

DIGITAL TRANSFORMATION OF THE JURY TRIAL INSTITUTION IN UKRAINE: CHALLENGES AND INTERNATIONAL EXPERIENCE

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Despite its constitutional enshrinement, the institution of the jury trial in Ukraine remains one of the least effective links in the judicial system. The procedure for jury selection is non-transparent, over-bureaucratized, and dependent on the human factor, which undermines public trust.

In the context of a full-scale war, where logistics and the physical safety of trial participants are critical challenges, the lack of digital mechanisms effectively blocks citizens' access to justice.

The international experience of common law countries, particularly the USA and the UK, offers adaptive models that emerged in response to the COVID-19 pandemic. Richard Susskind's concept that "a court is a service, not a place" [1] became the foundation for implementing remote hearings and digital jury selection.

Jury selection acts as an institutional guarantee of equal access to justice for citizens and fair representation of society in the administration of judicial power. In states with established democratic traditions, these procedures are based on a centralized digital infrastructure that ensures the representativeness of the jury pool and the unbiased, random nature of their selection.

In the USA, the formation of the jury pool is carried out automatically based on voter registration and driver's license databases [2]. The use of modern Jury Management Systems (JMS) provides audit trails and reporting functions, allowing every step of selection and administration to be tracked [3; 4].

In the UK, this function is performed by the Jury Central Summoning Bureau, which uses open balloting algorithms, and reports on the system's operation are regularly published [5].

The Ukrainian model, in contrast, remains fragmented and normatively overloaded. According to Article 64 of the Law of Ukraine "On the Judiciary and the Status of Judges" and the provisions of procedural legislation, the formation of jury lists is entrusted to local councils upon the submission of court chairpersons. This structure combines political (local government bodies) and administrative (court leadership) influence, which creates corruption risks

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associated with the possibility of informal selection of "loyal" individuals and selective list updates. Practice shows that the approval of candidates and lists often stretches out for several months, resulting in the blockage of jury trials, with actual delays reaching up to half a year.

The reform of the jury selection mechanism must be based on the digital transformation of this process. A logical step is the integration of the Unified Judicial Information and Telecommunication System (UJITS) with the State Register of Voters as the most complete and up-to-date database of adult citizens of Ukraine not deprived of voting rights. This would allow automated selection based on formalized criteria to replace manual list formation, minimizing subjective influence.

The key elements of such a model should be:

1. Openness and publicity of the selection algorithm's source code, enabling independent experts to check it for the absence of discriminatory or manipulative practices.

2. Mandatory preservation of log files of all operations for subsequent audit by authorized bodies, including the State Service of Special Communication and Information Protection Administration, to confirm data integrity and immutability.

Collectively, this will enhance technical accountability, reduce the procedure's corruption vulnerability, and shorten the duration of jury list formation to mere minutes, bringing Ukrainian practice closer to the standards of transparent and technologically supported justice.

The COVID-19 pandemic proved that physical presence in the courtroom is not the only condition for a fair trial. The world's first fully virtual summary jury trial, conducted by Judge Emily Miskel in Texas (2020), demonstrated the effectiveness of video conferencing platforms for civil proceedings. Participants noted reduced stress levels and the convenience of participation "from their own device," which contributed to greater openness of the process [6].

The experience of Mohave County (Arizona, USA) deserves special attention, where a comprehensive approach was implemented: Zoom video conferencing was combined with the CaseLines digital evidence management platform. This allowed jurors to independently review evidence in high quality while maintaining a full audit trail of actions [7].

For criminal proceedings, the UK developed a hybrid model of "Jury Hubs" – specially equipped secure centers where jurors physically arrive but participate in the hearing remotely [8]. Research by JUSTICE UK showed that this format ensures a balance between security and procedural guarantees [9].

For Ukraine, where the war creates threats to physical gatherings in courts, the implementation of similar models is a necessity. Using the Diia Unified State Services Portal for authorization can solve the issue of juror identification, and secure communication channels will allow for deliberations in virtual rooms of the EASYCON service.

A comparative analysis demonstrates a significant gap between Ukrainian practice and digital governance standards (see Table 1).

Table 1

Comparative Analysis: Jury Selection and Participation Models

Criterion	USA / UK	Ukraine
Data Source	Centralized Voter Registers	Local Council Lists
Algorithm	Automated	Non-transparent
Selection Period	From a few days to 2–3 weeks	3–6 months
Audit	Public reports, open source code	Absent

The comparison shows a fundamental asymmetry between the Ukrainian model and the practices of the USA and the UK. The use of centralized voter registers and automated selection algorithms in common law jurisdictions ensures data completeness, jury pool representativeness, and minimization of the human factor. In contrast, reliance on local council lists, the lack of a transparent algorithm, and any audit mechanisms in Ukraine create space for political and administrative influence, undermining confidence in the jury institution.

The time parameters of selection also demonstrate the low operational capacity of the Ukrainian system: 3–6 months versus a few days or weeks in the USA/UK practically means the risk of blocking jury trials. Collectively, this indicates that the national model is in a pre-digital phase and requires a profound transformation towards centralized electronic registers, automated procedures, and the introduction of public audit.

The implementation of a remote participation model in Ukraine requires the adoption of specialized legislation (tentatively, the "e-Jury Platform Act"), which would regulate:

- The status of the digital platform and the procedure for using qualified electronic signature (QES) for jurors;
- Cybersecurity requirements and the preservation of hearing protocols;
- The possibility of creating secure hubs for jurors based on Administrative Service Centers (CNAPs) or in shelters to ensure process continuity during air raids.

In conclusion, the reform of the jury institution in Ukraine must go beyond simple digitization of paper processes. A paradigm shift is needed in favor of a

service-oriented approach. Automating selection through the State Register of Voters will eliminate corruption risks and ensure true representativeness. Implementing elements of online justice (following the example of CaseLines and Jury Hubs) will allow the judicial system to maintain operability under wartime conditions, guaranteeing citizens the constitutional right to participate in the administration of justice.

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