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Legal provision of the jury trial in Ukraine in the framework of European standards

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Abstract: This study examines the extent to which the current Ukrainian jury trial model operates effectively in practice. To achieve this objective, the study employs doctrinal and comparative legal methods. The research included a reconstruction of the relevant legislation together with examining domestic court practice. Furthermore, the Ukrainian approach was compared functionally with Convention-based guarantees, particularly those developed after the case law of the European Court of Human Rights and the documents of the Council of Europe. The findings show that Ukraine's jury system represents a hybrid one. Although several elements correspond to European fair-trial guarantees, compliance remains incomplete. Stronger guarantees are observed in areas such as proceedings transparency and the availability of appellate control. However, key aspects including juror independence, equality between the parties and the reasoning of judicial decisions are either inadequately regulated or inconsistently applied. Hence, the effectiveness of the jury system depends not only on the availability of legal norms but also on coherence of their operation and consistency of implementation. The conclusions drawn in this study may contribute to further improvements in both legislation and judicial practice. Future research could usefully adopt empirical approaches and undertake broader comparisons with similar hybrid jury models across Europe.

Keywords: Jury Trial, Hybrid Legal Model, Fair Trial Standards, Judicial Independence, Equality of Arms, Comparative Legal Analysis

1. Introduction

The participation of lay citizens in criminal adjudication remains one of the most debated features of contemporary European criminal procedure. Although jury participation is widely regarded as an important safeguard of democratic legitimacy and public confidence in the administration of justice, European legal systems adopt markedly different institutional models. Consequently, the principal challenge is not whether juries should exist but whether different institutional arrangements provide equivalent protection of the fair-trial guarantees required by Article 6 of the European Convention on Human Rights.⁶

Unlike the common perception that a jury constitutes a uniform legal institution, European legal systems demonstrate considerable diversity in the organization of lay participation in criminal justice. Europe does not prescribe a single model of jury adjudication. Instead, different jurisdictions have developed distinct institutional arrangements reflecting their constitutional traditions and procedural cultures. England and Wales preserve the classical common-law jury composed exclusively of

⁶ EUROPEAN COURT OF HUMAN RIGHTS. Guide on article 6 of the European convention on human rights: Right to a fair trial (Criminal Limb) (European court of human rights 2024). Available at: https://lex.igo-ifj.be/sites/default/files/2024-10/guide_art_6_criminal_eng.pdf (accessed on 5 June 2026).

lay citizens responsible for determining questions of fact.⁷ In contrast, France employs a mixed assize-court model in which professional judges deliberate jointly with jurors.⁸ Germany follows the Schöffensystem, where lay judges participate alongside professional judges throughout criminal proceedings.⁹ Italy likewise combines professional and non-professional adjudicators within a mixed tribunal structure.¹⁰ These differences indicate that European standards focus less on institutional form and more on the practical effectiveness of fair-trial guarantees protecting the right to a fair trial.

The European Court of Human Rights has consistently emphasized that Article 6 ECHR does not require States to adopt any particular model of jury trial. Rather, Contracting States enjoy a margin of appreciation in organizing their criminal justice systems provided that fundamental guarantees of independence, impartiality, equality of arms, transparency, and effective judicial review are adequately secured.¹¹ Consequently, the assessment of jury systems within the European legal framework requires a functional rather than purely institutional approach. From this perspective, the central question is not whether a national model resembles the classical Anglo-American jury but whether it effectively protects the procedural rights guaranteed by Article 6 ECHR.

The jurisprudence of the European Court of Human Rights has played a decisive role in shaping contemporary standards applicable to jury trial. In *Pullar v. United Kingdom* and *Sander v. United Kingdom*, the Court emphasized that the appearance of impartiality is as important as impartiality itself and that allegations capable of affecting juror neutrality require an effective judicial response.¹² In *Gregory v. United Kingdom* and *Remli v. France*, the Court further clarified the obligation of domestic courts to address circumstances that may create reasonable doubts regarding fairness and equality during jury trial.^{13,14} Equally important is the Grand Chamber judgment in *Taxquet v. Belgium*, where the Court established that although juries are not required to provide detailed written reasons for their verdicts, criminal proceedings must contain sufficient procedural safeguards enabling both defendants and reviewing courts to understand the basis of the decision.^{15,16} Together, these judgments demonstrate that European standards concerning jury trials are primarily concerned with the practical operation of fair-trial guarantees rather than the formal characteristics of institutional design.

⁷ HOSTETTLER, J. A history of criminal justice in England and Wales. Waterside Press. Available at: <https://books.google.com/books?id=hogc8SihCjoC> (accessed on 5 June 2026).

⁸ HODGSON, J. "French criminal justice: A comparative account of the investigation and prosecution of crime in France". Hart Publishing. Available at: <https://www.bloomsbury.com/uk/french-criminal-justice-9781847310699/> (accessed on 5 June 2026).

⁹ PERRON, W. "Lay participation in Germany". *Revue Internationale de Droit Pénal*, v. 72, n. 1, 2001, pp. 181–195. <https://doi.org/10.3917/ridp.721.0181>

¹⁰ GRANDE, E. "Italian criminal justice: Borrowing and resistance". *The American Journal of Comparative Law*, v. 48, n. 2, 2000, pp. 227. <https://doi.org/10.2307/840971>

¹¹ HUDOC. *Taxquet v. Belgium* (App no 926/05) (Grand Chamber, ECtHR, 16 November 2010). Available at: <https://hudoc.echr.coe.int/eng?i=001-101739> (accessed on 5 June 2026).

¹² *Pullar v. United Kingdom* App No 22399/93 (ECtHR, 10 June 1996). Available at: <https://hudoc.echr.coe.int/eng?i=001-57995> (accessed on 5 June 2026).

¹³ *Gregory v. United Kingdom* App No 22299/93 (ECtHR, 25 February 1997). Available at: <https://hudoc.echr.coe.int/eng?i=001-58018> (accessed on 5 June 2026).

¹⁴ *Remli v. France* (App No 16839/90) European Court of Human Rights, Judgment of 23 April 1996. Available at: <https://hudoc.echr.coe.int/eng?i=001-57983> (accessed on 5 June 2026).

¹⁵ *SANDER v. UNITED KINGDOM*. 31 EHRR 44, App no 34129/96 (ECtHR, 9 May 2000), 2000. Available at: <https://hudoc.echr.coe.int/eng?i=001-58835> (accessed on 5 June 2026).

¹⁶ HUDOC. *Taxquet v. Belgium* (App no 926/05) (Grand Chamber, ECtHR, 16 November 2010). Ibid.

Despite the extensive literature concerning jury participation, comparatively little research has systematically evaluated the Ukrainian jury system through a unified analytical framework derived from Article 6 ECHR, European Court of Human Rights jurisprudence, and representative national judicial practice. Existing studies generally examine constitutional regulation, legislative reform, or institutional design in isolation rather than assessing how these components interact in practical operation.

Academic scholarship has increasingly approached jury participation as a multidimensional institution in which procedural fairness is determined by the interaction between legal rules, judicial practice, and institutional design rather than on the formal existence of lay participation alone. Contemporary comparative research generally converges around four interconnected themes: safeguarding juror independence, improving the quality of judicial decision-making, comparing institutional models of jury adjudication, and examining the constitutional legitimacy of public participation in criminal justice. Comparative scholarship nevertheless continues to debate whether compliance with Article 6 ECHR should be assessed primarily through institutional design or through the practical effectiveness of procedural safeguards. The present study adopts the latter perspective.

The first and most extensively developed theme concerns the protection of juror independence and impartiality. Rather than treating independence as a purely institutional characteristic, recent scholarship increasingly conceptualises it as a functional guarantee that must operate throughout criminal proceedings. Studies emphasise that external influence, cognitive bias, psychological pressure, and insufficient procedural safeguards may undermine both the neutrality of jurors and public confidence in criminal adjudication. Consequently, effective jury systems require mechanisms capable of protecting jurors from direct and indirect interference while simultaneously preserving transparency and procedural fairness.^{17,18}

A second line of research focuses on evidentiary reasoning and the quality of decision-making during jury trials. Instead of concentrating exclusively on procedural rules, this literature analyses how jurors evaluate competing factual narratives, assess expert evidence, and apply legal standards during deliberations. Recent studies demonstrate that procedural fairness depends not only on statutory regulation but also on institutional arrangements that facilitate rational, transparent, and reviewable decision-making. These findings suggest that the effectiveness of jury trials should be evaluated through the practical operation of evidentiary safeguards rather than solely through their formal legislative design.^{19,20}

Comparative scholarship constitutes a third major area of research. Existing studies consistently demonstrate that European states have developed diverse models of lay participation reflecting different constitutional traditions and procedural cultures. Comparative analyses distinguish between classical common-law juries, mixed tribunals, and lay-judge systems while emphasising that no single institutional model is required under European human rights law. Instead, successful jury systems are characterised by their ability to secure common fair-trial guarantees despite

¹⁷ CROUCHER, J.S., and WARD, R. "The cost of justice: Vicarious trauma and the legal system's duty of care to jurors". *Laws*, v. 14, n. 5, 2025, pp. 69. <https://doi.org/10.3390/laws14050069>

¹⁸ WALTERS, J., NGUYEN, L., LIU, Y., IJURCO, S.M., EVANS, S., CHACOS, N., DURAN, M., and SMITH, C. "Justice without Bias: A systematic review and meta-analysis of interventions aimed at reducing jury bias in Rape and sexual assault trials". *Journal of Criminal Justice*, v. 100, 2025, art. 102491. <https://doi.org/10.1016/j.jcrimjus.2025.102491>

¹⁹ SALAZAR, C.R. "Jury trials and the rationalist conception of evidence law: Scales of comparison and ideology in evidentiary reasoning (El juicio por jurado y la concepción racional de la prueba: Escalas de comparación e ideología en el razonamiento probatorio)". *SSRN Electronic Journal*, 2025. <https://doi.org/10.2139/ssrn.5165288>

²⁰ TUZET, G. "Expert signs and legal burdens". *International Journal for the Semiotics of Law* v. 36, n. 1, 2022, pp. 159-183. <https://doi.org/10.1007/s11196-022-09932-3>

differences in organisational structure, judicial authority, and procedural design.^{21,22} This functional understanding of comparative criminal procedure has become increasingly influential within contemporary European legal scholarship.

A fourth research direction examines jury participation from the perspective of constitutional legitimacy and democratic governance. Within this approach, jury trials are regarded not merely as procedural mechanisms but also as institutions that strengthen public confidence in courts, enhance civic participation in the administration of justice, and reinforce the legitimacy of criminal adjudication. Ukrainian scholarship generally follows this perspective by analysing the constitutional foundations of jury participation together with the institutional, organisational, and financial conditions necessary for the effective functioning of the national jury system.^{23,24,25}

Although these strands of scholarship have significantly advanced understanding of jury trials, several important analytical limitations remain. First, existing studies generally examine individual components of jury adjudication, such as impartiality, evidentiary reasoning, or institutional design, without integrating them into a unified analytical framework derived from the fair-trial guarantees developed under Article 6 of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights. Second, research concerning the Ukrainian jury system predominantly analyses legislative regulation, constitutional reform, or institutional development in isolation, paying comparatively limited attention to the interaction between statutory provisions, judicial interpretation, and practical implementation. Third, comparative scholarship rarely evaluates whether hybrid jury systems achieve functional equivalence with European fair-trial standards, focusing instead on institutional similarities and differences between national models.

The present study addresses these limitations by proposing a functional analytical framework based on eight interrelated fair-trial guarantees (E1–E8) derived from Article 6 ECHR jurisprudence. Unlike conventional institutional comparisons, which primarily evaluate the structural characteristics of jury systems, this framework assesses whether procedural guarantees operate effectively in practice through the combined analysis of legislation, judicial interpretation, and the practical implementation of legal standards. Although the framework is applied to the Ukrainian jury system, its analytical structure is designed to facilitate future comparative evaluation of other hybrid jury models operating within European criminal justice systems. By integrating doctrinal legal analysis, structured examination of judicial practice, and functional comparison with European standards, the study seeks to provide a more comprehensive methodology for assessing

²¹ YAKYMETS, S. "Comparative legal analysis of jury trial models in foreign jurisdictions: Experience for Ukraine". *Scientific Journal of the Ukrainian State University named after Mykhailo Drahomanov. Series*, v. 46, n. 18, 2025, pp. 30–40. <https://doi.org/10.31392/NPU-nc.series18.2025.46.04>

²² PAIK, N. "Jury trial: A comparative legal analysis between Bangladesh, India and Europe". *Novel Insights*, v. 1, n. 3, 2025, pp. 204–223. <https://doi.org/10.69655/novelinsights.vol.1.issue.03W.022>

²³ BERCH, V., LANKEVYCH, A., and BYSAHA, Y. "Trial by jury as a guarantee of legitimate decisions: Constitutional, legal and economic principles". *Baltic Journal of Economic Studies*, v. 10, n. 2, 2024, pp. 33–41. <https://doi.org/10.30525/2256-0742/2024-10-2-33-41>

²⁴ KOVALCHUK, V. "Jury trial as a form of direct democracy in Ukraine: Challenges and prospects for its development". *Constitutional Legal Academic Studies*, v. 1, 2025, pp. 98–107. <https://doi.org/10.24144/2663-5399.2025.1.12>

²⁵ LADYCHENKO, V., BRYHINET, O., ULIUTINA, O., PANKOVA, L., and GULAC, O. "Features of regulatory regulation of state financing of maintenance of jury trial in Ukraine". *Revista Jurídica Portuguesa*, v. 32, 2022, pp. 300–319. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-13](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-13)

compliance with contemporary fair-trial requirements than has generally been adopted in previous comparative scholarship.

This study hypothesises that the principal barriers to the effective compliance of the Ukrainian jury trial model with European fair-trial standards arise not from the absence of legislative guarantees themselves, but from inconsistencies between legislative design, judicial interpretation, and practical implementation. Consequently, the degree of compliance depends less on the formal existence of procedural safeguards than on their coherent operation throughout criminal proceedings. It is further hypothesised that the Ukrainian hybrid jury model demonstrates functional convergence with European standards in certain procedural guarantees while exhibiting structural weaknesses in areas relating to juror independence, judicial guidance, reasoned decision-making, and the effectiveness of appellate review.

Testing this hypothesis requires a systematic comparison of the Ukrainian jury trial model with the functional standards developed under Article 6 ECHR, taking into account both legislative regulation and judicial practice.

Accordingly, the purpose of this article is to determine whether the current Ukrainian legal framework governing jury trials ensures compliance with European standards of fair trial and judicial independence. To achieve this objective, the study examines the constitutional and legislative foundations of jury participation in Ukraine, analyses relevant judicial practice, evaluates the degree of alignment between national regulation and European standards, and identifies the structural factors affecting the effectiveness of the existing jury trial model.

To address these questions, the study combines doctrinal legal analysis, comparative legal methodology, and structured examination of representative Supreme Court jurisprudence. The following sections explain the analytical framework, methodological design, comparative assessment, and implications for the continuing development of the Ukrainian jury system within the broader framework of European criminal procedure.

2. Methods

2.1 Research design and analytical framework

This study adopts a doctrinal-comparative research design aimed at evaluating the extent to which the Ukrainian jury trial model complies with European fair-trial standards under Article 6 of the European Convention on Human Rights (ECHR). The methodological approach combined doctrinal legal analysis, comparative legal assessment, and structured examination of judicial practice.

The research design was structured to ensure methodological coherence between the research question, analytical framework, and data sources. Because the study sought to evaluate compliance with European fair-trial standards rather than measure the frequency of procedural violations, a qualitative doctrinal-comparative methodology was considered the most appropriate approach. This design enabled the systematic integration of legislative analysis, judicial interpretation, and comparative European standards within a single analytical framework.

The analytical framework was developed through the synthesis of through a synthesis of ECtHR jurisprudence, Council of Europe instruments, and Venice Commission opinions concerning fair-trial guarantees and public participation in the administration of justice. Rather than treating European fair-trial guarantees as prescribing a single institutional model of jury adjudication, the framework adopts a functional comparative approach. Consequently, the object of comparison is not the institutional design of jury systems but the effectiveness with which they protect procedural guarantees recognised under Article 6 ECHR. This approach allows diverse national jury models to be evaluated against common normative criteria while respecting differences in constitutional traditions.

To operationalize the analysis, this study developed eight analytical criteria (E1–E8), derived from recurring principles identified in Article 6 jurisprudence and European soft-law instruments. These criteria were selected because they repeatedly appear in ECtHR assessments of criminal proceedings involving impartiality, procedural fairness, judicial legitimacy, and public participation. The criteria were not intended to constitute an exhaustive catalogue of fair-trial guarantees but rather a structured analytical framework specifically relevant to jury participation. Representative judicial decisions were selected because they addressed recurring procedural questions corresponding to one or more of the E1–E8 analytical guarantees and contained sufficiently reasoned judicial analysis to permit doctrinal comparison. Representation therefore refers to legal significance rather than statistical representativeness. Accordingly, the framework should be understood as an analytical instrument developed specifically for the comparative assessment undertaken in this study rather than as a universally applicable model for evaluating all forms of jury adjudication. Its purpose is to operationalise the recurring fair-trial guarantees identified in Article 6 ECHR jurisprudence within the specific context of hybrid jury systems.

The analytical criteria were defined as follows:

- E1 – Independence and impartiality of jurors;
- E2 – Equality of arms between the parties;
- E3 – Publicity and openness of proceedings;
- E4 – Transparency and legality of juror selection;
- E5 – Reasoned decision-making and reviewability of verdicts;
- E6 – Proper legal instructions provided to jurors;
- E7 – Confidentiality of jury deliberations;
- E8 – Effectiveness of appellate review.

The selection of these criteria was informed by leading ECtHR authorities, including *Taxquet v. Belgium*, *Pullar v. United Kingdom*, *Sander v. United Kingdom*, *Gregory v. United Kingdom*, and *Remli v. France*, together with relevant Council of Europe standards concerning judicial independence and procedural fairness. The purpose of the framework was not to measure formal legislative compliance alone but to evaluate whether fair-trial guarantees function effectively in practice.

2.2 Sample formation and data selection

The empirical and normative sample was constructed according to the principle of multi-level legal representation, allowing simultaneous examination of legislation, judicial practice, and supranational legal standards.

The analytical sample comprised three complementary categories of legal sources. This multi-level sampling strategy ensured that the analysis reflected the interaction between normative regulation, judicial interpretation, and supranational legal standards, thereby increasing the analytical validity of the comparative assessment.

Category I – National normative sources

This category included constitutional provisions, the Criminal Procedure Code of Ukraine, the Law of Ukraine “On the Judiciary and the Status of Judges,” subordinate regulations governing juror selection and participation, and official explanatory materials adopted by judicial authorities. Sources were included if they directly regulated jury participation or affected the implementation of fair-trial guarantees.

Category II – National judicial decisions

The judicial sample comprised representative decisions of the Supreme Court adopted between 2018 and 2025, together with selected appellate decisions where necessary. Although not all judgments arose directly from criminal jury proceedings,

each decision addressed procedural guarantees corresponding to one or more elements of the E1–E8 analytical framework. Cases were identified through searches of the Unified State Register of Court Decisions using combinations of the keywords “jury,” “juror,” “jury trial,” “composition of the court,” “impartiality,” and “criminal proceedings.”

The following inclusion criteria were applied:

- participation of jurors in criminal proceedings;
- discussion of fair-trial guarantees relevant to jury functioning;
- availability of complete judicial reasoning;
- existence of appellate or cassation review.

Cases were excluded where:

- jury participation was mentioned only incidentally;
- decisions lacked substantive discussion of fair-trial guarantees;
- procedural issues were unrelated to jury functioning;
- duplicate decisions concerning the same procedural issue were identified.

The analysis of judicial practice was based on a purposive sample of representative decisions of the Supreme Court and appellate courts concerning jury participation in criminal proceedings. The selected decisions addressed issues directly related to the analytical framework employed in this study, including juror impartiality, legality of jury composition, fair-trial guarantees, judicial instructions, reasoning of decisions, and appellate review. The purpose of the judicial analysis was not statistical generalization but doctrinal identification of recurring legal approaches relevant to the functioning of jury trial guarantees under Article 6 ECHR.

Accordingly, purposive sampling was considered the most appropriate strategy because the objective of the study was to identify legally significant judicial reasoning relevant to the analytical framework rather than to obtain statistical representation of all jury-related cases. The selected decisions therefore provide analytical rather than quantitative representativeness.

Category III – European legal sources

This category included judgments of the European Court of Human Rights, Council of Europe recommendations, Venice Commission opinions, and other authoritative European legal materials directly addressing fair-trial guarantees, judicial independence, impartiality, lay participation, or jury-related procedural safeguards.

Particular emphasis was placed on ECtHR jurisprudence interpreting Article 6 ECHR in cases involving tribunal impartiality, procedural fairness, reasoning of judicial decisions, and public confidence in the administration of justice.

2.3 Data analysis and JRAP protocol

Judicial practice was analyzed using the Judicial Reasoning Analytical Protocol (JRAP), developed specifically for this study as a structured analytical framework for doctrinal examination of judicial reasoning. The JRAP protocol was designed to ensure methodological consistency during the evaluation of judicial decisions. By applying identical coding criteria to each case, the protocol reduced interpretative variability and facilitated systematic comparison across different categories of fair-trial guarantees. JRAP is not presented as a standardised empirical measurement instrument but as a structured doctrinal coding protocol developed to ensure analytical consistency during legal interpretation.

Qualitative doctrinal coding was selected because the principal objective of the study was to analyse the interpretation and practical operation of established legal principles rather than to generate inductive themes from empirical textual material. Unlike thematic analysis, which is primarily designed for interviews, narratives, or

other qualitative datasets, doctrinal coding permits the systematic classification of legislation and judicial reasoning according to predefined normative criteria. Accordingly, the E1–E8 framework functioned as a structured coding matrix derived from Article 6 ECHR jurisprudence, enabling consistent comparison of legislation and judicial practice against common European fair-trial standards.

Each decision was coded according to five analytical variables:

- (1) Type of procedural issue involved;
- (2) Relevant E1–E8 guarantee affected;
- (3) Method of judicial interpretation applied;
- (4) Reference to European legal standards;
- (5) Judicial outcome and remedial response.

For example, where a court examined allegations concerning irregular juror selection, the case was coded under E4 (transparency and legality of juror selection), and the court's reasoning was assessed regarding its interpretation of procedural legality, material impact on proceedings, and compliance with fair-trial requirements. Likewise, cases involving challenges to the impartiality of jurors were coded under E1, while disputes concerning the adequacy of judicial reasoning or appellate review were coded under E5 and E8 respectively.

To improve analytical reliability, two legal researchers independently reviewed a subset of decisions during the initial coding phase. Coding discrepancies were discussed and resolved through consensus before completion of the full analysis. The objective of this procedure was not statistical measurement but methodological consistency in doctrinal interpretation.

The comparative assessment followed a three-stage model of functional evaluation.

At the first stage, the study examined whether a particular guarantee was formally recognized within Ukrainian legislation.

At the second stage, judicial interpretation was analyzed to determine whether courts compensated for normative gaps through doctrinal development.

At the third stage, practical effectiveness was assessed by examining the consistency with which guarantees were implemented in judicial practice.

The methodological design therefore combines doctrinal legal analysis with structured qualitative coding and functional comparative assessment. Rather than evaluating legislative provisions in isolation, it examines the interaction between legal regulation, judicial interpretation, and practical implementation. This integrated approach enables a comprehensive assessment of whether the Ukrainian jury trial model provides a level of protection practically equivalent to the fair-trial guarantees required under Article 6 ECHR.

Methodological triangulation was achieved by integrating three complementary sources of legal evidence: statutory legislation, representative Supreme Court jurisprudence, and European human rights standards. Comparing these independent sources enhanced the robustness of the doctrinal conclusions and reduced the risk of conclusions being based exclusively on legislative interpretation or isolated judicial decisions.

For ease of reference and analytical transparency, each representative Supreme Court decision included in the purposive sample was assigned a JRAP identification code (A1–A15). These codes are used throughout Section 3.3 to identify representative judicial decisions corresponding to particular analytical guarantees (E1–E8). The complete list of analysed decisions is presented in Appendix A.

3. Results

3.1 Convention standards as a functional benchmark for assessment

European fair-trial standards do not prescribe a single institutional model of jury adjudication. Rather, ECtHR has consistently emphasized that Contracting States retain a margin of appreciation in organizing their criminal justice systems, provided that the guarantees enshrined in Article 6 of the European Convention on Human Rights are effectively secured. Consequently, compliance with Article 6 ECHR requirements depends less on the formal structure of a jury system and more on the practical effectiveness of procedural safeguards ensuring independence, impartiality, equality of arms, transparency, and judicial accountability.

This approach is particularly important when assessing the Ukrainian jury model. Unlike the classical Anglo-American jury, which operates as an autonomous fact-finding body, the Ukrainian system combines professional judges and jurors within a mixed tribunal. Accordingly, the principal issue is not whether the institutional structure resembles a specific foreign model but whether it provides guarantees practically equivalent to those required by Article 6 ECHR.

The analytical framework employed in this study was developed through a synthesis of recurring principles identified in ECtHR jurisprudence concerning criminal proceedings involving lay participation. Eight procedural guarantees (E1–E8) were selected because of their direct relevance to jury adjudication and their consistent appearance in the Court's interpretation of fair-trial requirements.

The guarantee of independence and impartiality (E1) derives from the Court's established jurisprudence that justice must not only be impartial but must also appear impartial from the perspective of a reasonable observer. In *Pullar v. United Kingdom* (1996), the Court emphasized that the presence of circumstances capable of creating legitimate doubts regarding impartiality may undermine confidence in the tribunal. Similarly, in *Sander v. United Kingdom* (2000), the Court held that allegations capable of affecting juror impartiality require an effective judicial response. These decisions demonstrate that procedural mechanisms for identifying and addressing potential bias constitute an essential component of fair-trial protection.

The guarantee of equality of arms (E2) reflects the broader principle that each party must be afforded a reasonable opportunity to present its case under conditions that do not place it at a substantial disadvantage vis-à-vis the opposing party. According to the ECtHR's consistent interpretation of Article 6, procedural fairness requires balanced participation throughout criminal proceedings, including stages where evidence is presented before jurors or other lay adjudicators.

The guarantee of publicity and transparency (E3) is grounded in the Court's recognition that public hearings protect litigants against secret administration of justice and contribute to maintaining public confidence in judicial institutions. While restrictions may be justified in exceptional circumstances, such limitations must satisfy the requirements of legality, necessity, and proportionality.

Transparency and legality of juror selection (E4) constitute a separate procedural safeguard because the legitimacy of jury adjudication depends upon objective and predictable selection procedures. The Court has repeatedly stressed that the composition of a tribunal must comply with legal requirements and provide sufficient safeguards against arbitrariness.

The guarantee of reasoned decision-making (E5) occupies a particularly important position in jury trial proceedings. In *Taxquet v. Belgium* (2010), the Grand Chamber clarified that Article 6 does not require juries themselves to provide detailed written reasons. Nevertheless, criminal proceedings must contain sufficient safeguards enabling defendants and reviewing courts to understand the basis of the verdict. The Court emphasized that procedural transparency, judicial directions, verdict questionnaires, and appellate review mechanisms may collectively satisfy this

requirement. Accordingly, the adequacy of reasoning must be assessed within the overall procedural framework rather than solely through the text of the verdict.

The guarantee concerning judicial instructions to jurors (E6) arises from the need to reconcile legal guidance with juror independence. Although judges are expected to explain applicable legal standards, such explanations must not predetermine factual findings or improperly influence jurors' independent assessment of evidence. The balance between legal direction and juror autonomy is therefore a critical component of fair-trial protection.

The confidentiality of jury deliberations (E7) serves to protect the integrity and independence of collective decision-making. European procedural safeguards recognize that jurors must be shielded from external influence throughout the deliberative process. The protection of secrecy is therefore closely connected with the broader requirement of tribunal independence.

Finally, the effectiveness of appellate review (E8) represents a necessary safeguard against procedural error. Article 6 does not prescribe a specific appellate model; however, effective review mechanisms must be capable of identifying and correcting violations that may have affected the fairness of proceedings. In jury cases, this requirement is particularly important because appellate courts often constitute the principal mechanism through which fair-trial guarantees are enforced.

The eight guarantees summarized above should therefore be understood not as independent or exhaustive standards but as interconnected analytical criteria derived from ECtHR jurisprudence and European fair-trial principles. Together, they provide a structured framework for evaluating whether the Ukrainian jury system achieves a level of legal protection practically equivalent to that required by Article 6 ECHR.

Despite the relative stability of these principles, European scholarship continues to debate whether Article 6 ECHR provides sufficiently detailed guidance for hybrid jury models in which professional judges deliberate together with lay participants. This continuing uncertainty limits the uniform application of convention-based guarantees across national legal systems.

3.2 The normative structure of the jury in Ukraine

The normative analysis demonstrates that the Ukrainian jury system represents a hybrid model of criminal adjudication combining continental judicial traditions with selected elements of public participation. Its legal framework is primarily established by the Constitution of Ukraine, the Criminal Procedure Code of Ukraine, and the Law of Ukraine "On the Judiciary and the Status of Judges". Together, these legal instruments determine the categories of criminal cases eligible for jury participation, regulate the composition of the court, and define the procedural rights and duties of jurors. Beyond the primary statutory framework, the development of Ukraine's justice system was also addressed at the strategic level by the Presidential Decree No. 231/2021, which approved the Strategy for the Development of the Justice System and Constitutional Justice for 2021–2023.²⁶

As illustrated in Figure 1, jury participation remains limited to specific categories of criminal proceedings established by law. Consequently, unlike classical common-law jury systems, the Ukrainian model incorporates lay participation within a mixed tribunal rather than through an independent body of jurors.

²⁶ PRESIDENT OF UKRAINE. Decree of the President of Ukraine No 231/2021, On the Strategy for the Development of the Justice System and Constitutional Justice for 2021–2023. Available at: <https://www.president.gov.ua/documents/2312021-39137> (accessed on 5 June 2026).

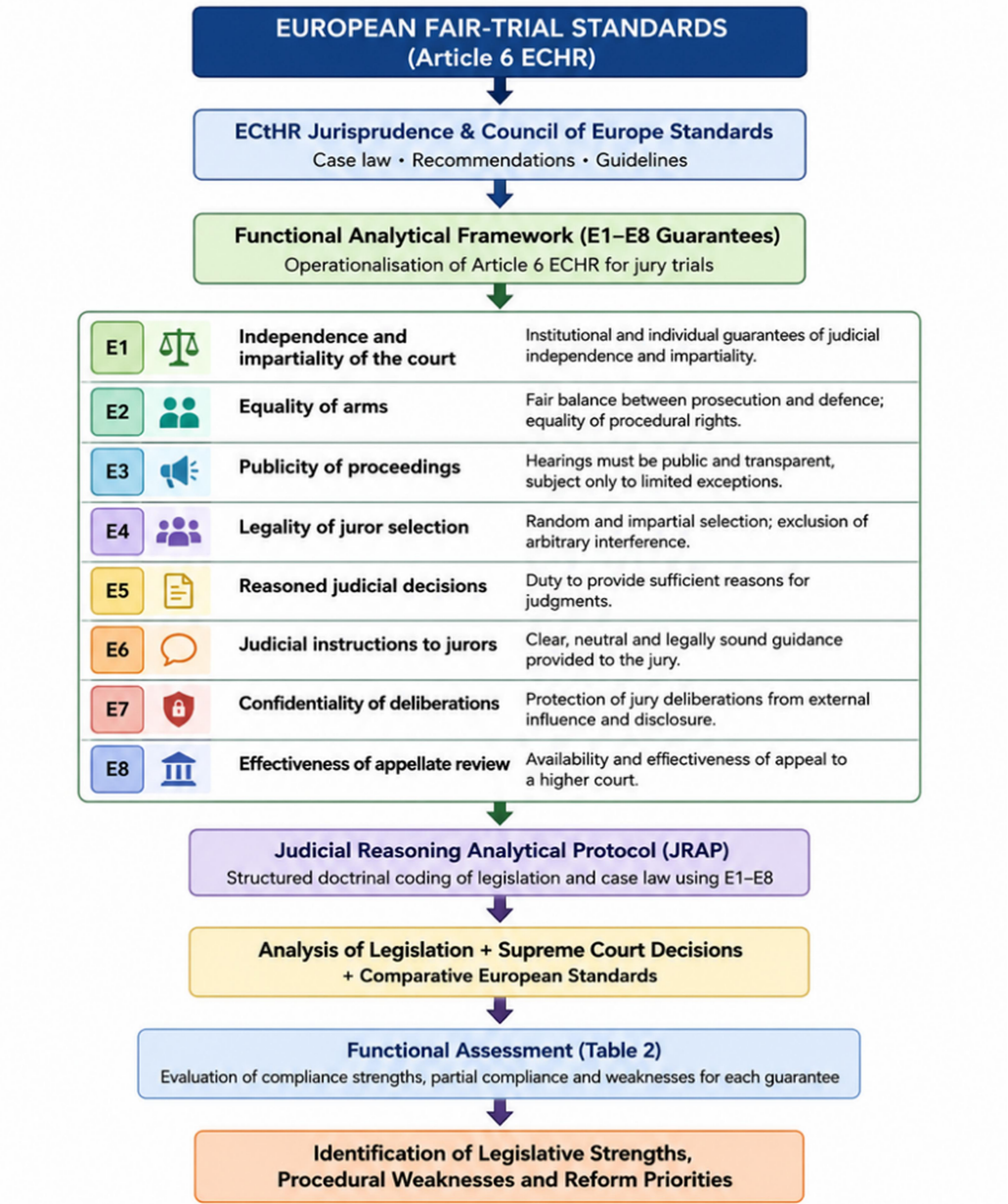


Figure 1. Analytical framework applied to the functional assessment of the Ukrainian jury trial under article 6 ECHR.
Source: Developed by the authors.

Figure 1 illustrates the analytical framework adopted in this study. Rather than examining legislative provisions in isolation, the framework integrates European fair-trial standards, the E1–E8 analytical guarantees, and the Judicial Reasoning Analytical Protocol (JRAP) into a single comparative methodology. This approach enables the assessment of how legislative regulation, judicial interpretation, and representative Supreme Court practice interact in determining the degree of compliance of the Ukrainian jury system with Article 6 ECHR. The integrated assessment is presented in Table 1, which identifies both areas of strong compliance and procedural weaknesses requiring further development.

Table 1. Key elements of the legal regulation of the jury in Ukraine.

Regulatory element	Relevant legislation	Related guarantee	Principal challenge
Grounds for jury participation	CPC + Law on Judiciary	E3	Limited scope of application
Court composition	CPC	E1, E4	Dominant role of professional judges
Juror selection	Law on Judiciary	E4	Formalistic implementation
Judicial instructions	CPC	E6	Broad judicial discretion
Deliberation	CPC	E7	Limited doctrinal guidance
Appellate review	CPC	E8	Restricted by insufficient reasoning

Source: consolidated by the author based on data from the Reanimation Package of Reforms,²⁷ Research Service of the Verkhovna Rada of Ukraine,²⁸ Supreme Court of Ukraine²⁹.

The regulatory framework demonstrates that the Ukrainian jury system provides the principal legal guarantees required for lay participation in criminal proceedings; however, these guarantees are not developed uniformly across all procedural stages. Jury participation remains limited to a relatively narrow category of criminal cases, restricting the practical scope of public involvement in the administration of justice. Although the legislation formally protects juror independence, the procedural structure assigns extensive authority to the presiding professional judge, thereby creating a continuing need to balance effective judicial management with the autonomy of lay participants. Similarly, the legislation contains only general provisions governing judicial instructions, leaving substantial discretion regarding the permissible scope of legal guidance provided to jurors. Confidentiality of deliberations is formally recognised but supported by comparatively limited procedural regulation, while the effectiveness of appellate review may be constrained where judicial reasoning does not sufficiently explain the basis of collective decision-making. Collectively, these findings indicate that the principal challenge lies not in the absence of legal guarantees but in achieving greater coherence between legislative regulation and their practical operation.

An unresolved doctrinal issue concerns the extent to which legislative regulation alone can ensure effective juror independence within mixed tribunal systems. Comparative scholarship continues to debate whether procedural safeguards should primarily rely on detailed statutory regulation or whether judicial practice should retain broader discretion to adapt fair-trial guarantees to the circumstances of individual cases. This question remains particularly relevant for hybrid jury systems, including the Ukrainian model.

3.3 Judicial practice as an indicator of the functioning of jury trial guarantees

Judicial practice also reveals continued judicial attention to questions of impartiality and procedural fairness, both of which constitute indispensable elements

²⁷ REANIMATION PACKAGE OF REFORMS COALITION. Trial by jury in Ukraine: Legislative developments. 2024. Available at: <https://rpr.org.ua/en/> (accessed on 5 June 2026).

²⁸ RESEARCH SERVICE OF THE VERKHOVNA RADA OF UKRAINE. The concept of improving the jury trial model in Ukraine (Research Service of the Verkhovna Rada of Ukraine). Available at: https://research.rada.gov.ua/en/documents/analyticRSmaterialsDocs_en/law_judic_activ_en/cbldev_lw/76663.html (accessed on 5 June 2026).

²⁹ ADAMSKA-GALLANT, A., BRYCH, Y., SENATOROVA, O., SRIBNIAK, O., and STETSYK, N. Analytical report on the functioning of the judicial system of Ukraine in conditions of full-scale war and martial law. Available at: <https://www.pravojustice.eu/storage/app/uploads/public/658/2cb/82b/6582cb82b2505437243322.pdf> (accessed on 5 June 2026).

of the right to a fair trial under Article 6 ECHR. The Supreme Court has also addressed judicial independence and procedural safeguards in Case No. 800/119/14 (Proceeding No. П/990/272/23), decided on 30 November 2023.³⁰ While Ukrainian legislation establishes the formal legal framework governing jury participation, the Supreme Court has consistently emphasised that procedural guarantees derive their practical significance from their effective implementation rather than from their formal existence alone. This approach is reflected in Case No. 420/20864/23 (16 May 2024), where the Court observed that procedural equality requires courts to ensure that each participant has a genuine opportunity to exercise procedural rights under conditions that exclude unjustified advantages for the opposing party.³¹ Although delivered in administrative proceedings, this reasoning reflects the broader understanding of equality of arms developed in ECtHR jurisprudence and is directly relevant to guarantee E2 within jury proceedings.

The examined jurisprudence demonstrates that Ukrainian courts increasingly regard procedural legality as an essential component of public confidence in judicial decision-making. This tendency is particularly evident in recent Supreme Court case law concerning procedural transparency and legal certainty. In Case No. 990/99/24 (21 October 2024), the Court reaffirmed that judicial proceedings must comply not only with statutory requirements but also with broader principles of transparency, openness, and legal certainty.³² Similar reasoning appears in Case No. 990/178/23 (22 December 2023), where the Court emphasized that procedural deficiencies capable of undermining public confidence require effective judicial review.³³ These conclusions correspond closely with the ECtHR's consistent position that procedural transparency constitutes an indispensable safeguard of the right to a fair hearing. From the perspective of the present analytical framework, these judgments reinforce guarantees E3 (publicity of proceedings) and E8 (effectiveness of appellate review).

The requirement that judicial decisions be properly reasoned likewise occupies a central position in contemporary Supreme Court jurisprudence. In Case No. P/9901/233/19 (27 January 2022) and Case No. 990/150/23 (17 April 2024), the Supreme Court emphasised that reasoned judicial decisions constitute an essential guarantee against arbitrariness and enable effective appellate review of contested judgments.^{34,35} The Court explained that the duty to provide adequate reasoning strengthens legal certainty, enhances public confidence in the judiciary, and allows higher courts to verify whether legal standards have been correctly applied. Although

³⁰ SUPREME COURT OF UKRAINE. Case No. 800/119/14 (Proceeding No. П/990/272/23), 30 November 2023, Unified State Register of Court Decisions. 2023. Available at: <https://reyestr.court.gov.ua/Review/115315680> (accessed on 5 June 2026).

³¹ SUPREME COURT OF UKRAINE. Case No. 420/20864/23 (Administrative proceedings No. K/990/2194/24). Unified State Register of Court Decisions. 2024, May 16. Available at: <https://reyestr.court.gov.ua/Review/119077303> (accessed on 5 June 2026).

³² SUPREME COURT OF UKRAINE. Case No. 990/99/24 (Proceeding No. П/990/99/24). Unified State Register of Court Decisions. 2024, October 21. Available at: <https://reyestr.court.gov.ua/Review/122449329> (accessed on 5 June 2026).

³³ SUPREME COURT OF UKRAINE. Case No. 990/178/23: Administrative proceedings concerning the appeal against acts or omissions of the High Qualification Commission of Judges of Ukraine (Court proceeding No. П/990/178/23). Unified State Register of Court Decisions. 2023, December 22. Available at: <https://reyestr.court.gov.ua/Review/115877723> (accessed on 5 June 2026).

³⁴ SUPREME COURT OF UKRAINE. Case No. P/9901/233/19 (Category No. 9901/233/19). Unified State Register of Court Decisions. 2022, January 27. Available at: <https://reyestr.court.gov.ua/Review/103034809> (accessed on 5 June 2026).

³⁵ SUPREME COURT OF UKRAINE. Case No. 990/150/23: Administrative proceedings concerning the appeal of decisions of the High Qualification Commission of Judges of Ukraine following qualification assessment (Judgment). Unified State Register of Court Decisions. 2024, April 17. Available at: <https://reyestr.court.gov.ua/Review/118464578> (accessed on 5 June 2026).

these cases arose outside criminal jury proceedings, the principles they establish are directly relevant to guarantee E5, particularly when considered alongside the ECtHR's judgment in *Taxquet v. Belgium*, which requires criminal proceedings to contain sufficient procedural safeguards enabling defendants and reviewing courts to understand the basis of the verdict.

Supreme Court jurisprudence also clarifies how judges should provide legal guidance during proceedings while preserving fair-trial guarantees. In Case No. 990/227/23 (18 April 2024), the Court emphasised that judicial intervention during proceedings must remain compatible with the principles of impartiality and procedural neutrality.³⁶ The judgment recognised that courts possess authority to explain legal rules and ensure the orderly conduct of proceedings; however, such intervention must never create the appearance that the court favours one party or predetermines the outcome of the dispute. Although this reasoning was developed outside the specific context of jury trials, it provides valuable guidance for interpreting guarantee E6, where the presiding judge must reconcile the obligation to provide legal instructions with the requirement to preserve the independence of jurors' factual assessment.

The Supreme Court also recognises confidential deliberation as an essential safeguard of judicial independence. In Case No. 800/132/14 (18 January 2024), the Court underlined that confidentiality of judicial deliberations serves not merely as a procedural formality but as a safeguard protecting judicial independence from external influence.³⁷ This understanding corresponds with European fair-trial guarantees recognising that independent deliberation constitutes an essential condition for impartial adjudication. Although Ukrainian legislation formally protects the secrecy of deliberations, the present analysis indicates that practical doctrinal guidance concerning potential violations remains comparatively limited, thereby supporting the assessment of guarantee E7 as one of the least developed elements of the Ukrainian jury model.

Recent Supreme Court decisions have further strengthened the role of appellate review in protecting procedural fairness. In Cases No. 990/274/25 (24 July 2025) and No. 990/216/25 (8 September 2025), the Court reiterated that appellate review performs a constitutional function extending beyond the correction of legal errors to include the preservation of public confidence in the administration of justice and the maintenance of institutional legality.^{38,39} Similarly, Case No. 9901/493/19 (28 February 2024) confirmed that appellate courts must verify not only the formal legality of judicial acts but also whether procedural guarantees have been respected

³⁶ SUPREME COURT OF UKRAINE. Case No. 990/227/23 (Proceeding No. П/990/227/23): Administrative case concerning the appeal against acts, actions, or omissions of the High Qualification Commission of Judges of Ukraine. Unified State Register of Court Decisions. 2024, April 18. Available at: <https://reyestr.court.gov.ua/Review/118464760> (accessed on 5 June 2026).

³⁷ SUPREME COURT OF UKRAINE. Case No. 800/132/14 (Proceeding No. П/990/232/23). Unified State Register of Court Decisions. 2024, January 18. Available at: <https://reyestr.court.gov.ua/Review/115761140> (accessed on 5 June 2026).

³⁸ SUPREME COURT OF UKRAINE. Case No. 990/274/25 (Proceeding No. П/990/274/25): Administrative case concerning the appeal against acts, actions, or omissions of the High Qualification Commission of Judges of Ukraine. Unified State Register of Court Decisions. 2025, July 24. Available at: <https://reyestr.court.gov.ua/Review/129074488> (accessed on 5 June 2026).

³⁹ SUPREME COURT OF UKRAINE. Case No. 990/216/25 (Proceeding No. П/990/216/25): Administrative proceedings concerning the appeal of actions of the High Qualification Commission of Judges of Ukraine [Court decision]. Unified State Register of Court Decisions. 2025, September 8. Available at: <https://reyestr.court.gov.ua/Review/130048057> (accessed on 5 June 2026).

throughout the proceedings.⁴⁰ These decisions reinforce the conclusion that effective appellate review constitutes an indispensable mechanism for protecting fair-trial guarantees, consistent with the standards developed by the ECtHR under Article 6 ECHR.

Taken together, the examined jurisprudence demonstrates that the Supreme Court increasingly performs a system-building role in the development of fair-trial guarantees. Rather than merely resolving individual disputes, the Court progressively clarifies how constitutional principles of judicial independence, procedural fairness, transparency, reasoned decision-making, and appellate review should operate across different branches of judicial proceedings. Nevertheless, the analysis also demonstrates that several guarantees continue to depend heavily on judicial interpretation because legislative regulation remains comparatively general. Consequently, the principal challenge for the Ukrainian jury system is not the absence of legal safeguards but achieving greater consistency between legislation, judicial doctrine, and courtroom practice.

Despite the increasing consistency of Supreme Court jurisprudence, an important doctrinal question remains unresolved. Comparative criminal procedure scholars continue to debate whether judicial interpretation can adequately compensate for legislative gaps affecting jury proceedings or whether core fair-trial guarantees should instead be regulated through more detailed statutory provisions. The Ukrainian experience illustrates this tension, as judicial practice frequently develops procedural safeguards beyond the express wording of legislation.

Another limitation should also be acknowledged. Only a relatively small proportion of the analysed Supreme Court decisions arose directly from criminal jury proceedings. Consequently, the analysis necessarily relies on broader constitutional principles concerning judicial independence, procedural fairness, transparency, and appellate review that are equally applicable to jury adjudication. This approach strengthens doctrinal consistency but limits direct observation of jury-specific procedural practice.

The representative Supreme Court decisions examined in this section are identified in Appendix A according to the JRAP coding scheme and are cited throughout the analysis by their Appendix reference.

3.4 Results of functional comparison: Compliance of the Ukrainian jury model with convention standards

This section presents the comparative assessment of the Ukrainian jury model against the analytical guarantees derived from Article 6 ECHR. Rather than evaluating legislative provisions in isolation, the analysis integrates statutory regulation, representative Supreme Court jurisprudence, and European fair-trial standards to determine the practical level of compliance achieved by the current Ukrainian model. The comparison demonstrates that compliance differs across individual procedural guarantees. While some safeguards operate consistently in legislation and judicial practice, others remain dependent upon judicial interpretation or require further legislative clarification.

The strongest level of alignment is observed regarding guarantees concerning publicity of proceedings (E3) and the availability of appellate review (E8). Ukrainian criminal procedure establishes the principle of public hearings as a general rule, while restrictions on publicity are subject to statutory limitations and judicial control. This approach broadly corresponds to the requirements developed in the jurisprudence of

⁴⁰ SUPREME COURT. Case No. 9901/493/19: Administrative proceedings concerning the appeal against a decision of the High Council of Justice on the transfer of a judge (Court proceeding No. П/9901/493/19). Unified State Register of Court Decisions. 2024, February 28. Available at: <https://reyestr.court.gov.ua/Review/117317556> (accessed on 5 June 2026).

the European Court of Human Rights, according to which openness of judicial proceedings constitutes an important safeguard of public confidence and procedural fairness. Similarly, appellate review mechanisms provide an institutional framework capable of correcting procedural violations affecting jury trials. The examined judicial practice demonstrates that appellate courts regularly assess allegations concerning jury composition, procedural irregularities, and compliance with fair-trial guarantees.

A more complex picture emerges regarding the guarantees of independence and impartiality of jurors (E1) and transparency of juror selection (E4). National legislation establishes procedures governing the formation of jury panels and provides mechanisms for recusal and self-recusal. Judicial practice further reinforces these safeguards by scrutinizing alleged violations affecting the composition of the court. Nevertheless, the present study indicates that significant discretion remains in the assessment of whether procedural irregularities are capable of affecting the fairness of proceedings. As a result, the practical protection afforded to these guarantees is not always fully predictable.

These findings demonstrate that legislative regulation alone does not determine the level of protection afforded to procedural guarantees. Instead, the practical operation of each guarantee depends upon the interaction between statutory provisions, judicial interpretation, and the consistency with which courts apply established legal principles. Consequently, differences in judicial practice may produce varying levels of procedural protection even where the legislative framework appears formally complete.

The principle of equality of arms (E2) is formally recognized within Ukrainian criminal procedure and is reflected in broader adversarial principles governing criminal proceedings. However, the practical implementation of this guarantee within jury trials remains dependent upon judicial interpretation. The examined decisions demonstrate that courts frequently evaluate alleged violations according to their perceived impact on the outcome of proceedings. Although this approach may contribute to procedural efficiency, it does not always correspond fully to the broader understanding of procedural fairness developed in Article 6 jurisprudence.

The analysis shows the greatest difficulties in relation to guarantees associated with the internal functioning of jury decision-making, namely reasoned decision-making (E5), judicial instructions (E6), and confidentiality of deliberations (E7). These guarantees are either insufficiently regulated or supported by relatively limited judicial guidance. In particular, Ukrainian legislation does not establish comprehensive standards governing the permissible scope of judicial instructions to jurors. Consequently, considerable discretion remains with the presiding judge, creating a potential tension between necessary legal guidance and the preservation of juror autonomy.

Reasoned decision-making remains one of the most complex aspects of the Ukrainian mixed tribunal model. Although professional judges prepare the written judgment, the legislation provides only limited guidance regarding how the collective reasoning of judges and jurors should be reflected in the final decision. This creates uncertainty for appellate courts when assessing whether the verdict accurately represents the deliberative process and whether the requirements of Article 6 ECHR have been fully respected. Greater procedural clarity would therefore strengthen both legal certainty and the effectiveness of appellate review.

Confidentiality of deliberations constitutes another area where formal legal recognition is not always accompanied by effective procedural mechanisms. Although secrecy of deliberations is generally protected by law, judicial practice reveals relatively limited doctrinal development concerning the consequences of potential breaches. Compared with other guarantees examined in this study, E7 therefore demonstrates one of the lowest levels of practical elaboration.

Taken together, the study indicates that the Ukrainian jury model achieves only partial functional equivalence with European fair-trial standards. Compliance is

strongest where guarantees benefit from both explicit legislative regulation and relatively consistent judicial interpretation. Conversely, areas characterized by legislative ambiguity and limited doctrinal development display lower levels of practical effectiveness. The principal challenge therefore lies not the absence of fair-trial guarantees as such, but the uneven degree of normative integration and implementation across different aspects of jury trial proceedings.

An important doctrinal debate concerns whether hybrid jury systems should be evaluated primarily according to their institutional structure or according to the effectiveness of the procedural safeguards they provide. Contemporary comparative scholarship increasingly supports the latter approach, although disagreement remains regarding the extent to which judicial interpretation should compensate for legislative uncertainty. The Ukrainian jury model illustrates this broader European discussion because several guarantees continue to depend heavily on judicial practice despite their formal legislative recognition.

The present assessment should also be interpreted in light of its methodological boundaries. The comparative evaluation is based on qualitative doctrinal analysis and representative judicial decisions rather than quantitative measurement of case outcomes. Consequently, the findings assess the consistency of legal reasoning and procedural safeguards without measuring the frequency with which individual violations occur in practice.

Accordingly, the Ukrainian jury system should be understood as a developing hybrid model that incorporates many of the formal elements required by Article 6 ECHR requirements while still facing difficulties in ensuring their coherent and consistent application. The effectiveness of future reforms will depend not only on legislative amendments but also on the continued development of judicial doctrine capable of translating abstract fair-trial guarantees into predictable legal practice.

The functional comparison undertaken in this study integrates the findings obtained through doctrinal analysis of legislation, qualitative examination of representative Supreme Court decisions under the Judicial Reasoning Analytical Protocol (JRAP), and comparison with the fair-trial guarantees developed under Article 6 ECHR. Rather than assessing legislative provisions in isolation, the analysis evaluates the extent to which procedural safeguards operate effectively in judicial practice. Table 2 summarises the results of this integrated assessment by combining the legislative framework, representative judicial practice identified in Appendix A, and the corresponding functional evaluation of each analytical guarantee (E1–E8).

Table 2. Comparative assessment of jury trial guarantees under the E1–E8 analytical framework.

European fair-trial guarantee	Legislative framework	Representative judicial practice (Appendix A)	Comparative assessment
E1 Independence and impartiality of jurors	Constitution of Ukraine; Law "On the Judiciary and the Status of Judges"; Criminal Procedure Code	A1–A3	Legislative guarantees are well established; however, practical implementation is determined by judicial interpretation and institutional safeguards.
E2 Equality of arms	Criminal Procedure Code	A4	Procedural equality is formally guaranteed but remains dependent upon consistent judicial application.
E3 Publicity of proceedings	Constitution of Ukraine; Criminal Procedure Code	A5	Strong legislative regulation generally ensures compliance with European procedural safeguards.
E4 Transparency and legality of	Law "On the Judiciary and the	A6–A7	Procedural framework is established, although certain

European fair-trial guarantee	Legislative framework	Representative judicial practice (Appendix A)	Comparative assessment
juror selection	Status of Judges"; Criminal Procedure Code		formalistic approaches remain evident in practice.
E5 Reasoned judicial decisions	Criminal Procedure Code	A8–A9	Judicial reasoning has improved but remains insufficient to ensure consistently effective appellate review in jury proceedings.
E6 Judicial instructions to jurors	Criminal Procedure Code	A10	Legislative regulation remains limited, leaving considerable discretion to the presiding judge.
E7 Confidentiality of deliberations	Criminal Procedure Code	A11	Confidentiality is formally protected but relatively underdeveloped in judicial practice.
E8 Effectiveness of appellate review	Criminal Procedure Code; appellate procedure	A12–A15	Appellate review provides an important safeguard, although its effectiveness is determined by the quality of reasoning at first instance.

Source: Compiled by the authors based on the analysis of Ukrainian legislation, representative Supreme Court decisions listed in Appendix A, and the European Court of Human Rights' jurisprudence.

As demonstrated in Table 2, the effectiveness of individual guarantees varies considerably. Certain safeguards, particularly publicity of proceedings (E3) and appellate review (E8), benefit from relatively detailed legislative regulation and comparatively stable judicial interpretation. By contrast, guarantees associated with juror independence (E1), judicial instructions (E6), confidentiality of deliberations (E7), and reasoned decision-making (E5) continue to depend heavily upon judicial interpretation and remain characterised by comparatively uneven implementation. The representative Supreme Court decisions summarised in Appendix A illustrate how these guarantees operate in practice and provide the evidential basis for the functional conclusions presented below.

Viewed through the analytical framework developed in this study, the comparative assessment demonstrates that the Ukrainian jury model has achieved substantial convergence with European fair-trial standards while continuing to display uneven levels of procedural development across individual guarantees. Legislative reforms have established the principal institutional foundations required by Article 6 ECHR, yet several safeguards continue to depend upon judicial interpretation rather than detailed procedural regulation. Consequently, future improvements should focus less on institutional redesign and more on strengthening the coherence between legislation, Supreme Court jurisprudence, and everyday judicial practice. This approach would promote greater legal certainty while preserving the existing hybrid character of the Ukrainian jury system.

3.5 Internal consistency of the Ukrainian jury model and structural challenges

The preceding analysis demonstrates that the coherence of a jury system depends not only on the existence of individual procedural guarantees but also on the way those guarantees interact within the broader institutional framework. This distinction is particularly important in hybrid jury systems, where professional judges and lay participants exercise different procedural functions while jointly contributing

to the administration of criminal justice. Accordingly, the present analysis examines whether the Ukrainian model achieves internal coherence between legislative regulation, judicial interpretation, and practical implementation.

A central structural issue concerns the distribution of authority between professional judges and jurors. Ukrainian legislation assigns substantial procedural powers to the presiding judge, including management of proceedings, explanation of legal issues, supervision of evidentiary examination, and preparation of the written judgment. Although these powers facilitate procedural consistency, they also create a continuing need to preserve the independent assessment of facts by jurors. Consequently, maintaining an appropriate balance between judicial guidance and juror autonomy remains one of the defining challenges of the Ukrainian mixed tribunal model.

A second structural issue concerns the relationship between legislation and judicial interpretation. The analysis demonstrates that the Supreme Court frequently performs a gap-filling role by clarifying procedural standards that are expressed only in general terms within the legislation. Although this approach promotes legal continuity and procedural stability, it also increases the practical significance of judicial discretion. As a result, the predictability of procedural guarantees may depend not only on statutory provisions but also on the consistency of judicial doctrine.

Collectively, the findings further reveal variations in the degree of protection afforded to different fair-trial guarantees. Guarantees relating to publicity of proceedings and appellate review benefit from comparatively detailed legislative regulation and relatively stable judicial practice. By contrast, guarantees associated with the internal functioning of jury deliberations, the permissible scope of judicial instructions, and the practical protection of juror independence remain less comprehensively regulated. This imbalance contributes to an uneven level of procedural protection across different stages of criminal proceedings.

This finding reflects a broader doctrinal debate concerning the institutional design of hybrid jury systems. Comparative legal scholarship continues to disagree on whether procedural coherence should be achieved primarily through detailed legislative regulation or through the gradual development of judicial doctrine. The Ukrainian experience suggests that neither approach alone is sufficient and that effective implementation requires continuous interaction between legislation and judicial practice.

This study places particular emphasis on the relationship between reasoned decision-making and appellate review. Effective appellate control requires sufficient procedural transparency to enable reviewing courts to assess whether the requirements of a fair trial have been respected. At the same time, jury participation introduces specific complexities concerning the articulation of collective reasoning. The analysis indicates that Ukrainian regulation has not yet fully resolved the tension between preserving the distinctive character of jury participation and ensuring adequate reviewability of judicial outcomes.

From a comparative perspective, these structural characteristics should not be interpreted as evidence of incompatibility with Convention-based guarantees. Mixed tribunal models operate successfully in several European jurisdictions despite substantial institutional differences. The decisive criterion is therefore not institutional form but the practical effectiveness of procedural guarantees protecting judicial independence, impartiality, transparency, equality of arms, and effective appellate review. Viewed in this context, the Ukrainian jury model reflects broader European tendencies towards institutional diversity within a common framework of fair-trial standards.

The findings support the conclusion that the Ukrainian jury system should be characterized as a developing hybrid model undergoing gradual adaptation to European fair-trial requirements. The principal challenge therefore concerns not the

existence of isolated deficiencies but in achieving greater coherence between legislative regulation, judicial interpretation, and practical implementation. Strengthening that coherence would improve the effectiveness of existing fair-trial guarantees and contribute to a more consistent realization of the standards derived from Article 6 ECHR.

Future reforms should therefore focus on strengthening the coherence of the existing institutional framework rather than replacing the hybrid jury model itself. Priority should be given to clarifying the permissible scope of judicial instructions, strengthening procedural safeguards protecting juror independence, improving the transparency of collective decision-making, and promoting greater consistency in Supreme Court jurisprudence. These measures would enhance legal certainty while preserving the institutional flexibility that characterises contemporary European jury systems.

To place the Ukrainian jury model within the broader European context, Table 3 compares its principal institutional characteristics with representative jury systems operating in England and Wales, France, Germany, and Italy. The comparison focuses on functional rather than structural differences, thereby illustrating how diverse institutional arrangements may nevertheless satisfy the common guarantees required under Article 6 ECHR.

Table 3. Comparative characteristics of jury trial models in selected European jurisdictions.

Criterion	England & Wales	France	Germany	Italy	Ukraine
Institutional model	Classical jury	Mixed tribunal	Lay judges (Schöffen)	Mixed tribunal	Mixed tribunal
Composition	12 jurors	3 judges + 6/9 jurors	Professional judges + lay judges	2 judges + 6 lay judges	2 judges + 3 jurors
Who determines facts?	Jurors	Joint deliberation	Joint deliberation	Joint deliberation	Joint deliberation
Judicial instructions	Extensive judicial directions	Judicial guidance during deliberations	Continuous judicial guidance	Continuous judicial guidance	Judicial guidance with broad judicial discretion
Reasoned decision required?	Jury verdict normally not reasoned	Yes	Yes	Yes	Yes (through mixed tribunal judgment)
Appellate review	Limited review of verdict	Full appellate review	Full appellate review	Full appellate review	Full appellate review
Protection of juror independence	High institutional autonomy	Shared with judges	Shared with judges	Shared with judges	Shared with judges; procedural safeguards continue to develop
Relationship with Article 6 ECHR	Fully compatible	Fully compatible	Fully compatible	Fully compatible	Generally compatible, although several procedural guarantees require further strengthening

Source: Compiled by the authors based on ECtHR jurisprudence, national legislation, and comparative legal scholarship.

The comparative assessment confirms that European legal systems employ diverse institutional models of lay participation in criminal justice. Although their procedural arrangements differ considerably, all systems seek to ensure compliance with the fundamental guarantees of independence, impartiality, transparency, and

effective judicial review established by Article 6 ECHR. The Ukrainian jury system therefore should not be assessed according to its institutional resemblance to the classical common-law jury but according to the effectiveness with which it protects these guarantees in practice. Viewed from this perspective, the Ukrainian model demonstrates broad convergence with continental European mixed tribunal systems while continuing to face challenges relating to judicial guidance, deliberation procedures, and the consistency of procedural safeguards. Accordingly, the Ukrainian experience demonstrates that the practical operation of hybrid jury systems depends less on institutional design than on the coherent interaction of legislation, judicial interpretation, and procedural practice. This conclusion provides the foundation for the broader comparative discussion presented in the following section.

4. Discussion

4.1 Interpretation of the principal findings

The present study demonstrates that compliance of the Ukrainian jury trial system with European fair-trial standards cannot be evaluated solely through an examination of legislative provisions. Although Ukrainian legislation formally incorporates the principal procedural guarantees required by Article 6 of the European Convention on Human Rights, their practical operation varies considerably across different dimensions of jury proceedings. The application of the Judicial Reasoning Analytical Protocol (JRAP) and the E1–E8 analytical framework revealed that legislative guarantees and judicial practice do not always develop at the same pace. While several safeguards are clearly established in statutory law, their implementation remains dependent upon judicial interpretation and institutional practice.

The results further indicate that the greatest disparities concern guarantees requiring active procedural management rather than formal legal regulation. Judicial independence, the formulation of judicial instructions to jurors, confidentiality of deliberations, and the reasoning of judgments demonstrate greater variability than guarantees such as public hearings or appellate review, which are supported by more detailed procedural regulation. This finding suggests that procedural quality depends not only upon legislative design but also upon the consistency of judicial application.

The findings therefore indicate that procedural quality cannot be inferred solely from legislative design. Instead, the effectiveness of fair-trial safeguards depends on whether legislative regulation, judicial interpretation, and courtroom practice develop in a coherent and mutually reinforcing manner. This conclusion extends beyond the Ukrainian context and supports a broader understanding of hybrid jury systems as institutional arrangements whose effectiveness depends on the interaction of multiple legal and procedural factors rather than on organisational structure alone.

An unresolved question nevertheless remains. Comparative scholarship has not yet reached consensus on the extent to which judicial interpretation should compensate for legislative uncertainty in hybrid jury systems. This issue warrants further doctrinal and empirical investigation.

4.2 Ukraine in comparative European perspective

The comparative analysis demonstrates that the Ukrainian jury system occupies an intermediate position among European models of lay participation in criminal justice. Unlike the classical jury systems operating in England and Wales, where jurors determine factual questions independently, Ukraine follows a mixed tribunal model in which professional judges participate directly in deliberations alongside lay jurors. Similar institutional arrangements exist in several continental European jurisdictions, including France and Italy, indicating that hybrid jury structures are fully compatible with European legal traditions.

The comparison further demonstrates that no single institutional model can be regarded as inherently superior under Article 6 ECHR. Instead, compliance depends upon the practical operation of procedural guarantees protecting impartiality, transparency, equality of arms, judicial independence, and effective appellate review. Consequently, differences among European systems should be understood primarily as institutional variations rather than indicators of compliance or non-compliance with Convention standards.

This comparative diversity also illustrates the flexible character of Article 6 ECHR. Rather than prescribing uniform institutional solutions, European fair-trial guarantees permit considerable national variation provided that procedural fairness remains effectively protected. Consequently, institutional diversity should be understood as compatible with Convention compliance rather than as evidence of legal inconsistency.

The findings therefore challenge the widespread assumption that Ukraine's hybrid jury model is intrinsically weaker than classical common-law juries. The analysis suggests that mixed tribunals may offer important practical advantages, including greater legal consistency, improved procedural guidance during deliberations, and more effective appellate supervision through the participation of professional judges. At the same time, these advantages require detailed procedural safeguards regulating the relationship between judges and jurors to prevent excessive judicial influence over lay decision-making.

4.3 Relationship of the findings to previous scholarship

The findings of the present study both confirm and refine existing comparative scholarship concerning jury trials in continental European legal systems. Previous research has consistently emphasised that public participation in criminal adjudication strengthens democratic legitimacy, increases public confidence in the judiciary, and reinforces the transparency of criminal justice. These conclusions are generally supported by the present analysis. The examination of Ukrainian legislation demonstrates that the legal framework incorporates the principal institutional guarantees required for lay participation in criminal proceedings.

At the same time, the study departs from a substantial part of the existing literature by demonstrating that legislative regulation alone provides only a partial explanation of practical compliance with Article 6 ECHR requirements. Whereas numerous comparative studies evaluate jury systems primarily through statutory provisions or constitutional design, the JRAP analysis illustrates that judicial interpretation substantially influences the practical operation of procedural guarantees. Consequently, compliance with Article 6 ECHR should be understood as a dynamic interaction between legislation, judicial reasoning, and institutional practice rather than as a purely legislative phenomenon.

The findings likewise contribute to the ongoing academic debate concerning hybrid jury systems. Some scholars argue that mixed tribunals weaken democratic participation because professional judges may exercise disproportionate influence over lay participants during deliberations. Others maintain that hybrid models achieve a more appropriate balance between legal expertise and civic participation by reducing procedural error and increasing legal consistency. The present analysis provides greater support for the latter interpretation. The representative Supreme Court decisions examined under the JRAP framework indicate that the principal difficulties arise not from the mixed institutional structure itself but from inconsistencies in procedural implementation and judicial practice.

Accordingly, the present study refines rather than contradicts previous comparative scholarship. Existing research correctly identifies the constitutional importance of lay participation in criminal justice, yet often treats legislative regulation as the principal indicator of institutional quality. By contrast, the present analysis demonstrates that practical compliance with Article 6 ECHR depends equally

upon the consistency of judicial interpretation and procedural implementation. This perspective contributes to contemporary comparative criminal procedure by integrating legislative analysis with judicial practice within a unified analytical framework.

Nevertheless, scholarly disagreement continues regarding the appropriate balance between institutional design and procedural regulation in mixed tribunal systems. Future comparative research may further clarify which legislative and judicial mechanisms most effectively preserve juror independence while ensuring procedural consistency.

4.4 Implications for European fair-trial standards

The findings also contribute to the broader interpretation of Article 6 ECHR within comparative European criminal procedure. The jurisprudence of the European Court of Human Rights establishes minimum procedural guarantees applicable to jury trials but deliberately avoids prescribing a uniform institutional model for their implementation. This approach reflects the doctrine of the margin of appreciation, allowing States to organise their judicial systems according to national constitutional traditions while remaining bound by fundamental principles of fairness.

However, the present analysis indicates that this institutional flexibility also creates practical uncertainty. Although the Court consistently requires independent and impartial tribunals, equality of arms, public hearings, and reasoned judicial decisions, it provides comparatively limited guidance regarding procedural issues unique to mixed jury systems, including judicial instructions, interaction between professional judges and jurors, and safeguards protecting the autonomy of lay participants during deliberations. As a result, national legal systems remain responsible for developing detailed procedural mechanisms capable of translating general Convention principles into effective judicial practice.

The present findings therefore support an effectiveness-oriented interpretation of Article 6 ECHR. Compliance should be evaluated according to the practical operation of procedural safeguards rather than by reference to institutional design alone. Such an approach accommodates institutional diversity while preserving a common European standard of fair trial.

4.5 Practical implications for the development of the Ukrainian jury system

The analysis shows several priorities for future legislative and institutional reform. First, Ukrainian legislation would benefit from more detailed regulation concerning judicial instructions provided to jurors, thereby reducing uncertainty regarding the respective roles of professional judges and lay participants during deliberations. Secondly, clearer procedural rules governing confidentiality of deliberations would strengthen public confidence in the independence of jury decision-making. Thirdly, additional guidance concerning the reasoning of judgments delivered by mixed tribunals could improve the practical operation of appellate review while enhancing transparency and legal certainty.

Equally important is the development of consistent judicial practice through Supreme Court jurisprudence. The representative decisions analysed in Appendix A demonstrate that broader constitutional principles concerning judicial independence, procedural fairness, and reasoned adjudication are already well established within Ukrainian case law. Extending these principles more explicitly to criminal jury proceedings would strengthen the practical implementation of European procedural safeguards without requiring fundamental institutional restructuring.

These recommendations do not require a fundamental restructuring of the Ukrainian jury system. Instead, they demonstrate that relatively targeted procedural reforms may substantially improve legal certainty while preserving the advantages

associated with the existing mixed tribunal model. This incremental approach appears more consistent with current European developments than wholesale institutional reform.

Accordingly, the principal challenge identified by this study concerns the quality and consistency of procedural safeguards rather than the institutional existence of the Ukrainian jury itself. Future reforms should therefore prioritise procedural clarification, judicial training, and the harmonisation of case law instead of replacing the hybrid jury model with an alternative institutional design.

4.6 Limitations and directions for future research

Several limitations should be acknowledged. The study examines the Ukrainian jury system primarily through doctrinal legal analysis, comparative examination of European legal standards, and qualitative analysis of representative Supreme Court decisions. Although this approach permits detailed evaluation of legal reasoning and procedural guarantees, it does not measure the practical experiences of jurors, judges, prosecutors, or defence counsel. Nor does it assess empirical outcomes such as acquittal rates, deliberation dynamics, or trial duration.

A further limitation concerns the evolving nature of Supreme Court jurisprudence. Because the interpretation of procedural safeguards continues to develop, future judicial decisions may refine or modify some of the legal approaches identified in this study. Accordingly, the present conclusions should be understood as reflecting the current stage of doctrinal development rather than a permanently settled body of law.

Future research could complement the present doctrinal framework by incorporating empirical methods, including interviews with legal practitioners, surveys of jurors, and comparative statistical analysis across European jurisdictions. Additional comparative studies examining hybrid jury systems operating in other Council of Europe member States would further contribute to understanding how different institutional models achieve compliance with Article 6 ECHR. Such research would also permit refinement of the Judicial Reasoning Analytical Protocol (JRAP) and facilitate its application in broader comparative studies of criminal justice reform.

These observations provide the basis for the concluding assessment of the Ukrainian jury system and its future development within the broader framework of European criminal procedure.

5. Conclusions

This study demonstrates that the Ukrainian jury system has achieved substantial alignment with the fair-trial guarantees established under Article 6 of the European Convention on Human Rights while retaining the distinctive characteristics of a mixed tribunal model. Through the integration of doctrinal analysis, comparative legal evaluation, and representative Supreme Court jurisprudence, the study shows that the effectiveness of the system depends not only on legislative regulation but also on the consistency of judicial interpretation and procedural implementation.

The principal contribution of this research lies in the development and application of an integrated analytical framework combining European fair-trial standards, representative judicial practice, and comparative procedural analysis. This approach provides a more comprehensive method for evaluating hybrid jury systems than assessments based solely on legislative design or institutional classification.

The findings show that guarantees such as the publicity of proceedings and appellate review benefit from comparatively stable legislative regulation and judicial application. By contrast, procedural safeguards relating to judicial independence, judicial instructions to jurors, confidentiality of deliberations, and the reasoning of judgments remain characterised by greater variability in practice. The qualitative analysis of representative Supreme Court decisions demonstrates that broader

constitutional principles developed in Ukrainian jurisprudence provide an important foundation for strengthening the operation of jury trials, even where those decisions originate outside criminal jury proceedings.

The findings also contribute to comparative criminal procedure by demonstrating that institutional diversity among European jury systems is compatible with Convention standards provided that procedural safeguards operate effectively in practice. Accordingly, compliance with Article 6 ECHR should be assessed primarily through the practical protection of fair-trial rights rather than through the formal characteristics of institutional design.

A significant contribution of this research lies in its methodological approach. Unlike previous studies that primarily evaluate jury trials through legislative comparison or institutional description, the present research integrates doctrinal legal analysis, qualitative examination of representative judicial decisions, and comparative assessment within a unified analytical framework. The JRAP methodology provides a structured mechanism for linking legislative provisions, judicial reasoning, and practical implementation, thereby enabling a functional evaluation of compliance with European fair-trial standards. This approach may also be adapted for comparative analyses of jury systems and other forms of lay participation in criminal justice across different legal systems.

The comparative analysis further demonstrates that the hybrid institutional structure of the Ukrainian jury system should not be regarded as inherently inconsistent with European legal standards. Similar mixed tribunal models operate successfully in several continental European jurisdictions. The decisive factor is not the institutional design itself but the existence of coherent procedural safeguards capable of ensuring judicial independence, equality of arms, transparency, effective deliberation, and meaningful appellate review. Consequently, the study supports a functional understanding of European fair-trial guarantees, according to which different institutional models may achieve equivalent levels of Convention compliance through different procedural mechanisms.

From a practical perspective, the findings suggest several priorities for future legal reform. Legislative clarification concerning judicial instructions to jurors, stronger procedural regulation of jury deliberations, clearer requirements for reasoned judgments, and further harmonisation of Supreme Court jurisprudence would significantly strengthen the practical implementation of European standards. Such reforms would improve legal certainty while preserving the existing institutional structure of the Ukrainian jury system.

Future research should extend the present analysis by examining empirical aspects of jury practice, including juror participation in deliberations, judicial communication with lay participants, and the practical application of procedural safeguards across different categories of criminal proceedings. Comparative empirical studies involving additional European jurisdictions would further enhance understanding of the long-term development of hybrid jury systems.

Future legislative and institutional reforms should therefore concentrate on improving the coherence of the existing Ukrainian jury system. Particular attention should be directed towards clarifying judicial instructions provided to jurors, strengthening procedural safeguards protecting juror independence, increasing the transparency of collective judicial reasoning, and ensuring greater consistency in Supreme Court jurisprudence. These targeted reforms would strengthen legal certainty without altering the fundamental structure of the current mixed tribunal model.

Ultimately, the Ukrainian experience demonstrates that the legitimacy and effectiveness of contemporary jury systems depend less on institutional form than on the coherent interaction of legislation, judicial interpretation, and procedural practice. This conclusion reinforces the continuing importance of European fair-trial

standards as the common normative foundation for the evolution of hybrid jury systems across Europe.

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