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The Institution of Justices of the Peace Through the Lens of the Judicial Reform of 1864

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Abstract. In continuation of the judicial reform that has been taking place in Ukraine since 2014, the issue of introducing magistrates' institutions stays relevant. Investigation of the history of the introduction and genesis of magistrates' courts after the reform of 1864 in Ukrainian territory allow decisively saying "yes" to the institution of justices of the peace in Ukraine and improving the time-tested models of magistrate justice. The purpose of this study was to identify and generalise positive steps and conclusions from the mistakes of the past, including the need to unify the structure of magistrates' courts, improve the mechanisms of their effective work and strengthen confidence in the judiciary to implement them in the modern legislative procedure. To fulfil this purpose, historical, historical-comparative, historical-system, comparative-legal research methods were used. The paper analysed the prerequisites, creation, and development of peace institutions on Ukrainian lands after the introduction of the reform of 1864. The structure of the newly formed world institutions and the category of cases under their jurisdiction were outlined. The features of the formation of the judicial corps of justices of the peace (features of appointment and dismissal, requirements for candidates, rights, duties, and responsibilities of justices of the peace) were clarified. Attention is focused on the impact that the world justice system experienced after the reform of 1864. The expected consequences of the work of peace institutions, positive results and real shortcomings of their activities were highlighted. The necessity of creating magistrates' institutions in Ukraine is justified, since they will contribute to the further introduction of direct democracy, reduce the burden on courts of general jurisdiction, improve legal awareness of citizens and strengthen the effectiveness of judicial proceedings through the widespread introduction of the institution of reconciliation (mediation). It was noted that further legislative, administrative-organisational, and modern electronic support is needed for the issue of jurisdiction of the magistrates' courts, selection, qualification, application of management methods, and a clear definition of the responsibility of judges. A partial solution to these issues was proposed. These results of this study can be used in the development of the Draft Law of Ukraine "On Magistrates' Courts"

Keywords: magistrates' courts, historical experience, development strategy, mediation

Introduction

The war in Ukraine has become an obstacle to the continuation of judicial reform to improve access to justice, develop alternative (out-of-court) and pre-trial dispute resolution through the introduction of the institution of justices of the peace [1]. The positive practices of many European and other countries, such as Belgium, Italy, Great Britain, USA, Australia, Canada, India, Israel, Singapore, etc., where the institution of justices of the peace works effectively is remarkably diverse. It can be reduced to three models of magistrates' courts, depending on the legal system (classical, continental, and mixed) [2]. What is common in all models is that justices of the peace are elements of the general judicial system [3, p. 16].

The study of the expediency of introducing the institution of justices of the peace in Ukraine and choosing a possible model of its functioning received its further official development (previous attempts: the concept of the Draft Law "On Justices of the Peace" [2], the Draft Law "On Justices of the Peace of Territorial Communities" [4], etc.) in December 2021. The Ministry of Justice prepared and submitted to the President of Ukraine and the Cabinet of Ministers of Ukraine an analytical document on the results of the study and relevant proposals on the feasibility of introducing this institution [5]. The course announced by Ukraine to accelerate the introduction of elements of direct democracy in the sphere of justice [6], as of today, has not led to a result, the final decision has not been made. At the same time, public interest in this issue persists and discussions by scientists, practitioners, and ordinary citizens continue. In the past, peace institutions have often been subjected to unfair and biased criticism that has not recognised their advantages and important legal and cultural purpose. There are still criticisms. Some of them lie in the fact that the development of legislation on justices of the peace should be preceded by changes in the existing legislation on mediation [7] in economic, civil, and criminal cases to avoid further duplication of norms [2]. At the same time, whatever transformations await world institutions in the future, it is important to realise and note their outstanding purpose in the past, both considering historical justice to them, and given the practical necessity to correctly orient themselves in the phenomena of modern public life.

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Given the relevance of unloading local general courts, increasing the availability of justice for the population, speeding up the resolution of minor cases and strengthening confidence in the courts, training personnel to work in courts of general jurisdiction [8, p. 60], it is informative to consider the development and functioning of the institution of justices of the peace through the lens of the judicial reform of 1864. It is necessary to consider the negative and positive practices of the past, taking into account the differences in the social and legal structure of the 1860s-1870s, which can be partially used at the present stage of development of the Ukrainian legal system.

Lawyers and scientists of the late 19th – early 20th century made a considerable contribution to the study of the preparation, organisational implementation, and content of judicial reform. They considered the mechanism of development of the institution of justices of the peace in a narrow (staffing, legal mechanisms for acquiring and terminating powers) and broad sense (which was based on a long procedure divided into stages, considering the awareness of the necessary changes, which prompted the development of legal theories, projects, regulations, their public discussion, further implementation in the judicial statutes of 1864 and analysis of the practical application of these norms).

At the same time, the analysis of the American model of public participation in the administration of justice [9, p. 89], Bulgarian, Russian [10, p. 113] and Polish [11, p. 458-461; 12, p. 123] models of magistrates' courts, does not allow choosing one of them to achieve one hundred percent positive effectiveness and requires further improvement, considering discussions about the introduction of the institution of justices of the peace as an important manifestation of civil culture, proper selection of world judges and the regulation of organisational, normative, economic, social, psychological, and other aspects of their activities. The question of the correlation between positive and customary in the activities of the magistrates' court also stays problematic [13, p. 68; 14, p. 1251]. The authors of this study consider it promising to create a modern hybrid symbiotic model of justice of the peace, considering the historical experience of its establishment on Ukrainian lands in the 1860s-1870s.

The purpose of this study was the development of recommendations on the implementation of positive and avoiding negative aspects that influenced the activities of justices of the peace through the lens of the judicial reform of 1864 in modern Ukrainian legislation.

Reasons and Prerequisites for the Judicial Reform Of 1864

The most consistent bourgeois reform in the 1860s-1870s was generally recognised as the judicial reform of 1864, which was the beginning of the history of judicial self-government [15, p. 34]. At the time of the reform, Ukraine was part of the Russian Empire, and it was subject to the norms of imperial legislation. Magistrates' court on Ukrainian lands operated in stages (comprising stages of regulation of public relations, the emergence of subjective rights and legal obligations, their real implementation [16, p. 5]), contained rudimentary norms and formed numerous deviations from the general legal order. An example was the further functioning of the peasant volost court, "which by the very fact of its existence violated the proclaimed principle of equality of states before the law" [17, p. 83]. At the same time, it was a consistent procedure in the context of a complete modification of the judiciary, since for the overwhelming majority of the population, legal equality in court was not available, as well as the right to protect their honour, dignity, have physical integrity, the right to privacy, peasants were granted the rights of citizens and the right to a fair trial [18, p. 166-167]. In the South-Western Region (on Ukrainian lands), judicial reform, considering the growth of the Polish national and Ukrainian peasant movements, had specific problems, features, and dragged on for decades, "coinciding in its active phase with the advent of the implementation of an alternative course for counter-reforms" [17, p. 85]. Thus, due to the authorities' fear of the likely strengthening of the national liberation movement after the Polish uprising of 1963, on these lands, precinct and honorary judges were appointed by the minister of justice on the proposal of the governor for three years, and were not elected, as established by Judicial statutes. They were not subject to the principle of immutability, and therefore could be dismissed at any time without explanation.

The reform was preceded by a high degree of dissatisfaction among the layers of the bureaucracy and the intelligentsia with the judiciary and the judicial proceedings, or as put by lawyer A.F. Koni in his work dedicated to the 50th anniversary of the Judicial Statutes, who condemned the punitive policy of the tsarist regime, advocated the principles of independence of judges from the authorities, called for respect for human dignity in court proceedings, "judicial arbitrariness" [19, p. 25-26]. I.V. Hesse focused on the problem of unsatisfactory state of government funding of judicial institutions, which required adjustment and an element of independence [20, p. 9]. In this regard, R.S. Wortman concluded on the presence of a conflict between the proclaimed principles of the rule of law and the judicial system, which was based on the estate and instance principles, continuous control by higher courts over lower ones, an unordered personnel policy in the courts and led to a delay in the consideration of court cases [21, p. 54]. Consequently, the reform was caused by non-compliance of the norms of the old legislation with the new conditions [22, p. 16-17]. That is why the presence of many educated legal officials in the administration, who objectively assessed the current situation, became a determining factor and led to the reform and the emergence of a new type of judge – fair, impartial, authoritative [21, p. 445]. Judicial reform contributed to the development of a new progressive type of legal perception of ordinary citizens, was liberal-democratic in nature and opposed the then absolutist nature of the legal system [18, p. 167].

In 1863, drafts of the Code of Judicial Institutions, the Charter of Criminal Proceedings, the Charter of Civil Proceedings, and the Charter on Punishments Imposed by Justices of the Peace were prepared [23] (common name – Judicial Statutes). These projects were previously considered in the Second Department of the Emperor's Office by the Minister of Justice D.M. Zamyatin, and then there was a meticulous debate in the State Council [24, p. 76]. The judicial statutes of 1864 were approved on November 20, 1864, by Alexander II, by which the state authorised a new form of representation of citizens. To prevent decentralisation and preserve the balance between civil society and the interests of the state, along with the institution of crown courts, the Statutes made provision for the formation of the institution of magistrates' courts in cities and counties and legislatively provided approval to the legal basis of the institution of the

magistrate. These included definitions of legal status, rights, obligations (organisational and functional, procedural nature, and as an official), elective competencies and criteria, selection procedure, and procedural [8, p. 58].

Magistrates' Courts: Composition, Requirements for Candidates, Powers of Judges

As for the composition of the magistrates' institutions, they comprised two instances: the first – the lower one, which constituted a one-person court of the district magistrate (as a rule, each of the several districts of the magistrates in the county united several volosts), or an honorary magistrate, who had the full rights of a justice of the peace, but did not have a separate precinct; the second – higher one, which comprised the capital or district congress of district justices of the peace. The Congress of Judges had the right to re-examine the case and make its decision as an appellate instance. The role of the third judicial instance, which checked the legality and reasonableness of judgments and decisions that entered into force, was performed by the Senate as a cassation instance. Therefore, the judicial corps of the magistrates' court comprised district justices of the peace and honorary justices of the peace [16, p. 4], who could temporarily perform the duties of a district judge in case of their absence (on holiday, illness, or dismissal from service). Proposals were received for the establishment of substitute positions, and corresponding decisions were made based on the results of their consideration [25, p. 442-443].

Justice in the magistrate's court was administered solely by a professional justice of the peace, with the voluntary consent of both parties. The justice received remuneration for their work, which helped increase the objectivity of their decision on the announced comments, reprimands, and imposed monetary penalties (no more than 300 roubles), assigned arrests (up to 3 months) and imprisonment (up to 1 year).

The Congress of Justices of the Peace rarely annulled the verdicts of justices of the peace [26, p. 50], which became an expected trend and contributed to the improvement of compliance with legality, efficiency, and therefore fairness of court decisions. This occurred despite the increase in the number of appeals, which was explained by the increase in the share of peasants with little knowledge of the law in the courts.

In the 1830s, decisions in minor criminal and civil cases were made by the police, performing a judicial function, which delayed their final decision for two-thirds of cases for years [27, p. 499]. After the reform, the specifics of the jurisdiction of the magistrate's court with simplified proceedings included minor criminal cases with a term of imprisonment of no more than one year and civil claims that did not exceed 500 roubles. At the same time, the justice of the peace had no right to resolve disputes concerning personal non-property rights. The magistrate's court considered cases on claims concerning obligations; claims concerning real law; claims not subject to appraisal; patrimonial and proprietary claims; claims for the restoration of violated or lost property, claims for the restoration of "private participation", as well as those claims that fall under the specifics of cases considered by magistrates. This helped strengthen the protection of the population from bureaucracy. Justices of the peace were elected for three years by volons (county) zemstvo assemblies or city dumas, with subsequent approval by the Senate. In Right-Bank Ukraine, they were appointed by the Minister of Justice (162 precincts of magistrates' courts were formed) [28]. A special legal education was not mandatory for them (common sense, life experience and honesty were sufficient [29, p. 16]), but property, educational, age, residency, criminal record or being under investigation or guardianship for extravagance, moral, religious, and national criteria were set. "In terms of gender sampling, only men had the right to be a judge" [18, p. 167].

"The candidate, or his wife or parents, had to have a land allotment or other immovable property worth twice as much as was required from the public district zemstvo assembly at a price of at least 15,000 roubles in rural areas, at least 6,000 roubles in capital cities, no less than 3 thousand roubles – in other cities. Furthermore, the candidate for justice of the peace had to be a local resident, have at least 25 years of age, a secondary or higher education, or at least three years of experience in a position where practical information on the conduct of court cases could be obtained" [30, p. 210; 20, p. 19]. As for justices of the peace in the Ukrainian provinces, the indicators of judges with higher education were as follows: Katerinoslav – 61.5%, Poltava – 63.5%, Kharkiv – 56.8%, Chernihiv – 68.6% [20, p. 124; 21, p. 441]. At the same time, the implementation of judicial reform required a proper number of individuals capable of introducing new judicial principles, and therefore the Code of Judicial Institutions (Article 34) made provision for the election of persons who did not meet the above conditions as justices of the peace, which was widely used in the Ukrainian provinces and contributed to the possibility of electing highly educated and well-known public figures who brought personal positive practices to the case of justice of the peace [21, p. 442; 23, p. 34].

According to the Code [23, p. 246] the duties of justices of the peace were to administer justice only within the limits of the peace district or the peace district, to prepare annual reports according to the established form on the progress of cases for the previous year. The position of a justice of the peace was honourable and highly paid, and based on the results of his service, "a justice could receive permanent ownership of a land allotment or real estate worth 1,500 roubles (from 3 to 6 thousand in the city)", which stimulated a responsible attitude towards the performance of the duties entrusted to the justice of the peace

The clearly defined grounds for the legal dismissal of a justice of the peace according to the Statute of the Establishment of Judicial Institutions of 1864 were as follows: failure to appear within a month from the day of appointment to the service without valid reasons; absenteeism during the year from service caused by a serious illness; removal of penalty or punishment for a crime or concession not related to service; detention for debts or declaring insolvent according to the procedure established by law [23, p. 216].

Sentences handed down by a magistrate in the absence of jurors were considered non-final and could be appealed in the appeal procedure, this also applied to any inconsistency in the conduct of the case or the verdict. Therewith, the sentences handed down by the district court with the obligatory presence of jurors, the trial chamber (with standing representatives), as well as the trial chamber and the assembly of justices of the peace as courts of the second echelon "were considered final and could be appealed only in the cassation procedure" [25, p. 444-445].

Impact of the 1864 Reform on the Institution of a Justice of The Peace

Researcher of the judiciary in Ukraine V.S. Shandra [31, p. 176] noted the insatiable interest of scientists in the study of judicial bodies, which also applies to peace institutions, since they arise as a response to the challenge of time, change, carrying elements of the legal era and continuing in the next ones. Business documentation that appeared in the judicial procedure is a source of information about people's real life, everyday life, interests, and aspirations. The Ukrainian population, despite being part of various states at that time, enriched the judicial system of the Russian Empire with some elements (e.g., Magistrates' Courts resembled arbitration courts in their activities) [31, p. 7]. However, the non-simultaneity and heterogeneity of implementation, as well as the lack of a unified practice of magistrates within Ukrainian territories, had a negative impact on the introduction of a new judicial system [21, p. 441].

A considerable achievement of the reform was the protection of justices of the peace from arbitrary replacements and transfers because of the illegal influence of administrative authorities, as a guarantee of the independence of judges. If before the judicial reform, the Ministry of Justice managed the courts, then after the reform, the Magistrate's Court became an independent body that could independently implement the judicial procedure, consider the case, and issue a verdict. An essential element of independence was also the system of encouragements (rewards and promotions).

The vocation of the institution of magistrates' courts was the implementation of the first elements of orderly coexistence in the field of domestic civil relations – citizens' awareness of their rights and responsibilities [17, p. 84]. Furthermore, participants in the legal procedure, who before the reform were objects, became full-fledged subjects of the procedure and could defend their rights in court both independently and with the help of a lawyer. In several cases (e.g., in disputes between peasants), the participants in the procedure, who previously agreed on the consideration of the case, had the opportunity to choose for themselves in which court it would be considered. And often the subjects of the procedure, having an alternative, voluntarily chose a judge of the peace to resolve a controversial situation, which testified to an elevated level of trust in judges. It was noted that the magistrate's court places law in such a sphere of social relations, where there was not even a hint of the concept of the possibility of the existence of law. Therefore, peace institutions, despite all legislative cassation discrepancies, managed to gain great popularity in society and become the most valuable and productive guide of the humane and enlightening ideas of the judicial reform of 1864 [17, p. 81].

At the same time, apart from their rights, the subjects of the procedure had to follow certain obligations. Thus, according to the Statute of Criminal Procedure [23], the non-appearance of a witness at the appointed time without valid reasons, depending on the condition of the witness and the importance of the case, entailed the issuing of a decision by the magistrate with the appointment of a fine (no more than 25 roubles). If the accuser did not appear, the magistrate had the right to reject the complaint or impose a fine [23, p. 127, 139]. The Code of Judicial Institutions, in turn, made provision for the obligation of all those present during the hearing of the case to observe the rules of decency, order, and silence, fulfilling the orders of the magistrate [23, p. 39].

The implemented judicial reform also affected numerous cases of bribery and graft, which resulted in a decrease in the number of complaints about corruption but did not eradicate it. Many archival documents refer to corruption in magistrates, and hence the passing of illegal sentences and decisions by justices of the peace. The impunity of judges in case of their violation of the law (applying local customs or following a direct order of the administrative authority) was strengthened by the fact that even in the case of bringing a judge to justice, it was only an administrative penalty.

Society at that time actively opposed the administration's interference in court affairs. As a result, as an exception, only when the case had a political connotation did the crown administration interfere in the judicial process.

Abolition of clerical secrecy and formal evidence, ensuring independence from the executive power, accessibility, equality of participants (comprehensibility), publicity with the involvement of lawyers and parties, orality, abolition of the institution of leaving under suspicion, adversarial nature of the judicial procedure and, most importantly, the possibility of reconciliation of the parties, also belong to positive changes in the judicial reform.

The expansion of the list of civil rights of the population, the approval and maintenance of the idea of legality, the possibility of obtaining judicial protection against the background of the destruction of urban corporations and peasant communities, the reduction of public control, changes in the consciousness of the majority of the population contributed to an increase in the number of detected crimes and their detection. The term of consideration of cases has been reduced by a total of half. The staffing of magistrates' courts with highly qualified personnel and the application of a number of other organisational changes led to an increase in such an indicator of the effectiveness of the judiciary as the fairness of court verdicts, which is based on the ratio of the number of appeals in cassation and appellate instances to the number of rejected ones. The further increase in the number of appeals is explained by the increase in the share of peasants in the total number of defendants, who are not yet accustomed to the requirements of the law and rely on customary law in their judgments [26, p. 50].

An inherent feature of the implementation of the reform was that it was later closely intertwined with the counter-reform of 1883-1885, which threw the democratic principle of elective judges on the sidelines of history [31, p. 131].

In 1889, the magistrates' courts were abolished (except for Odesa and Kharkiv). Their cases were handed over to city judges, the county member of the district court, and zemstvo chiefs, who most often interacted with magistrates' courts at the local level. However, in the Volyn, Podil, and Kyiv provinces, the justices of the peace appointed by the administration were preserved, since in fact they did not contradict the counter-reform in their content. In 1912, the magistrates' courts were restored. The institution of justices of the peace in Ukraine was finally liquidated in 1918 by the Resolution of the People's Secretariat "On the Introduction of a People's Court" [32, p. 466]. In the future, there were also cases of using elements of magistrates' justice. Thus, in the Soviet period, following the example of earlier congresses of magistrates, "a second (cassational and revisional) instance was established in the form of a council (convention) of people's judges."

Possible Ways to Introduce the Past Practices into Ukrainian Legislation

Considering the differences of social life and legal institutions of the period under study from modern ones, it is possible to draw historical parallels and single out the following conclusions and proposals:

1) creation of magistrates' courts in modern Ukraine is urgent and necessary. This will relieve the judicial system by taking away minor cases and reducing the time required for their consideration, and will help increase access to justice, provided that there are justices of the peace in each united territorial community;

2) historical experience testifies to the negative impact of exceptions in the general judicial system on the work of magistrates' institutions. This should be considered in the future when creating and reforming magistrates' institutions;

3) magistrates' institutions need an adequate number of people capable of performing the prescribed functions. As additional training, the authors of this paper propose to introduce legal courses and further certification for candidates for justices of the peace who do not have a legal education but have the support and trust of the community. This will contribute to the awareness of justices of the peace and will enable them to legally and effectively separate and redirect to the courts of general jurisdiction cases that are not under their jurisdiction. The selection of candidates for the position of justice of the peace must be preceded by a large amount of preparatory work (compilation of lists, creation of commissions for accreditation, search for assistants and premises, provision of computer equipment and software, etc.). Undoubtedly, it is important to outline at the legislative level a clear list of a group of cases subject to justice of the peace;

4) an essential factor in the effective work of magistrates' institutions is proper funding, material independence of judges with the possibility to receive, in addition to a stable high salary, incentives, awards, promotions, considering the financial capacity of the community budget;

5) at the same time, it is necessary to develop a clear mechanism for the responsibility of justices of the peace for the improper performance of their duties and the adoption of decisions of inadequate quality (along with an effective system of public control and the system of election of judges, and therefore the possibility of recall or re-election, the authors of this paper propose to equate justices of the peace with civil servants with all corresponding consequences. This is justified by the fact that justices of the peace must make decisions on behalf of the state, and their future implementation is entrusted to state executive bodies);

6) special attention should be paid to the procedures and mechanisms of filing and subsequent documentation and movement of case materials considered by magistrates, which should not become bureaucratic obstacles, burden or delay the litigation, but at the same time should comply with current legislation. The introduction of the so-called electronic justice can be helpful in this matter;

7) the magistrate's court, performing its functional duties with an emphasis on the most important function – reconciliation, should contribute to the strengthening of trust in the judiciary and perform an educational mission. This will contribute to the accumulation of practical experience by judges and can become a starting step for training personnel to work in courts of general jurisdiction.

Conclusions

Having investigated the historical path of the creation and development of magistrates' courts on the territory of Ukrainian lands, it is possible to consider this process as a progressive liberal step. The judicial reform of 1864 fundamentally changed the entire judicial system of that time. Having analysed the sources of the time, it can be concluded that regardless of the perspective from which the changes in the legal system were considered (sometimes opposite), the institution of the justice of the peace established itself and proved itself successfully. The retrospective analysis of legislation, scientific, periodical, and journalistic works of the end of the 19th – beginning of the 20th century about the establishment of the institution of magistrates' courts allows drawing the following conclusions:

1) the genesis and improvement of the conceptual model of bodies authorised to implement magistrates' justice took place under the influence of many social, political, and economic processes that took place in the state. These processes were interdependent and contributed to a lively discussion in the scientific community, consisted of contradictory and ambiguous assessments of contemporaries of those events because along with progressive approaches, conservative tendencies, vestiges, and deviations from the general judicial system were preserved, which adversely affected the effectiveness of magistrates' institutions;

2) the separation of the judicial branch from the administrative apparatus had a positive effect on the quality of the work of justice bodies. The limitation of the administration's intervention in disputes between individuals was based on the courts receiving the right to decide civil and minor criminal cases at their discretion. Thus, judicial reform contributed to the strengthening of justice in general;

3) consolidation of the legal framework for the creation of two instances: lower and appellate, significantly increased the objectivity, independence, and fairness of the sentences handed down;

4) the positive impact on the judiciary and the court of the above-mentioned reform was outlined by the observance of legality and objectivity, speeding up the pace of consideration of cases, reduction of manifestations of corruption with a simultaneous increase in the number of protests and appeals.

5) due to the proximity of their physical location and the relatively small cases that were subject to them, magistrates' courts dealt with citizens much more often than general judicial institutions;

6) magistrates' courts were provided not so much by professional lawyers as by educated community representatives who were authorized to resolve minor disputes.

The analytical conclusions proposed in this paper can be used to improve the provisions of the existing drafts of the Law of Ukraine "On Justices of the Peace", "On Justices of the Peace of Territorial Communities" or in the creation of a project of the new Law of Ukraine "On Magistrates' Courts", which has become relevant.

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Інститут мировых суддів крізь призму судової реформи 1864 року

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Анотація. У продовження судової реформи, яка відбувається в Україні з 2014 року, актуальним залишається питання запровадження мировых інституцій. Вивчення історії запровадження та ґенези мировых інстанцій після реформи 1864 року на українських землях дасть змогу сказати рішуче «так» інституту мировых судів в Україні та вдосконалити вже перевірені часом моделі мирового правосуддя. Метою дослідження є виокремлення та узагальнення позитивних кроків та висновків з помилок минулого, серед яких: необхідність уніфікації структури мировых судів, вдосконалення механізмів їх ефективної роботи та зміцнення довіри до судової влади, з метою можливої їх імплементації в сучасний законотворчий процес. Для досягнення поставленої мети використовувались історичний, історико-порівняльний, історико-системний, порівняльно-правовий методи дослідження. У статті проаналізовано передумови, створення та розвиток мировых інституцій на українських землях після запровадження реформи 1864 року. Окреслено структуру новоутворених мировых установ та категорію підсудних їм справ. З'ясовано особливості формування суддівського корпусу мировых суддів (особливості призначення на посаду та звільнення, вимоги до кандидатів, права, обов'язки та відповідальність мировых суддів). Акцентовано увагу на впливі, який зазнала мирова юстиція після реформи 1864 року. Виокремлено очікувані наслідки роботи мировых установ, позитивні результати та фактичні недоліки їхньої діяльності. Обґрунтовано необхідність утворення мировых інституцій в Україні, оскільки вони сприятимуть подальшому впровадженню механізму прямої демократії, зменшенню навантаження на суди загальної юрисдикції, покращенню правової обізнаності громадян та посиленню ефективності судочинства за рахунок широкого впровадження інституту примирення (медіації). Зазначено, що потребують подальшого законодавчого, адміністративно-організаційного та сучасного електронного супроводу питання підсудності справ мировим судам, вибору, кваліфікації, застосування методів управління та чітке визначення відповідальності суддів. Запропоновано часткове вирішення цих питань. Зазначені результати дослідження можуть бути використані в розробці проєкту закону України «Про мирове правосуддя»

Ключові слова: мирова юстиція, історичний досвід, стратегія розвитку, медіація