

Raisa Minchenko<sup>1</sup>

Daria Minchenko<sup>2</sup>

---

## Jury in Civil Procedure in the Context of Judicial Reform in Ukraine

### 1. Introduction

One of the directions of reforming the judicial system of Ukraine declared by the current authorities is to expand the participation of jurors in the process of administering justice.

As an independent institution in the judiciary, a jury was formed in England in the 13th century. It was later adopted by British colonists in the United States and a number of other countries<sup>3</sup>. According to researchers, the formation of the jury was influenced by the adoption in 1215 of the Grand Charter of Freedoms (Magna Carta). It limited royal power, expanding the powers of parliament, and gave impetus to a «jury of equals with a jury». In this way, the people of England began to be directly involved in the administration of justice, both in criminal and civil cases and duties. Subsequently, a prosecution jury was formed,

---

<sup>1</sup> Doctor of Law, Professor, Honoured Lawyer of Ukraine, Attorney, Chairman of the NGO «Legal Dimension», raisa.m.2014@gmail.com, <https://orcid.org/0000-0003-0926-2341>.

<sup>2</sup> LLM Queen Mary University of London, Ph.D. in Law, Attorney, Law Firm «Jurline», daria.minchenko@gmail.com, <https://orcid.org/0000-0002-3086-557X>.

<sup>3</sup> Tatulych I. Pravovy status prysiazhnykh u tsyvilnomu sudochynstvi [Legal status of jurors in civil proceedings]. *Pidpriumnytstvo, hospodarstvo i pravo. [Entrepreneurship, economy and law]*, 2019, № 12, pp. 67–72.

from which a verdict jury (small jury) stood out. Until the 15<sup>th</sup> century, a small jury acted as witnesses, familiar with the area and customs (first in cases of land boundaries, and later in criminal cases). And only after the 15th century it was entrusted with the function of resolving the case of the guilt of the defendant<sup>4</sup>. In the process of historical development, two independent models (concepts) of the jury trial were formed: Anglo-Saxon (classical) and continental<sup>5</sup>. The first model is characterized by the division of competence between the jury and the professional judge (judges). Jurors pass a verdict on the guilt or innocence of a person, and a professional judge in case of a jury verdict imposes a sentence. It is used in such countries as England, the USA, Canada, Australia, New Zealand and others. Under the continental model, the case is heard by a single panel, which includes both professional judges and jurors (so-called «bosses»), who together decide all issues during a court decision. It is used in Germany, France, Italy, Greece and others.

The institute of jurors is one of the important institutions of democracy, which ensures the direct participation of the people in the administration of justice. As noted in the Recommendation of joint committee hearings in the committees of the Verkhovna Rada of Ukraine on law enforcement and legal policy on the topic: «Prospects for development, problems of formation and functioning of the jury in Ukraine», approved by the decision of the Verkhovna Rada Committee on Law Enforcement (Minutes № 37 of 01.07.2020) (hereinafter – the Recommendations): «such a legal institution as a jury is a representative body of society in the field of justice and plays an important role in shaping civil society»<sup>6</sup>.

---

<sup>4</sup> Buryi A., Taratula R., Topolevskiy R., Topolevska L. Mizhnarodnyi dosvid diialnosti instytutiv myrovoho sudu, sudu prysiazhnykh, narodnykh zasidateliv ta propozytsii shchodo mozhyvosti yoho zastosuvannia v Ukraini [International experience of the institute of justice of the peace, jury, lay judges and proposals for its application in Ukraine]. Lviv: Regional Public Foundation “Law and Democracy” 2009. 131 p.

<sup>5</sup> Kolisnyk O.V. Neprofesiinyi element skladu sudu u tsyvilnomu sudochynstvi u konteksti yevropeiskoho dosvidu. Derzhavne budivnytstvo ta mistseve samovriaduvannia [Non-professional element of court composition in civil proceedings in the context of European experience. State building and local self-government]. 2008. Issue 15. pp. 136–144.

<sup>6</sup> Recommendations of the joint committee hearings in the committees of the Verkhovna Rada of Ukraine on law enforcement and legal policy on the topic: «Prospects

Currently, the continental model of jury trial operates in Ukraine, as in both criminal and civil proceedings in cases heard by a jury, a single judicial board is formed, which includes both professional judges and jurors.

Such scholars as: N.M. Akhtyrskya, V.V. Horodovenko, O.B. Kolisnyk, V.V. Komarov, R.O. Kuibida, I.O. Rusanova, L.V. Sapeiko, I.Y. Tatulych, L.R. Shuval'ska, S.Y. Fursa have devoted their works to the problems of the functioning of the jury. However, the intensification of legislative activity in the direction of reforming the jury in the civil process of Ukraine raises this issue.

The Verkhovna Rada of Ukraine is currently considering the draft Law of Ukraine "On the Jury" № 3843 of 14.07.2020, submitted by the People's Deputies of Ukraine P.V. Frolov, F.V. Venislavsky, I.P. Fris, P.V. Pavlish, who propose two fundamental innovations: the formation of a jury trial in the criminal process according to the Anglo-Saxon (classical) model and the liquidation of the jury trial in civil proceedings.

This necessitates a scientific analysis of the question of which way Ukraine should go: a complete waiver of the jury trial in civil proceedings or its radical restructuring.

The purpose of this scientific article is to determine areas for improving the model of the jury trial in civil proceedings in Ukraine.

## 2. The current state of functioning of the jury

There is a lack of consensus among domestic scholars on the role of juries in civil proceedings, although the vast majority of researchers are still positive about the institution. For example, V. Smirnova proposes to exclude from the list of cases considered by a jury, cases of restriction of civil capacity of an individual, recognition of an individual incapable and restoration of civil capacity of an individual, recognition of an individual missing or declaring him dead, providing a psychiatric person compulsory care, involuntary hospitalization in a TB facility. At the same time, the researcher insists on the need to introduce a jury in litigation, as jury participation is necessary in those categories of cases where fun-

---

for development, issues of formation and functioning of the jury in Ukraine», approved by the Verkhovna Rada of Ukraine Committee on Law Enforcement. (Protocol № 37 of 01.07.2020). URL: <http://komzakonpr.rada.gov.ua/uploads/documents/32665.pdf>.

damental interests and human rights are at stake, where the opinion of members of the public is important given their social experience and active life position<sup>7</sup>.

A similar view is held by O.V. Kolisnyk, proposing to expand the range of cases in which jurors should participate, primarily through cases arising from family relationships: the deprivation of parental rights and restoration of parental rights, the removal of a child without deprivation of parental rights, the determination of the place of residence of a minor etc. In addition, the researcher proposes to involve in solving certain categories of labour, housing and land cases members of the public who, not being professional lawyers, are professionals in a particular field of life to which the subject of litigation belongs<sup>8</sup>. S.Y. Fursa<sup>9</sup> and N.G. Iatsenko<sup>10</sup> also insist on the necessity of a jury trial in civil proceedings.

The question of the expediency of a jury trial in civil proceedings, especially in complex cases, has been raised not only in the domestic literature, but also in scientific sources in Western countries, for which a jury trial is commonplace and an integral part of the judicial system. Thus, a scientific article by an American researcher states that despite the effect of the Seventh Amendment to the US Constitution, which provides for the right to a jury trial in some civil cases, legal practitioners, judges believe that the use of juries in complex civil cases is inexpedient due to the inability of jurors to understand the large evidence base and the fatigue of jurors in lengthy trials. At the same time, the author of the

---

<sup>7</sup> Smirnova V. Pravovi pidstavy uchasti prysiazhnykh u tsyvilnomu sudochynstvi Ukrainy. [Legal grounds for the participation of jurors in civil proceedings in Ukraine]. *Pidprijemnytstvo, gospodarstvo i pravo*. [Entrepreneurship, economy and law], 2019, № 5. pp. 66–72.

<sup>8</sup> Kolisnyk O.V. Neprofesiinyi element skladu sudu u tsyvilnomu sudochynstvi u konteksti yevropeiskoho dosvidu. Derzhavne budivnytstvo ta mistseve samovriaduvannia [Non-professional element of court composition in civil proceedings in the context of European experience. State building and local self-government]. 2008. Issue 15, pp. 136–144.

<sup>9</sup> Fursa S.Y., Shcherbak S.V., Yevtushenko O.I. Tsyvilnyi protses: Problemy ta perspektyvy [Civil Procedure: Problems and Prospects]. K.: Publisher Fursa S.Y.: KNT, 2006. 446 p.

<sup>10</sup> Iatsenko N.G. Narodni zasidateli ta sud prysiazhnykh u tsyvilnomu protsesi: istoriia i suchasnist. [Jurors and the jury in civil proceedings: history and modernity]. *Visnyk Vyschoi rady yustytstii* [Bulletin of the High Council of Justice]. 2011. № 1 (5). pp. 109–118.

study concludes that there is a lack of empirical data that would indicate the ineffectiveness of the use of the jury in complex civil cases and insists on the need to raise questions not so much about eliminating the jury, but about improving its activities<sup>11</sup>. This conclusion of the American researcher is quite understandable, because it is guided by the existing constitutional norms and legal traditions in the United States.

The commitment of American society to the jury trial, its deep respect for this legal institution can be understood by reading a separate opinion of the judge of the Supreme Court of Texas, Mr Hutchinson, in the case of *Bailey v. Haddy*, cited in a scientific article by W.R. Harris: «...*The institution of jury trial has, perhaps, seldom or never been fully appreciated. It has often been eulogized in sounding phrase, and often decried and derided. An occasional corrupt, or biased, or silly verdict is not enough for condemnation; and when it is said the institution interposes chances of justice and checks against venality and oppression, the measure of just praise is not filled. Its immeasurable benefits, like the perennial springs of the earth, flow from the fact that considerable portions of the communities at stated periods are called into the courts to sit as judges of contested facts, and under the ministry of the courts to apply the laws. There the constitution and principles of the Civil Code are discussed, explained and enforced, and the jurors return into the bosom of society instructed and enlightened, and disseminate the knowledge acquired; and do we not perceive, without further illustration, that to these nurseries of jurisprudence and of the rights of man, more than to all other causes, the AngloSaxon race has been pre-eminent for free institutions and all the political, civil and social virtues that elevate mankind! Let us then preserve and transmit this mode of trial not only inviolate, but if possible, purified and perfected*»<sup>12</sup>.

The right to a jury trial is considered in the United States as one of the inviolable democratic constitutional rights inherent in a free society.

---

<sup>11</sup> Lempert R.O., Civil juries and complex cases: let's not rush to judgment. *Michigan Law Review*. 1981. Vol. 80. Issue 1. P. 68–132. URL: <https://repository.law.umich.edu/mlr/vol80/iss1/3>.

<sup>12</sup> Harris W.R., Jury trial in civil cases – a problem in constitutional interpretation. *Southwestern Law Journal*. 1953. Vol. 7. Issue 1. pp. 1–20. URL: <https://scholar.smu.edu/smulr/vol7/iss1/1>.

Unfortunately, Ukraine does not have such a respectful attitude to democratic freedoms yet. Domestic civil society is just learning to defend itself, control the government and defend constitutional rights and freedoms. Such achievements of Western democracy as direct participation of citizens in elections and referendums, jury trials, etc. perceived by many members of society not as an honourable duty and a guarantee of protection of the rights of ordinary citizens from the arbitrariness of power, but as an unnecessary burden and a waste of time.

Any legal institution needs a test of time. If for the countries of the Anglo-Saxon legal family the jury is a traditional, chosen and suffered good, in Ukraine it is perceived as alien to our mentality, introduced from outside and artificially introduced into the legal system.

In this regard, the empirical material that confirms the inefficiency of the jury in the consideration of civil cases by Ukrainian courts is more than enough. It is very common in judicial practice for jurors to refuse to perform their duties for various, not always valid reasons<sup>13</sup>, or even without explaining the reasons for such refusal<sup>14</sup>. Occasionally, cases are adjourned several times by courts to replace jurors who refuse to participate in trials or do not appear in court sessions<sup>15</sup>. These circumstances, of course, have a negative impact on the timing of civil proceedings.

---

<sup>13</sup> Decision of the Moskovskiy District Court of Kharkiv of 09.12.2020 in case № 643/2667/20. URL: <https://reyestr.court.gov.ua/Review/93415313>. Decision of the Kakhovskiy City District Court of the Kherson Region of 12.10.2020 in case №658/3207/20. URL: <https://reyestr.court.gov.ua/Review/92144785>. Decision of the Prydniprovskiy District Court of Cherkasy of 20.01.2021 in case №711/5743/20. URL: <https://reyestr.court.gov.ua/Review/94268662>.

<sup>14</sup> Decision of the Mar`inskyi District Court of the Donetsk Region of 1.02.2002 in case №237/974/20. URL: <https://reyestr.court.gov.ua/Review/94648308>.

<sup>15</sup> Decision of the Prymorsky District Court of Odesa of 25.02.2020 in case №522/20546/19. URL: <https://reyestr.court.gov.ua/Review/87814974>. Decision of the Romensky City District Court of the Sumy Region of 13.03.2020 in case №585/482/20. URL: <https://reyestr.court.gov.ua/Review/88193569>. Decision of the Romensky City District Court of the Sumy Region of 6.04.2020 in case №585/482/20. URL: <https://reyestr.court.gov.ua/Review/88608822>.

### 3. Causes of the problem and ways to solve it

This unfortunate situation has developed for several reasons. The first reason is the imperfection of the procedure for compiling lists of jurors. In accordance with Part 1 of Article 64 of the Law of Ukraine «On the Judiciary and the Status of Judges» for approval of the list of jurors the territorial office of the State Judicial Administration of Ukraine applies to the relevant local councils, which form and approve in the number specified in the application, a list of citizens permanently residing in the territories under the jurisdiction of the relevant district court, who meet the requirements of the law and have agreed to be a jury. The existing mechanism is opaque. There is no program to promote and encourage citizens to participate in trials as jurors. The legislation also provides for a very short period for which the list of jurors is approved (three years). As a result, in lengthy trials, it is not uncommon for a jury to expire in the middle of a trial, necessitating the replacement of the jury and the trial with a new court. The aforementioned Recommendations emphasized the problem of the lack of adequate jury lists, especially in large cities. For example, the shortage of jurors in four local courts in Odesa at the beginning of 2018 reached 40 percent<sup>16</sup>.

The second reason, which is directly related to the first, is the lack of funding. The desire of a citizen to perform the honorary duty of being a juror must be supported by a decent pay for his work. A juror cannot be expected to take responsibility for the performance of his duties to the state if his efforts are not paid for by the state. In fact, a jury trial is a rather «expensive pleasure» for the state, and therefore not every state can afford it. The current model of financing the jury trial in Ukraine, given the constant state budget deficit, is considered ineffective.

The third reason is the imperfection of the Ukrainian civil procedure legislation governing the functioning of the jury trial. The introduction

---

<sup>16</sup> Recommendations of the joint committee hearings in the committees of the Verkhovna Rada of Ukraine on law enforcement and legal policy on the topic: «Prospects for development, issues of formation and functioning of the jury in Ukraine», approved by the Verkhovna Rada of Ukraine Committee on Law Enforcement. (Protocol № 37 of 01.07.2020). URL: <http://komzakonpr.rada.gov.ua/uploads/documents/32665.pdf>.

of a jury trial in some categories of civil cases in the form in which it is enshrined in the rules of the CPC, seems artificially created for the formal implementation in civil proceedings of the provisions of Article 124 of the Constitution of Ukraine on the direct participation of the people in the administration of justice through juries. The jury trial is perceived by both judges and the jury itself as an analogue of the Soviet jury (the last «reform» in this area took place in 2017 and consisted only in the simple renaming of lay judges to jurors). Moreover, in fact, there was never real democracy in the USSR, and institutions of democracy, such as elections by the authorities or the participation of citizens in court hearings as lay judges, mostly existed only as a formality to give the impression of people's participation in governing the state. At the same time, the lay judges never had a real influence on the process of administering justice. An artificially created social and legal institution, which has no real foundations and content, cannot be perceived positively by society. Therefore, the participation of jurors in modern trials is still perceived as a normal formality and is a certain burden for all procedural subjects (professional judges, jurors, participants in the trial). There will never be an effective jury, which consists of a handful of obligated public sector employees, who for the most part do not show any interest and activity in the trial, always agreeing with the position of a professional judge, and do not receive decent pay for their work. With such an approach, it is better to abandon the jury altogether than to introduce this innovation as if «for a tick». After all, unlike the American Constitution, the Constitution of Ukraine does not contain a mandatory condition for the introduction of a jury trial in civil cases.

However, it is better to move by improving the functioning of the jury in the civil process of Ukraine. The trial with the participation of a jury should be considered as a procedural right of the person whose case is being considered by the court. That is, the consideration of a civil case with the participation of a jury should be carried out only at the request of the parties or other participants in the case, the scope of which should be defined by law. In order for the parties to the case not to abuse the right to apply for a jury, in the vast majority of cases the remuneration of jurors must be included in court costs, relied on by the parties and advanced by the requesting party, and only in some cases, in particular separate proceedings – to rely on the state.



The participation of jurors at the expense of the state does not make sense in every civil case, but only in those whose decisions are of important public importance or may cause significant restrictions on the rights and freedoms of the individual. For example, the introduction of a jury trial in cases of compulsory psychiatric care is considered completely justified, as forcible placement of a person in a psychiatric treatment can be equated to imprisonment. Therefore, it is impossible to agree with the above position of some scholars, who propose to exclude this category of cases from the list of cases in which jurors should participate.

The participation of jurors at all stages of the civil process is not required and will only increase the cost of the trial and the burden on the jury. It only makes sense to involve jurors when the case is being considered on the merits, when they can directly perceive the process, clarify the circumstances of the case and examine the evidence. To do this, it is necessary to increase the importance of preparatory proceedings by improving the rules of civil procedure, which today remains a simple, often meaningless formality. The preparatory hearing should take place without the participation of a jury and, above all, should consist in the procedure of disclosure of court evidence. Disclosure of evidence should encourage the parties to reach a compromise at the preparatory meeting. If this is not possible – there should be a transition to the case on the merits with the participation of the jury.

#### 4. Conclusions

1. A jury trial is a civilized means of protecting civil society from judicial arbitrariness and corruption in the judiciary, which is used in developed democracies instead of “wild democracy” or ochlocracy such as lighting fireworks, tires, hanging posters in court.

2. Preservation of the jury trial in civil proceedings in its current form will not contribute to the achievement of the objectives of civil proceedings.

3. It must be acknowledged that full funding of a truly effective jury trial from the state budget of Ukraine is impossible due to the state budget deficit.

4. Establishment of an effective jury trial in civil proceedings is possible only under a combination of the following conditions:

- transparent system of forming the list of jurors. The list should be formed, mainly, of persons who themselves have expressed a desire to get on it and have submitted the relevant applications. To do this, it is important to carry out outreach work among the population and ensure the following condition;
- a decent reward for the work of the jury. In civil proceedings, the vast majority of cases must be heard by a jury only at the request of one of the parties. At the same time, the remuneration of jurors should be included in court costs, paid in advance by the person who filed the relevant petition, and further relied on by the party who lost the lawsuit. Only in certain categories of separate proceedings (for example, adoption cases) should the jury be paid by the state budget. To save money for the parties to the lawsuit and the state budget, jurors should be involved only at the stage of consideration of the case on the merits.

5. Refusal of the jury trial in civil proceedings in Ukraine is possible only as a temporary measure taken to eliminate the negative consequences caused by the existence in the civil process of the old *de facto* Soviet model of jurors and the development and implementation of a new model of jurors in civil proceedings. The impossibility of a complete waiver of jurors in civil proceedings is due to the existence of Ukrainian society's demand for democratic institutions that allow civil society to exercise control over the judiciary by civilized means. In addition, this need is caused by the existence in civil proceedings of categories of cases that may have legal consequences for people subject to trial in the form of deprivation of liberty or property similar to those arising in criminal proceedings. Among such cases, in particular, civil cases on the provision of psychiatric care to a person under duress, the recognition of unfounded assets and their recovery into state revenue, and others.

## References

Buryi A., Taratula R., Topolevskyi R., Topolevska L. Mizhnarodnyi dosvid diialnosti instytutiv myrovoho suddi, sudu prysiazhnykh, narodnykh zasidateliv ta propozytsii shchodo mozhlyvostei yoho zastosuvannia v Ukraini [International experience of the institute of justice of the

- peace, jury, lay judges and proposals for its application in Ukraine]. Lviv: Regional Public Foundation "Law and Democracy", 2009. 131 p.
- Fursa S.Y., Shcherbak S.V., Yevtushenko O.I. Tsyvilnyi protses: Problemy ta perspektyvy [Civil Procedure: Problems and Prospects]. K.: Publisher Fursa S.Y.: KNT, 2006. 446 p.
- Harris W.R., Jury trial in civil cases – a problem in constitutional interpretation. *Southwestern Law Journal*. 1953. Vol. 7. Issue 1. pp. 1–20. URL: <https://scholar.smu.edu/smulr/vol7/iss1/1>.
- Iatsenko N.G., Narodni zasidateli ta sud prysiazhnykh u tsyvilnomu protsesi: istoriia i suchasnist. [Jurors and the jury in civil proceedings: history and modernity]. *Visnyk Vyshchoi rady yustytzii [Bulletin of the High Council of Justice]*. 2011. № 1 (5). pp. 109–118.
- Kolisnyk O.V., Neprofesiyni element skladu sudu u tsyvilnomu sudochynstvi u konteksti yevropeiskoho dosvidu. Derzhavne budivnytstvo ta mistseve samovriaduvannia [Non-professional element of court composition in civil proceedings in the context of European experience. State building and local self-government]. 2008. Issue 15. pp. 136–144.
- Lempert R.O., Civil juries and complex cases: let's not rush to judgment. *Michigan Law Review*. 1981, Vol. 80, Issue 1. pp. 68–132. URL: <https://repository.law.umich.edu/mlr/vol80/iss1/3>.
- Smirnova V., Pravovi pidstavy uchasti prysiazhnykh u tsyvilnomu sudochynstvi Ukrainy. [Legal grounds for the participation of jurors in civil proceedings in Ukraine]. *Pidpriumnytstvo, hospodarstvo i pravo. [Entrepreneurship, economy and law]*. 2019, № 5, pp. 66–72.
- Tatulych I., Pravovy status prysiazhnykh u tsyvilnomu sudochynstvi [Legal status of jurors in civil proceedings]. *Pidpriumnytstvo, hospodarstvo i pravo. [Entrepreneurship, economy and law]*. 2019., № 12, pp. 67–72.
- Recommendations of the joint committee hearings in the committees of the Verkhovna Rada of Ukraine on law enforcement and legal policy on the topic: «Prospects for development, issues of formation and functioning of the jury in Ukraine», approved by the Verkhovna Rada of Ukraine Committee on Law Enforcement. (Protocol № 37 of 01.07.2020). URL: <http://komzakonpr.rada.gov.ua/uploads/documents/32665.pdf>.

Decision of the Kakhovskiy City District Court of the Kherson Region of 12.10.2020 in case №658/3207/20. URL: <https://reyestr.court.gov.ua/Review/92144785>.

Decision of the Moskovskiy District Court of Kharkiv of 09.12.2020 in case № 643/2667/20. URL: <https://reyestr.court.gov.ua/Review/93415313>.

Decision of the Mar`inskyi District Court of the Donetsk Region of 1.02.2002 in case №237/974/20. URL: <https://reyestr.court.gov.ua/Review/94648308>.

Decision of the Prydniprovskiy District Court of Cherkasy of 20.01.2021 in case №711/5743/20. URL: <https://reyestr.court.gov.ua/Review/94268662>.

Decision of the Prymorsky District Court of Odesa of 25.02.2020 in case №522/20546/19. URL: <https://reyestr.court.gov.ua/Review/87814974>.

Decision of the Romensky City District Court of the Sumy Region of 13.03.2020 in case №585/482/20. URL: <https://reyestr.court.gov.ua/Review/88193569>.

Decision of the Romensky City District Court of the Sumy Region of 6.04.2020 in case №585/482/20. URL: <https://reyestr.court.gov.ua/Review/88608822>.

## Summary

The scientific article is devoted to the definition of directions of improvement of the jury trial in civil proceedings of Ukraine. It unveils the historical origins of formation of the jury trial as one of the important democratic institutions, which provides the possibility of direct participation of people in the administration of justice and is a civilized means of protecting civil society from judicial arbitrariness and corruption in the judiciary. Two models of jury trial are described: the Anglo-Saxon and the continental.

The existing scientific controversy on the expediency of the functioning of the jury in civil proceedings and the effectiveness of some, including complex, civil cases with the participation of the jury are described.

It is argued that the reasons for the inefficiency of the jury trial in Ukraine are the non-transparent system of forming the jury lists, the lack of state funding for the jury trial, public misunderstanding of the benefits of the jury trial, and

thus the non-acceptance of the jury by the vast majority of citizens and their evasion of the duties of jurors.

It is concluded that it is inexpedient to preserve the jury trial in civil proceedings in its current form, as this will only harm the tasks of civil proceedings. The authors propose the ways to improve the model of the jury trial in civil proceedings in Ukraine, in particular, by building a transparent system for forming a list of jurors as a result of outreach work among the population and decent pay for jurors.

**Keywords:** justice, democracy, democratic institutions, lay judges, trial, judicial system, jury verdict