

*Богачев Р.Е.,
доцент кафедры «Иностранных языков»
Белгородский государственный национальный исследовательский
университет, Россия, г. Белгород
Серенко А.А.,
студент
1 курс,
Институт общественных наук и массовых коммуникаций
Россия, г. Белгород*

**МЕДИАЦИЯ КАК АЛЬТЕРНАТИВНЫЙ СПОСОБ РАЗРЕШЕНИЯ
КОНФЛИКТОВ: СУЩНОСТЬ, ПРИНЦИПЫ И ПЕРСПЕКТИВЫ
РАЗВИТИЯ В РОССИИ**

***Аннотация:** В статье рассматриваются теоретические основы и практические аспекты медиации как альтернативного способа разрешения конфликтов. Анализируется современное состояние института медиации в России, его нормативно-правовое регулирование и перспективы развития. Особое внимание уделяется преимуществам медиации перед традиционными судебными процедурами. Выявлены основные проблемы внедрения медиации в российскую правовую систему и предложены пути их решения.*

***Ключевые слова:** медиация, альтернативное разрешение споров, конфликт, посредничество, примирительные процедуры.*

***Bogachev R. E.,
Associate Professor at the Department of Foreign Languages
Belgorod State National Research University, Russia, Belgorod
Serenko A. A.,
Student
1st year***

**MEDIATION AS AN ALTERNATIVE METHOD OF CONFLICT
RESOLUTION: ESSENCE, PRINCIPLES AND DEVELOPMENT
PROSPECTS IN RUSSIA**

Annotation: *The article examines the theoretical foundations and practical aspects of mediation as an alternative method of conflict resolution. The current state of the mediation institute in Russia, its regulatory framework and development prospects are analyzed. Special attention is paid to the advantages of mediation over traditional judicial procedures. The main problems of implementing mediation in the Russian legal system are identified and solutions are proposed.*

Keywords: *mediation, alternative dispute resolution, conflict, intermediation, conciliation procedures.*

Conflicts are an inherent part of interactions between individuals and social groups. The judicial system is considered the main and one of the traditional tools for resolving conflicts. However, it is not always capable of quickly and effectively settling misunderstandings. Therefore, interest in alternative methods of conflict resolution is growing, among which mediation occupies a special place.

Mediation is a process of conflict resolution involving a neutral party — the mediator — who helps the conflicting parties develop a solution to overcome the situation. Unlike court proceedings, which usually impose a binding decision to settle a dispute, mediation is based on voluntary participation in the process, confidentiality, equality of the parties and the neutrality of the mediator [1, c. 101].

The legal framework for mediation in the Russian Federation is provided by Federal Law No. 193-ФЗ “On the Alternative Procedure for Resolving Disputes with the Participation of an Intermediary (Mediation Procedure)” of 27 July 2010. This law establishes the main provisions regarding the procedure for conducting mediation, the status of the mediator and the specifics of concluding mediation

agreements. Nevertheless, despite the legal framework, the level of demand for mediation in Russia remains low compared to Western countries [2, c. 98]. This is due to insufficient awareness among citizens and organisations about the possibilities of mediation, distrust of alternative procedures and the tradition of resorting to courts.

One of the advantages of mediation is time saving. Legal disputes can last for months or even years, while a mediation session typically lasts only a few sessions. Another benefit is cost saving: engaging a mediator is significantly cheaper than bearing court expenses. The mediation procedure ensures confidentiality, which is especially important in resolving family conflicts. Moreover, mediation helps preserve relationships between the parties to a conflict [3, c. 76].

Today, mediation is successfully used in many areas: civil law, family, labour and commercial disputes. In family conflicts, mediation helps parents find common ground, teaches them to communicate and listen to each other, and reach compromises.

The effectiveness of the mediation process largely depends on the qualifications of the mediator. A mediator must possess active listening skills, be able to manage the emotions of others and create a trusting atmosphere.

The development of mediation in Russia depends on increasing legal literacy among the population and promoting alternative methods of dispute resolution. It is crucial to establish a competent system for training mediators [4, c. 54].

An important aspect in the development of the mediation institute is determining the mediation suitability of disputes, i.e., the possibility of resolving them through the mediation process. Not all conflict situations can be resolved through the involvement of a mediator. For example, collective labor disputes and cases involving public interests are not subject to mediation.

In the Russian Federation, the mediation procedure is regulated at several levels of the legal system. The Civil Procedure Code provides for mediation as one of the conciliation procedures. The Arbitration Procedure Code establishes the procedure for applying mediation in arbitration proceedings. The Code of

Administrative Proceedings defines the specifics of conducting mediation during administrative dispute resolution.

The modern trend in mediation development is characterized by the active introduction of digital technologies. The emergence of online mediation is driven by the rapid growth of e-commerce and the need to adapt the procedure to the new realities of the digital era.

An analysis of the current state of mediation in Russia reveals several significant obstacles to its widespread adoption. First and foremost is the insufficient public awareness about the possibilities and advantages of mediation-based dispute resolution. A significant barrier is the lack of a unified system for training qualified mediators. Traditional public distrust of alternative dispute resolution methods and certain economic barriers also have a considerable impact.

A promising direction in mediation development is the introduction of innovative forms of conflict resolution. Special attention is paid to developing multi-party mediation for resolving international disputes, specialized business mediation, and family mediation as a priority area.

The practical effectiveness of mediation is confirmed by several significant indicators. First and foremost is the substantial reduction in time spent on resolving conflict situations compared to traditional court procedures. The parties significantly save financial resources while preserving business and personal relationships. An important advantage is the high enforceability of mediation agreements.

For the successful development of the mediation institute in Russia, a comprehensive solution to several tasks is required. First and foremost, there is a need to improve the legal framework regulating mediation activities. It is necessary to create a unified system for training and certifying mediators. An important direction is the development of information support for the mediation procedure and the introduction of economic incentives for its use.

Thus, mediation is one of the effective tools for resolving conflicts. Its development contributes to the formation of a culture of constructive dialogue in

society and reduces the burden on the judicial system. Integrating mediation into everyday life will be a significant step towards creating a fairer social space.

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