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THE MODERN WORLD MODELS OF JURY TRIAL

The article is devoted to the research of the legal nature of the jury trial, clarification of its characteristics. Comparative legal analysis of modern world models of jury trial and its national model is carried out.

From the beginning of XXI century the jury trial is a leading form of the representation of people's participation in the administration of justice. This institution is stipulated by the legislation of many countries, in one or another legal model. Some of these countries have lasting traditions of the organization and functioning of the jury trial (Great Britain, USA, France), others have only started the process of implantation of this procedural form to the national criminal legal procedure (Ukraine, Georgia, Kazakhstan, Russia, Spain, Venezuela etc.).

It is stated that the main characteristics of the Anglo-American model of the jury trial are the division of the competence between the jury and the professional judge; resolving of the verdict by

the jury which is usually unreasonable; revocation of the verdict is possible usually because of substantial breaches of law. An advantage of the classic model of the jury trial is that its structure determines the procedural activity of parties in the criminal procedure, which is an immanent constituent of the contentiousness principle. An activity of parties in the criminal procedure is necessary pre-condition for the court's function as an arbiter in the criminal legal conflict, which is resolved exceptionally by the evaluation of evidence given by the parties.

Characteristics of a jury trial mentioned above have conceptual meaning. Thus, it is concluded that the continental model of a jury trial, which is characterized by the jury's and professional judges' joint activities, is nominal. According to its legal nature such form of the administration of justice is a variety of people's participation in the criminal procedure.