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MEDIATION IN LEGAL ACTIVITIES: COMMUNICATION ASPECT

Graduate Thesis

ABSTRACT

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ABSTRACT

The object is mediation as a method of conflict resolution and an interdisciplinary field. The subject is the communicative aspect of mediation as a method of conflict resolution and an interdisciplinary field. The goal is to reveal the communication aspects of mediation in legal activities.

The theoretical basis of the thesis was the works of domestic and foreign scientists in the field of conflict and mediation, such as Allahverdova O.V., Basenko V.P. Bizunov A.S., Grinina E.S., Dolzhenkov V.N., Mayall Hugh and etc.

Based on the results of the work, it can be argued that systemic knowledge is the basis for building the mediator's effective communication process, the specificity of such knowledge is that the use of various approaches separately is ineffective and requires the mediator to be "flexible" in applying his knowledge, which occurs through a thorough study of the parties by the mediator and his experience.

The main communication benefit for the parties is the preservation of relations, which is facilitated by a favorable psychological climate, the ability to speak more openly and sincerely than in court.

Mediation is a targeted communication process in which the participants have stable goals and is possible with a targeted, interested exchange of information and cooperation between the parties. The mediator helps to move from individual interpretations by subjects to a general one, taking into account the context of the conflict situation (to level semantic and mechanical noises), to determine the goals of the parties and facilitates their achievement.

Scientific novelty is due to the relatively recent arrival of mediation in the CIS space, there is a lack of information about its communicative component. In addition, theoretical aspects require comparison with reality and supplementation with information from practicing mediators, which was done in the framework of this work.

Keywords: mediation, alternative dispute resolution, mediation in belarus, communication.