

HISTORICAL FOUNDATIONS OF THE FORMATION AND DEVELOPMENT OF JUDICIAL PEOPLE'S POWER IN THE WORLD

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Annotation. It is established that the development of judicial democracy worldwide is an exceptionally intriguing and relevant topic, as it signifies the gradual transformation of political systems towards increased citizen participation and influence in governance processes. From modern democratic societies to historical events of the past, the development of judicial democracy unveils numerous compelling aspects related to human rights, the principles of the rule of law, and the dynamics of power relations.

The analysis of the development of judicial democracy worldwide becomes a genuinely relevant and important task for understanding contemporary social and political dynamics, as well as for devising effective strategies to ensure justice and protect human rights.

The aim of the work is to analyze the historical foundations of the formation and development of judicial people's power in the world.

The methodological basis of the study is an empirical method, methods of diachronic and synchronous analysis in a historical context.

Results. The development of judicial democracy in the world can be periodized as follows: ancient times and ancient civilizations, the Middle Ages and the modern era, the revolutionary period, the 19th to the early 20th century, and the present day. As of today, jury courts operate in many countries worldwide. They handle a variety of cases, including criminal, civil, and administrative ones. In many European countries, jury courts are used to adjudicate serious criminal cases, where the verdict can be quite severe.

Conclusions. The jury system continues to evolve and adapt to contemporary challenges. In many countries, the emphasis is placed on ensuring equal rights and opportunities for all citizens participating in legal proceedings. Technological innovations also enable a more accessible and efficient process for case adjudication.

The jury trial is an integral part of the judicial systems in many countries worldwide. It has evolved over centuries, remaining a crucial mechanism for ensuring justice. The modern jury system reflects democratic values and guarantees citizen participation in legal processes, contributing to the preservation of justice and equality under the law.

Key words: judicial people's power, judicial power, civil society, rule of law.

1. Introduction.

Throughout history, one of the most crucial components of any socio-political system has been the question of judicial authority and popular participation. The judicial system has played and continues to play a pivotal role in ensuring justice, safeguarding the rights and freedoms of citizens, and resolving conflicts while balancing the power structures.

The development of judicial democracy worldwide is an exceptionally intriguing and relevant topic, as it signifies the gradual transformation of political systems towards increased citizen participation and influence in governing the country. From modern democratic societies to historical events of the past, the evolution of judicial democracy reveals many compelling aspects related to human rights, the principles of the rule of law, and the dynamics of power relations.

Analyzing the development of judicial democracy worldwide becomes a genuinely pertinent and essential task for understanding contemporary social and political dynamics, as well as for devising effective strategies to ensure justice and protect human rights.

Periodizing the development of judicial democracy holds significant importance for understanding the history and evolution of this institution in different countries and time periods. The key aspects of the significance of periodization include:

Analyzing historical and legal changes. Periodization allows the identification of key moments and events that influenced the development of judicial democracy. This helps determine which changes in legislation, constitutions, or societal conditions impacted the role and functions of judicial democracy.

Identifying stages of development. Dividing the history of judicial democracy into different stages helps comprehend how this institution originated, evolved, and changed over time. A crucial part is highlighting and detailing each stage of development.

Comparing development across different countries. Periodization allows for the comparison of the development of judicial democracy in various countries, identifying similarities and differences in approaches and practices.

Determining the influence of other factors. Historical context, political changes, socio-cultural transformations, and other factors can impact the development of judicial democracy. Periodization helps identify which of these factors were significant at different stages.

Preparing for further research. Dividing history into stages creates a foundation for future research and analysis. Researchers can focus on specific periods for in-depth examination of judicial democracy.

Periodizing the development of judicial democracy helps structure and systematize knowledge about this important institution in the history of law and judiciary. It contributes to a better understanding and analysis of its role in society at different stages and in various cultural and historical contexts.

2. Analysis of scientific publications.

The issue of judicial democracy has been the subject of scholarly research by various academics, including Y. Bysaha, D. Byelov, S. Hladiy, K. Hutchenko, V. Kolyukh, T. Korotun, O. Novikov, S. Prylutsky, N. Solnyshkina, O. Sovhira, A. Solodkov, V. Tertyshnyk, O. Khotynska-Nor, O. Shcherbanyuk, and others.

3. The aim of the work is to analyze the historical foundations of the formation and development of judicial people's power in the world.

4. Review and discussion.

The key precursors to the constitutional principles governing the functioning of civil society include the evolution of citizen-state interactions in the decision-making processes of societal significance, the development of the concept of natural law, and the foundational principles of constitutionalism (among which are popular sovereignty, the inalienability of basic rights and freedoms, the normative-legal establishment of a clear delineation of the powers of public authority entities, preventing tyranny and usurpation), the establishment and protection of all forms of property ownership, and the emergence of mechanisms for the interaction between the state and civil society [1].



Civil society is a component of the social structure that encompasses non-governmental organizations, civic initiatives, non-profit organizations, activist groups, and other civil entities that operate independently of governmental structures. Civil society plays a pivotal role in implementing the principle of direct citizen participation in state governance. It creates forums for public discourse, formulates civic demands and initiatives, and promotes interaction between citizens and authorities.

In turn, the concept of a social state involves the state acting as an active participant in the realm of social welfare and ensuring its citizens' access to basic social services, including education, healthcare, housing, pensions, and other social benefits. A social state should contribute to reducing social inequalities and ensuring a dignified life for all citizens.

The exercise of direct popular sovereignty involves active citizen participation in decision-making and policy determination. Civil society serves as the primary platform for this interaction. Through their representative bodies, civic associations, and other mechanisms, citizens can influence the formulation of social policies, demand the protection of their rights and interests, and voice their needs and requirements regarding social protection. Ensuring a dignified life is one of the primary goals of a social state. Providing basic social services and effective social protection becomes possible through active interaction with civil society, which demands appropriate measures and political decisions from the authorities.

The functioning of civil society and active citizen participation in state governance, including the use of direct democracy tools, contribute to resolving social conflicts and contradictions peacefully. This reduces the risk of political tensions and social disruptions within society.

A coordinated connection between civil society, the social state, and direct popular sovereignty helps establish a more efficient and just governance system that takes into account citizens' interests and needs. Together, they promote the construction of a society where the rights and freedoms of citizens are protected, and a dignified life is the fundamental value.

The history of direct exercise of power by all members of society has much deeper roots than the beginning of power utilization through elected, appointed, or other representatives. It underscores the close connection between the direct application of power by the people as a social phenomenon and the history of the socio-cultural development of humans as social beings.

In the early stages of human development, there arose a significant need for collective decision-making regarding matters related to communal activities, security, resource allocation, and conflict resolution. This need for making collective decisions was driven by the necessity to ensure the common fate and survival of the group [2]. At this early stage in human history, various methods of organizing power and making decisions existed. For instance, in some primitive communities, decisions were reached through consensus, where every member of the group had the opportunity to voice their opinions and influence decisions. Sometimes, leadership roles were determined based on age, abilities, or innate leadership qualities.

As society continued to develop, with communities becoming more complex and numerous, formal governance systems and legal structures emerged. This can be observed in various stages of the history of different civilizations, such as ancient Greece and Rome, where different forms of democracy and republics were invented. In these systems, while there existed an elite or elected bodies, citizens also had a certain degree of participation in decision-making through voting or the selection of representatives.

Therefore, the desire of people to participate in decision-making and the forms of implementing the power of the people were present at different stages of societal development. This element of socio-cultural evolution helped create various governance systems and define the character of societal progress.

The primitive forms of authority that existed in the early stages of human development can be seen as prototypes or initial models for subsequent forms of governance. These gradually evolved and improved mechanisms for people's participation, including the population, in shaping and making the most crucial societal decisions [3].

At the beginning of societal development, when people lived in small groups or clans, authority and decision-making were often based on principles of natural leadership and mutual consent. Members of the community collectively made decisions, relying on their knowledge, experience, and resources. This form of governance was characterized by interactions, cooperation, and collective responsibility.

The origins of this primitive authority lay in the necessity of ensuring the safety and survival of the community. People came together to address common problems, organize hunting and gathering, and protect themselves from external threats. This primitive authority was decentralized and based on the interaction of equal community members.

Over time, with the advancement of society and the complexity of social structures, other forms of governance emerged, such as monarchy, democracy, and authoritarianism. However, the experience of primitive authority, based on community, interaction, and citizen participation in decision-making, remained a prototype for the development of social systems and mechanisms for involving the population in shaping and making key societal decisions.

Within the scope of our research, a particular focus is on the stages of the formation and development of jury trials as a separate and independent form of judicial democracy and an essential component of the judicial system in many countries worldwide. This institution has undergone significant evolution over centuries and different historical periods but has always remained a crucial means of ensuring fair judicial verdicts.

The development of judicial democracy worldwide can be periodized as follows:

Ancient times and civilizations. In ancient times and classical civilizations, the concept of 'the people' was essentially interpreted as an uncontrolled large number of individuals who could be relatively easily influenced by institutions of state governance.

The origins of judicial democracy can be traced back to ancient Greece, where the first jury trials emerged. This period encompasses ancient Greek practice and practices in the Roman Republic.

During this stage, significant historical events took place, and the first forms of jury trials were established, which had a significant impact on the subsequent development of this practice. In ancient Egypt, there was a system of courts involving jurors. They participated in the resolution of legal cases and played a crucial role in ensuring justice. Mesopotamia is also known for the use of jury trials. Jurors acted as judges and participated in the resolution of cases.

Speaking of direct democracy in general during this time, each of the four Hellenic tribes in Greece (the Geleontes, Argades, Aegicoreis, and Hopletes) had its own governing bodies, assemblies known as "boule," its own military, and a ruler known as "philobasileus." Compared to assemblies during the "tribal democracy" era, the assemblies during the "military democracy" period were more complex in their procedures. Despite the aristocracy's influence in governance, traditions of popular democracy, such as the "agora," which was an assembly of all free citizens with the right to bear arms, were preserved [2, p. 11–19].

In Ancient Greece, trial by jury was an important component of the judicial system. Specially selected citizens participated in legal proceedings and made decisions based on the law and the circumstances of the case. This was one of the earliest forms of judicial democracy in history.

During the peak of the Roman Empire, various forms of direct popular governance emerged. For instance, as early as the 5th century BCE during the Roman Republic, amid the rivalry between patricians and plebeians, the institution of plebiscite was introduced. A law enacted by consuls L. Valerius and M. Horatius in 449 BCE guaranteed the inviolability of plebeian tribunes and mandated the binding nature of plebiscites passed by plebeian assemblies. However, these decisions still needed prior approval from the Senate. In 287 BCE, the Hortensian Law was enacted, granting legal force to plebiscite decisions, regardless of Senate approval [4, p. 15]. In the Roman Republic, there was also a practice of trial by jury. Specially selected citizens participated in legal proceedings and assisted judges in resolving cases.



The initial stage of the development of judicial democracy in ancient civilizations was a significant step in shaping the concept of citizen participation in legal matters. This idea later evolved and became an important element of the legal systems in many countries.

Middle Ages and early modern times. Judicial democracy was somewhat weakened during the Middle Ages due to feudal structures and the centralization of power. However, in the early Modern Age, particularly in England and some other European countries, there was a reactive trend towards the restoration of judicial democracy through the establishment of parliamentary and local jury courts.

During the early Modern Age, judicial democracy underwent significant changes and improvements. This period was marked by the formation of institutions that provided a more structured and systematic participation of citizens in legal proceedings.

The emergence of the modern understanding of the jury system occurred in France in the year 829. In France, the institution of the parliamentary jury court developed. Parliaments in various regions of France appointed jurors who decided legal cases and participated in the creation of laws. A little over 200 years later (in 1066), this legal institution began to function in England as well.

From the perspective of contemporary researchers, the active use of jury courts as a type of legal body can be traced back to the adoption of the Magna Carta. This legal document limited the powers of the king and expanded the functions of the parliament. Until the 15th century in England, the "jury of inquest" or the "petit jury" served as witnesses in a case, but by the end of the 18th century, they were already making determinations regarding the guilt of the accused [5].

Revolutionary period. The period of the French Revolution (late 18th century) and the American Revolution (late 18th century) brought significant changes to judicial democracy. In particular, the French Revolution introduced the concept of the "jury court," which became a symbol of judicial democracy.

The revolutionary period in the history of judicial democracy is characterized by significant changes in the judicial system and the role of society in the administration of justice. Key events of this period include the French Revolution and its impact on the judicial system, as well as the spread of ideas about national sovereignty and human rights.

According to the Decree on Judicial Authority of 1790 in France, the jury court was introduced to hear cases involving serious criminal offenses that caused significant harm to society or the state. The composition of the jury court consisted of citizen jurors who were chosen to adjudicate specific legal cases. They had the authority to determine the guilt or innocence of the accused and deliver verdicts.

The jury court was a crucial milestone in the development of the French judicial system and in the history of legal proceedings in general. It provided citizens with the opportunity to actively participate in the administration of justice and influence court decisions, reflecting the ideals of the revolution and democratic principles. This step also marked the transition from old, absolute monarchic structures to new, more democratic principles of governance in revolutionary France.

In various countries around the world where the ideas of the revolution resonated, judicial reforms were initiated to ensure greater fairness and citizen participation in the courts. This included not only the expansion of the practice of jury trials but also the refinement of legal norms and guarantees for the accused and participants in the judicial process.

Judicial democracy became a vital component of these reforms because it promoted greater transparency, objectivity, and citizen influence in the judicial process. This evolution of the judicial system pushed societies toward more just and democratic norms of justice, which had a positive long-term impact on the rights and freedoms of citizens worldwide.

XIX – beginning of XX century. During this period, laws and constitutional amendments were enacted that defined the role and procedures of judicial democracy in many countries.

In the 19th and early 20th centuries, judicial democracy underwent significant evolution and became an important component of judicial systems in various countries around the world. This period was

characterized by the adoption of laws and constitutional amendments that defined the role and procedures of judicial democracy, ensuring greater citizen participation in the administration of justice.

Modernity. In the modern world, jury trials are widely used in many countries, including the United States, the United Kingdom, Canada, and others. This period is characterized by the development of judicial systems that allow citizens to participate in legal proceedings and make decisions on cases alongside judges.

Today, jury courts operate in many countries around the world. They handle a variety of cases, including criminal, civil, and administrative matters. In many European countries, jury courts are used to adjudicate serious criminal cases where the verdict can be quite severe.

5. Conclusions.

The jury system continues to evolve and adapt to contemporary challenges. In many countries, the emphasis is placed on ensuring equal rights and opportunities for all citizens participating in legal proceedings. Technological innovations also enable a more accessible and efficient case adjudication process.

The jury court is an integral part of judicial systems in many countries worldwide. It has its roots in centuries past and has undergone significant evolution, remaining a crucial mechanism for upholding justice. The modern jury system reflects democratic values and ensures citizen participation in legal proceedings, contributing to the preservation of fairness and equality under the law.

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