

УДК 342.56+343.11+347.988.2
DOI: 10.31733/15-03-2024/1/145-147

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**ENSURING NATIONAL SECURITY: THE ROLE OF THE JURY
IN ACCORDANCE WITH THE CONSTITUTIONAL
PROVISIONS OF UKRAINE**

The strengthening of Ukraine's status as a sovereign and independent state, as enshrined in Article 1 of the Constitution of Ukraine [1], largely depends on the effective provision of its national security. In the context of growing global threats and instability, the world is facing new challenges in the areas of raw materials, energy, finance, information, environment, food and other areas.

The problems associated with the proliferation of weapons of mass destruction, international terrorism, transnational organised crime, cyber threats, piracy, illegal migration, and interstate and internal conflicts are growing, involving new geopolitical regions and states. Particularly dangerous are the revision of state borders in violation of international legal norms, and the settlement of international disputes by force or threat of force.

An example of this dangerous trend is the armed conflict in eastern Ukraine involving the Russian Federation and its annexation of the Autonomous Republic of Crimea and the city of Sevastopol since 2014 and Russia's full-scale armed aggression since 2022. These events threaten the state sovereignty and territorial integrity of Ukraine.

In addition to external challenges, Ukraine faces internal threats to its national security. Shortcomings in the public administration system, a costly economic model, a deep economic crisis, depletion of the state's financial resources, declining living standards, widespread corruption and distortion of democratic processes undermine the state's ability to perform its core functions, including the protection of human rights and freedoms, and lead to growing public distrust of the state, threatening its stability.

Therefore, the issue of national security is extremely important and requires an immediate public and state decision. This requires the development of a unified system of knowledge about national security based on scientific methodology, including the identification of effective legal mechanisms to ensure it. In particular, it is necessary to focus on the constitutional and legal basis of Ukraine's national security.

The study of the constitutional and legal foundations of national security is of great theoretical and practical importance. This will contribute to the improvement of Ukraine's national security legislation, development of security strategies and military doctrine, and will form the basis for the formation of the basic principles and directions of activity of state authorities in the context of timely detection, prevention and neutralization of real and potential threats to Ukraine's national interests.

President of Ukraine V. Zelenskyy's Decree No. 359/2023 of 30 June 2023, which implements the decision of the National Security and Defense Council of Ukraine (NSDC) of 23 June 2023 «On Accelerating Judicial Reform and Combating Corruption in the Justice System» [2], is an important step towards reforming Ukraine's legal system. One of the key aspects of this decision is «strengthening the role of the jury and expanding the cases of its application», which will be initially implemented in criminal proceedings.

Strengthening the role of jurors in criminal proceedings has the following benefits:

Strengthening the democratic principles of the judiciary: increasing the number of citizens involved in the judicial process helps to strengthen public confidence in the judicial system, as well

as increases the transparency and fairness of court decisions.

Reducing corruption risks: Trial by jury can make it more difficult to influence a court decision through corrupt schemes, as the verdict is not delivered by one person (a judge) but by a group of independent citizens.

Increasing the level of public responsibility: Participation in court proceedings as a juror contributes to the growth of legal awareness of citizens and their sense of responsibility for observing the laws of the country.

We fully agree with the opinion of V. Tertyshnyk, that «trial by jury can contribute to the intensification of the solution of the arch-difficult task of establishing the truth («the truth is clearer than the sun, but it is sought with a candle» – Ukrainian folk proverb), and thereby minimize possible errors. Firstly, the jury begins to consider the case without being familiar with the pre-trial investigation materials. This encourages a thorough examination of the evidence in court. The adversarial nature of the proceedings is not just a form, but becomes a necessary practical reality, acting as a significant catalyst for the search for the truth. Secondly, the final assessment of evidence is preceded by court debates, during which the judicial investigation actually continues in terms of the assessment and use of the evidence. Here, the parties have to prove the correctness of their judgments to the jury. The jury, interested in the fullest and most comprehensive coverage of all the circumstances of the case, which will be taken into account by them when making a responsible decision – a verdict, become not just inquisitive listeners, but with their need for evidentiary information and possible options for its interpretation «activate» the very institution of court debate, which cannot but affect the comprehensiveness of the investigation of the circumstances of the case.» [3]

At the same time, a common problem, criticized by many scholars, is that jurors who are not professional judges are influenced by the authoritative opinions of the latter. This raises doubts as to the effectiveness and validity of jurors' participation in the trial, as they are unable to assess the case based on their own moral and ethical beliefs. However, despite these concerns, there is a view that the model enshrined in the Criminal Procedure Code is acceptable for Ukraine. It takes into account the specific challenges faced by society, including the risk of pressure on jurors, the possibility of bribery, the low level of legal education of the population, etc.

Thus, the following challenges currently exist:

- formation of jury lists: currently, Articles 63-68 of Chapter 3 of Section III of the Law of Ukraine «On the Judicial System and Status of Judges» disclose the status, outline the requirements for a juror, the procedure for approving jury lists, duties, term of office, grounds and procedure for dismissal from duties...[4] In this case, it should be borne in mind that the existing procedure for forming lists by local governments is voluntary on the part of jurors: citizens of Ukraine submit relevant applications of their own free will. It is obvious that the expansion of the list of criminal offences will lead to the need to expand the number of jurors. The existing system of jury selection will not be able to provide the required number. This issue is subject to further discussion by scholars, representatives of local authorities, representatives of the state judicial administration, judges and jurors;

- training of jurors: the development of specialized training programs covering the basics of jurisprudence, primarily the Criminal Code and the Criminal Procedure Code, ethics of juror behavior, as well as skills of critical analysis and objective evaluation of evidence is critical to improving the quality of justice. Currently, such training is lacking. Jurors come to court without a clear understanding of what they will face during the trial. The vast majority of jurors' perceptions of jurors are formed by watching American crime films;

- jury training methods: The use of interactive training methods, including role-playing, trial simulations and analysis of real-life cases, can greatly enhance the effectiveness of jury training by developing jurors' practical skills and understanding of the process;

- psychological preparation of jurors: Given the emotional pressures that can accompany the process of participating in the resolution of complex and sometimes tragic cases, psychological preparation and support for jurors is an integral part of their overall training;

- ethical principles of jury service: Highlighting the ethical standards and rules of conduct for jurors, including confidentiality, objectivity, lack of bias and the prohibition of interaction with parties outside the courtroom, is key to ensuring the fairness of the trial;

- logistics and funding: Organizing a jury trial may require additional material and financial resources.

It should be noted that the approach of Ukrainian legislation to the formation of a mixed panel consisting of professional judges and jurors who jointly analyze both factual and legal aspects

of the case is in line with European continental traditions of criminal justice. This mechanism promotes greater citizen involvement in the justice process and increases its transparency. However, it should be borne in mind that the jury's opinion may be influenced not only by the objective body of evidence but also by subjective factors such as personal stereotypes, the appearance of the accused, his or her manner of behavior and reaction to testimony. It is therefore important that professional judges have the tools to minimize the impact of these non-legal factors.

The practice has shown that the institution of jury trials can become an important element in the further development of the rule of law, increasing confidence in the judicial system and ensuring justice. However, the question of the expediency of introducing jury trials in Ukraine remains open due to several existing problems.

In our opinion, the best solution would be to introduce jury trials first in the form of pilot projects, with the possibility of further expansion based on an analysis of their effectiveness and taking into account the experience of countries with established traditions of jury justice.

This requires appropriate amendments to the Criminal Procedure Code to allow for consideration of the circumstances arising from the expansion of the list of criminal proceedings in which juries are required to be involved.

An important aspect is also the general increase in the level of legal awareness and moral standards of society, as jury trials are based on the principles of fairness, impartiality and morality.

Thus, in the context of the challenges and threats faced by Ukraine in recent decades, including external aggression, internal socio-economic crises and political instability, the issue of ensuring national security is of particular relevance. In this regard, the role of the jury, as defined by the constitutional provisions of Ukraine, deserves special attention as a tool for democratizing the judiciary and strengthening public confidence in justice. Reforming the legal system and criminal proceedings in particular with the use of the jury institute contributes not only to improving the efficiency of justice, but also to ensuring deeper democratic standards in society.

The introduction of jury trials in criminal proceedings in Ukraine, as the experience of other countries shows, can be a significant step in strengthening human rights, ensuring transparency and impartiality of court decisions. It also contributes to the formation of responsibility among citizens for the fate of their country and the development of civil society, which is an integral part of the concept of national security.

However, along with the benefits, there are also significant challenges in implementing jury trials. The need to develop specialized jury training programs, establish an effective system of selection of candidates, and provide financial and material resources are critical for the successful implementation of this reform. In addition, raising legal awareness of the population and developing a culture of legal responsibility are long-term tasks that require systematic and consistent work.

1. Конституція України від 28.06.1996. URL : <http://zakon.rada.gov.ua/laws/show/254к/96-вр>.

2. Про прискорення судової реформи та подолання проявів корупції у системі правосуддя : Рішення РНБО від 23 червня 2023 р. URL : <https://zakon.rada.gov.ua/laws/show/n0033525-23#Text>.

3. Тертишник В. М., Солнишкіна Н. С. Суд присяжних: суть ідеї та її мімікрія при реформуванні кримінального судочинства України. *Право і суспільство*. 2012. № 3. С. 221–224.

4. Про судоустрій і статус суддів : Закон України від 02.06.2016. URL : <https://zakon.rada.gov.ua/laws/show/1402-19>.