provided to jurors before the start of a trial, contain clear and understandable explanations of their rights and responsibilities, how to evaluate evidence, definitions of legal terms, and explanations of key legal concepts such as the presumption of innocence and the “beyond a reasonable doubt” standard of proof (Kolbe, 2020). This approach ensures that all jurors have the same understanding of the law, minimises the risk of subjective interpretations, and facilitates more informed and fair decisions. In addition, the American system provides for the use of various auxiliary materials during instruction, such as diagrams, videos, etc., which facilitates better assimilation of information by jurors and increases their awareness of legal issues.

Juror participation in the trial is an important element of both systems, but its forms and mechanisms also differ. In Ukraine, jurors can ask questions of witnesses and the accused, but their role in the evidentiary process is limited. They cannot initiate the collection of evidence or request additional investigative actions. In the United States, juries play a more active role in gathering and evaluating evidence (Zhanibekov et al., 2024). They have the right to ask questions of witnesses and the defendant, as well as to ask the judge for additional clarification or instructions. Their questions and deliberations can have a significant impact on the course of the trial and the final decision. This gives American jurors a greater opportunity to

directly influence the truth-finding process in a case and ensures more active participation of citizens in the administration of justice.

In each country, juries make decisions differently. The jury and judge in Ukraine decide the accused's guilt and punishment (Muratova et al., 2024). The judge and jury share final decision-making responsibility in this arrangement. Juries in the US only decide guilt, whereas judges decide sentence. Since the jury does not determine punishment, which may affect their guilt verdict, this separation of functions is meant to make evidence evaluation more objective and unbiased. However, the judge has the professional knowledge and experience to establish a fair sentence based on all the case aspects and legal criteria.

Ukraine has much less jury involvement than the US, where juries hear criminal and civil cases. The Criminal Procedure Code of Ukraine and Law of Ukraine No. 1402-VIII "On the Judiciary and the Status of Judges" (2016) limit juries to particular criminal trials. For life-sentenced crimes, jury trials are available. Two professional judges and three jurors decide guilt and punishment in the first instance court. For procedural and impartial reasons, the defendant can request a jury trial. Without this right, only professional judges hear the case. US jurors handle serious criminal cases and a wide range of civil claims, including tort, contract, and constitutional disputes, while Ukrainian juries have restricted jurisdiction. Only competent judges hear Ukrainian civil and administrative issues. Scholars claim restricted jury use impairs public engagement in justice and the institution's anti-corruption capacity (Mirazbekova, 2021; Popova, 2024). Expanding juror competency to civil or corruption proceedings could boost transparency, accountability, and public trust in courts. The Ukrainian model is hybrid, with expert adjudication and few lay participants. Jurors share responsibility with judges for major criminal verdicts but cannot participate in civil justice. Future reforms could gradually increase jury competency based on global experience and domestic legal ability to foster a more democratic and participatory judicial procedure.

Another difference between Ukraine and the US is how public and media opinion affects jury trials and their operation. American jury trials receive substantial media coverage, which can shape public impressions of specific cases and the jury system. This can increase judiciary transparency and public scrutiny or create prejudice against the accused before the verdict. The media's coverage of jury trials in Ukraine may be reduced due to the institution's lesser prevalence and limits on journalists' access to court sessions. However, as jury trials evolve in Ukraine, the media's effect on public opinion on this institution may increase and intensify, requiring assessment of both the pros and negatives.

Jury management in Ukraine and the United States has both similarities and significant differences. The American model, characterised by a clear system of instructions, detailed procedures and active participation of jurors in the process, can be an important tool for improving the Ukrainian jury system. Ukraine should consider introducing more detailed and standardised jury instructions, expanding the role of jurors in the evidentiary process and dividing the functions between jurors and the judge in reaching a decision. Such changes could increase the effectiveness of the jury, ensure greater fairness and objectivity of court decisions, and strengthen public confidence in the justice system.

Impact on corruption and trust in the judiciary

In Ukraine, despite the establishment of specialised anti-corruption bodies, such as the National Agency for the Prevention of Corruption (NAPC) (18 March 2015) and the National Anti-Corruption Bureau (NABU) (16 April 2015), and the adoption of relevant legislation, Law of Ukraine No. 1700-VII (2014), the level of corruption remains high, undermining trust in state institutions and hindering the country's socio-economic development. In this context, jury trials can be seen as one of the effective tools to combat this negative phenomenon. The involvement of the public in the judicial decision-making process contributes to the transparency and objectivity of the judicial process. Jurors, who are not professional lawyers and are not connected to the judicial system, are less susceptible to corrupt influence and bias. Their decision is based on personal assessment of the evidence and internal conviction, therefore difficult for interested parties to manipulate the trial.

The potential of a jury is particularly important in the fight against political corruption, which poses a serious threat to national security (Ketners, 2025). In cases involving influential individuals or politicians, the participation of jurors can guarantee that a decision is made based on the law and evidence, and not under pressure or influence from outside. Jurors, due to their independence and lack of direct connection to the state apparatus, can act as a “collective judge”, which makes it difficult for attempts to corrupt or influence the outcome of a trial.

Jurors, acting as a kind of “barrier” against corrupt influence, can help to restore justice and ensure the rule of law. Their independent and impartial decision can send a powerful signal to society that even the most powerful individuals cannot escape responsibility for their crimes. By acting as a “collective judge” and a “barrier” against corrupt influence, jurors help ensure that the guilty are held accountable. This approach not only serves to

punish wrongdoing but also carries significant preventive value, demonstrating that corrupt practices will not go unpunished. A vivid illustration of this potential is the Honolulu public corruption trial in the United States (Kaplan Marino, 2023). In this high-profile case, six defendants, including an elected city prosecutor and prominent business figures, were charged with conspiracy, bribery, and obstruction of justice in connection with alleged political favoritism and retaliatory prosecution. The ten-week federal trial involved extensive evidence and forty-one government witnesses. Despite the complexity of the proceedings and strong public and media pressure, the jury deliberated for less than twelve hours before acquitting all defendants on all counts. The verdict underscored the jury's crucial role in ensuring that justice prevails through evidence-based deliberation rather than political influence or prosecutorial power. As legal analysts noted, the outcome highlighted the jury's ability to resist external pressure, critically evaluate complex evidence, and uphold due process even in politically sensitive corruption cases.

Such examples demonstrate how jury trials can act as a structural safeguard against corruption and the misuse of authority. When citizens collectively assess facts and determine guilt independently of political hierarchies, the process not only ensures fairness in individual cases but also strengthens public belief in the impartiality and resilience of the legal system (Ospanova et al., 2024a; 2024b; Buribayev and Khamzina, 2025).

In addition, jury service can help to raise legal awareness and civic engagement. Jurors who have gone through this experience have a better understanding of the principles of justice, the importance of observing the law and the role of each citizen in ensuring law and order.

Thus, jury trials can be important not only in ensuring fairness in specific cases but also in building trust in the judicial system and contributing to the fight against corruption. This is especially true in Ukraine, where these problems remain urgent and require comprehensive solutions. If citizens are more actively involved in the decision-making process, it will help to create a more active and responsible citizenry and increase trust in the judiciary (Karibayeva et al., 2021). This will strengthen democratic institutions and the rule of law, which in turn will be an important precondition for sustainable development in Ukraine. Table 2 shows the impact of jury trials on corruption and trust in the judiciary in Ukraine and the United States (Table 2).

Table 2 – Impact of jury trials on corruption and trust in the judiciary

<i>Aspect</i>	<i>Ukraine</i>	<i>USA</i>
Level of corruption	High, despite the state's efforts	Significantly lower, especially concerning political corruption
Trust in the judiciary	Low, about 20%	High, especially before a jury trial
The role of the jury in the fight against corruption	A potential way to increase transparency and objectivity of judicial proceedings	A less pressing issue, but an important element of public control
Impact on the legitimacy of court decisions	Can increase the legitimacy of decisions in the eyes of the public	High level of legitimacy, especially in jury trials
Impact on legal awareness and civic engagement	Potential to improve legal culture and civic responsibility	Promotes active participation of citizens in the administration of justice and formation of legal awareness

Source: Compiled by the authors based on Deviatnikovaitė (2024), Moreira (2024), Keck (2014), Kenedi (2023), Amin and Motta (2023), Garbaccio et al. (2023), Clemente and de Sousa (2024).

Table 2 demonstrates that in Ukraine, where corruption remains high and trust in the judiciary is low, jury trials can significantly improve the situation. In the United States, where corruption is lower and trust in the judiciary is higher, jury trials play an important role in maintaining these positive trends. A comparison of the two countries shows that if the jury is functioning effectively, it will ensure justice and have an effective impact on society. In the United States, jury trials are an integral part of the legal system, ensuring a high level of public participation in the administration of justice and contributing to the strengthening of democratic values (Apakhayev et al., 2017). In Ukraine, despite certain steps towards the development of this institution, many unresolved issues and problems remain.

The study confirmed that the effectiveness of jury trials is related to the level of corruption and trust in the judiciary. In Ukraine, where these problems remain acute, jury trials have significant potential to contribute to their resolution. However, to implement this potential, it is necessary to improve the Ukrainian model of jury trials, accounting for the most efficient international practices and adapting them to the Ukrainian reality. This includes improving the procedure for selecting jurors, ensuring that they are properly trained and instructed, and creating conditions for their independent and impartial functioning.

One of the key challenges is the need to ensure the implementation of jury trials in a context of high levels of corruption and low trust in the judiciary (Ketners et al., 2024; 2025; Rysin and Sukh, 2024). Therefore, it is necessary not only to improve the legal regulation and procedures for selecting jurors but also to create conditions for their independent and impartial work. This requires an approach that includes raising the level of legal culture in society, ensuring adequate funding and effectively combating corruption in all spheres of public life. Only if these challenges are successfully addressed will jury trials be able to become effective in ensuring justice, democracy and the development of the rule of law in Ukraine (Zarosylo et al., 2020). A comparative analysis of the experience of Ukraine and the United States in the field of jury trials has revealed many shortcomings and gaps in the Ukrainian system that need to be addressed immediately to ensure the fairness of the institution:

1. An important aspect of the Ukrainian jury system is the imperfection of the selection procedure. Although Law of Ukraine No. 1402-VIII (2016) establishes certain selection criteria, they need to be clarified and detailed. There is a need to clearly define the list of officials eligible for jury service and to revise the age limit. In addition, it is necessary to ensure transparency and objectivity in the process of compiling jury lists, minimising the risk of manipulation and biased selection. For this purpose, the experience of the United States can be used, where jury lists are formed based on random selection from various sources, such as voter lists, driver's licences, etc.
2. The current age limit (30-65 years) is controversial and limits access to jury service for a large part of the population. Lowering the age limit to 25 years, as is the practice in the United States, would allow for younger people who can bring new perspectives and critical thinking to the process. Raising the upper age limit to 70 years would help utilise the experience and wisdom of the older generation, which can be particularly valuable in complex cases.
3. The absence of clear rules on the replacement of jurors during trials is a serious problem that can lead to delays and violations of the rights of litigants. Detailed and transparent procedures for replacing jurors in case of illness, recusal or other circumstances should be developed to ensure the continuity and efficiency of the trial. Clear rules and procedures will allow for quick and efficient resolution of jury replacement issues, minimising the risk of delay and ensuring the stability of the trial.
4. The absence of a unified system of jury instructions is also one of the shortcomings of the Ukrainian model. It is necessary to develop clear and understandable instructions that would explain to jurors their rights and

obligations, the procedure for evaluating evidence, and key legal concepts and terms. This will increase the awareness of the jury and ensure a more informed and fair decision-making process. In addition, consideration should be given to the use of auxiliary materials, such as diagrams and videos, to enhance the jury's comprehension of the information. It is also necessary to ensure that the instructions are tailored to the specific case and the level of legal knowledge of the jury, allowing them to better understand the prosecution and the evidence presented by the parties.

5. Another aspect of the development of jury trials is the intensification of media coverage of their activities. In turn, this will increase transparency in the judicial process, ensure public control and create a positive image of the jury. Television broadcasts of court hearings with the participation of jurors can be effective for legal education and increase public confidence in the judicial system.

The analysis revealed significant differences in the organisation and operation of juries in Ukraine and the United States, which directly affect the effectiveness of this institution. The Ukrainian system has stricter age restrictions for jurors, no clear rules for replacing jurors during the trial, and no unified system of jury instruction. In contrast, the United States has a more flexible selection system, detailed procedures for replacing jurors and standardised instructions, which ensures higher efficiency of jury service. Based on the results obtained, the author offers recommendations for improving the jury system in Ukraine, including revision of the age limit for candidates, development of clear rules for replacement of jurors, creation of a unified system of instruction, and increased media coverage of jury proceedings. Implementation of these proposals will help to increase the efficiency of the judicial process and strengthen public confidence in the judicial system of Ukraine.

Discussion

The results of this study confirmed that the functioning of jury trials largely depends on the level of corruption and public trust in the judiciary, which is in line with the findings of such researchers as Kenedi (2023), and Clemente and de Sousa (2024). In Ukraine, where these problems remain acute, jury trials have the potential to contribute to the transparency and objectivity of justice, but this requires certain improvements. It is necessary to improve the procedure for selecting jurors, and their training, and ensure their independence and impartiality in decision-making.

When comparing the jury trial models in Ukraine and the United States, significant differences were found. In the United States, there is a clear standardised system of jury instruction that ensures an unambiguous understanding of the legal provisions, as confirmed by Alschuler and Deiss (1994). At the same time, in Ukraine, the absence of such a system may lead to ambiguous interpretations of legal provisions by jurors, as noted by Melnyk et al. (2023).

The study also determined that juror participation in the trial process varies significantly between countries. In the United States, jurors have an active role in the evidentiary process and can directly influence the truth, as analysed in detail by Horan (2024). Another difference is the decision-making procedure. In the United States, juries only decide on the guilt of the accused, while the judge decides on the punishment, which contributes to a more objective assessment of the evidence, as noted by Bongiorno (2022) and Hale (2016). In Ukraine, jurors are also involved in sentencing, which may put additional pressure on them in their decision-making.

The findings of the study are coordinated with the conclusions of such researchers as Mirazbekova (2021) and Popova (2024), who also highlighted the shortcomings of the existing jury trial model in Ukraine and the need for its reform. At the same time, this study expands the understanding of the issue by proposing specific ways to address the identified problems, based on the US experience and best international practices.

Comparing the development of the judicial system and especially jury trials in Ukraine with the activities of jury courts in countries with extensive experience in this area identified the advantages and disadvantages of different models and suggested ways to adapt best practices to the Ukrainian legal system. This principle is consistent with the study of Króliczek (2020), who conducted a comparative analysis of the jury and magistrate judges in the United States, identifying the features of each of these institutions, their advantages and disadvantages, as well as the relationship between them in the American justice system.

The recommendations for improving the jury system in Ukraine proposed in this study are supported by other researchers. For instance, the idea of revising the age limit for jurors is consistent with the research of Wilford and Bornstein (2021), determined that younger jurors are more prone to critical analysis of evidence and less prone to stereotypes and prejudice. The need to develop clear rules for replacing jurors is emphasised in many studies on jury trials. This will help to avoid delays in the trial and ensure its stability, which will have a positive impact on trust in the judicial system. Lastly, the importance of creating a unified system of jury instructions is confirmed by research by American scholars, who indicate that detailed and standardised

instructions contribute to the legal awareness of jurors and ensure more informed and fair decision-making.

The problematic issues of jury functioning in Ukraine, such as the lack of a unified standardised system of instruction and the limited role of jurors in the process of proof, identified in the study, echo the work of Melnyk et al. (2023). Although this article addressed the broader issue of state control, it also highlights the importance of clear procedures and instructions to ensure the effectiveness of any state mechanism, including jury trials. Therefore, there is a need to evaluate the effectiveness of the introduced measures, analyse the impact of jury trials on different categories of cases, and study the attitude of citizens to this institution and its role in society. It is important to analyse the psychological aspects of jurors' participation in the trial, their interaction with the judge and professional lawyers, and the influence of the media on their decisions. This will help develop more effective methods of selecting and training jurors, as well as ensure their psychological comfort and protection from undue influence.

Thus, the study not only identified important problems and further steps for the development of jury trials in Ukraine but also offered specific recommendations for its improvement. If these recommendations are implemented, it will increase the effectiveness of jury trials and increase the level of public trust in the judicial system. Further democratisation of society will then occur.

Conclusions

This study aimed to conduct a comparative analysis of the organisation and functioning of jury courts in Ukraine and the United States in order to identify weaknesses in the Ukrainian model and develop practical recommendations for its improvement. By analysing the legal framework, procedural rules, and judicial practice, the research explored how the experience of a mature jury system, such as in the United States, could be adapted to enhance transparency, efficiency, and public confidence in Ukraine's judicial system. The comparative findings indicate that the current Ukrainian jury system faces significant organisational and procedural deficiencies that hinder its effectiveness. The most pressing problems include the absence of a uniform and standardised system of jury instructions, restrictive eligibility criteria, and a lack of clearly defined procedures for replacing jurors during ongoing trials. These shortcomings undermine the consistency and reliability of verdicts, slow court proceedings, and restrict public participation in the administration of justice.

In contrast, the United States has established a structured and transparent model characterised by detailed jury instructions, inclusive selection procedures, and comprehensive mechanisms that ensure trial continuity.

Adapting key elements of the American model, such as expanding eligibility criteria, introducing clear replacement rules, and creating standardised jury instructions, could substantially improve the functioning of jury trials in Ukraine. Implementing these reforms would strengthen transparency and objectivity in decision-making, reduce opportunities for corruption, and foster greater civic engagement in judicial processes. Consequently, the Ukrainian system would align more closely with international standards while contributing to the fight against corruption and reinforcing democratic governance.

At the same time, the study recognises certain limitations. The analysis focused solely on Ukraine and the United States, without accounting for socio-psychological and cultural factors that may influence juror behaviour. Future research should therefore broaden the comparative scope to include other jurisdictions that have effectively integrated jury systems. This would provide a deeper understanding of how best to adapt global practices to Ukraine's specific legal and cultural context. Overall, this study contributes to ongoing discussions on judicial reform by offering a scientifically grounded comparative foundation for improving Ukraine's jury system and enhancing the integrity and legitimacy of its judiciary.

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