

# Alternative ways of resolving shareholder disputes in property relations in Ukraine and the EU

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**Abstract:** In the conditions of a war caused by the invasion of Russian troops on the territory of Ukraine in February 2022, an unstable exchange rate of the dollar and euro, the suspension of various structures. After such a full-scale invasion, Ukraine will need more than a decade to restore the economy. All business entities must work and ensure economic recovery. For the proper functioning of joint-stock companies, it is necessary that their activities are not hindered by the delayed resolution of disputes in court. It is necessary to settle disputes that arise in joint-stock companies using alternative

methods. The purpose of this study is to determine the relevance of alternative ways of resolving shareholder disputes in property relations in Ukraine and the European Union, to introduce in Ukraine a positive European Union practice of resolving disputes by alternative methods, and to provide proposals for the regulation of this institution at the legislative level by adopting the relevant law. The study uses the following methods of scientific cognition in a complex: historical, legal, hermeneutical-semantic, system-structural, structural-functional, complex analysis, modelling. In particular, alternative ways to resolve disputes are reconciliation, negotiations, mediation, arbitration. The study of alternative ways of resolving shareholder disputes in property relations in Ukraine and the European Union is economically related, as resolving disputes without recourse to the courts would save the company's finances and allow the dispute to be resolved faster. This would allow the joint-stock companies to work properly and invest in the Ukrainian economy.

**Keywords:** Alternative ways of dispute resolution; reconciliation; negotiations; mediation; arbitration

**Summary:** **1** Introduction – **2** Analysis of Previous Studies – **3** Features of Dispute Resolution within Joint-Stock Companies at the Legislative Level in Ukraine and the EU – **4** Conclusions – References

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## 1 Introduction

As a result of the hybrid (and since February 24, unfortunately, full-scale) war, which has been going on for a long time, business in Ukraine suffers from an unstable economic situation, which contributes to the unstable exchange rate of the hryvnia against the dollar and euro, the inability to develop and conclude international agreements on the export of goods, and this also negatively affects the attraction of funds to the Ukrainian economy since investors do not want to invest in a country that is threatened by Russian aggression. Russia, as an occupier, has been threatening a hybrid war for a long time, so today the business of Ukraine is in poor condition. With the beginning of a full-scale war and the occupation of certain territories belonging to Ukraine, the economy was dealt a crushing blow. In addition, the COVID-19 pandemic had a negative impact on the economic situation in the country and on business entities, during which the latter were forced to suspend their activities. It is necessary to make Ukraine attractive for investment by adopting relevant regulations aimed at quickly restoring the activities of business entities, expanding their areas of activity, and properly protecting the interests of Ukrainian investors and investors from other countries to revive the country and maintain its economy.<sup>1</sup> The above allows investors to invest in joint-stock companies and be sure of the proper protection of their investments.<sup>2</sup> It is also necessary to pay attention to the effectiveness of dispute resolution between business entities.<sup>3</sup> It is important to disseminate dispute resolution through

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<sup>1</sup> SILVESTRI, 2017, p. 77-90.

<sup>2</sup> BIELOV; HROMOVCHUK, 2021.

<sup>3</sup> KARPENKO, 2020, p. 28-36.

alternative means, which would save time that can be used for the development and implementation of activities to generate additional profits.<sup>4</sup>

Worldwide, disputes that arise in joint-stock companies are often settled using alternative methods, without resorting to judicial instances. Such methods contribute not only to dispute resolution but also to saving money that must be spent when applying to the judicial authorities (court fees and legal support costs) and time spent on passing court procedures. During the trial, at least one of the parties to the dispute remains dissatisfied with the result. When resolving disputes through alternative means of settlement, the interests of all parties to the case can be fully satisfied and businesses are able to save time and money. Alternative dispute resolution methods have already become popular in the European Union (EU) Member States. In this regard, the parties are increasingly turning to alternative methods. Ukraine has not adopted a comprehensive regulation on the use of alternative dispute resolution methods. Nevertheless, there are separate regulations that partially define the specific features of certain alternative dispute resolution methods.<sup>5</sup> Despite this, in Ukraine, alternative ways of resolving disputes have not gained popularity, the parties are wary of them.<sup>6</sup>

The purpose of this study is to determine the relevance of alternative ways of resolving shareholder disputes in property relations in Ukraine and the EU, to introduce in Ukraine a positive EU practice of resolving disputes by alternative methods, and to provide proposals for the regulation of this institution at the legislative level by adopting the relevant law.

## 2 Analysis of Previous Studies

Alternative methods of resolving disputes between shareholders in Ukraine are being explored by a large number of Ukrainian researchers, including R. Karpenko,<sup>7</sup> Yu. O. Kotvyakovsky,<sup>8</sup> I. V. Novoselska and K. R. Dobkina,<sup>9</sup> O. Shevchuk and I. Teslyuk,<sup>10</sup> O. Yu. Minyu and V. O. Sokol,<sup>11</sup> N. V. Shishka,<sup>12</sup> O. Karmaza,<sup>13</sup> M. Arakelian, O. Ivanchenko, O. Todoshchak,<sup>14</sup> *et al.* Alternative ways of resolving disputes between shareholders in EU member states are being explored by such

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<sup>4</sup> KOTVYAKOVSKY, 2021.

<sup>5</sup> NOVOSELSKA; DOBKINA, 2020, p. 9-15.

<sup>6</sup> SHEVCHUK; TESLYUK, 2018.

<sup>7</sup> KARPENKO, 2020, p. 28-36.

<sup>8</sup> KOTVYAKOVSKY, 2021.

<sup>9</sup> NOVOSELSKA; DOBKINA, 2020, p. 9-15.

<sup>10</sup> SHEVCHUK; TESLYUK, 2018.

<sup>11</sup> MINYUK SOKOL, 2021, 195-200.

<sup>12</sup> SHISHKA, 2021, p. 297-301.

<sup>13</sup> KARMAZA, 2020, p. 13-18.

<sup>14</sup> ARAKELIAN; IVANCHENKO; TODOSHCHAK, 2020, p. 60-67.

researchers as O. Th. Johnson,<sup>15</sup> F. A. Cona,<sup>16</sup> M. McManus and B. Silverstein,<sup>17</sup> E. Silvestri,<sup>18</sup> W. H. Rechberger,<sup>19</sup> I. Palaiké,<sup>20</sup> T. Gábriš,<sup>21</sup> K. Ervasti,<sup>22</sup> *et al.*

R. Karpenko<sup>23</sup> examines the chronological stages of mediation development in Ukraine and Europe and explains the positive aspects of dispute resolution using such an alternative method as mediation. Yu. O. Kotvyakovsky,<sup>24</sup> investigating the settlement of disputes between business entities, notes that not all disputes need to be considered in court. Such consideration causes additional difficulties for the parties in the form of time, money. The researcher explores such alternative ways of dispute resolution as arbitration and mediation. The author notes that with the active use of these procedures, representatives of business entities will file fewer lawsuits in commercial courts. I. V. Novoselska and K. R. Dobkina<sup>25</sup> explore alternative ways of dispute resolution in Ukraine, consider the experience of other countries and the positive aspects of using these methods. O. Shevchuk and I. Teslyuk<sup>26</sup> note that the judicial system is gradually becoming unpopular. In turn, alternative ways of dispute resolution are gaining popularity. Researchers consider their positive, negative aspects, and note that alternative methods are a relevant dispute resolution both at present and in the future. Minyu and V. O. Sokol<sup>27</sup> investigate such an alternative method of dispute resolution between business entities as the mediation, in particular, they consider positive aspects in the case of using this procedure.

N. V. Shishka<sup>28</sup> explores alternative ways of resolving disputes, including mediation, and determines what is included in the concept. The author notes that mediation can be applied by contacting a mediator, without going to court, and by filing a claim in court directly. O. Karmaza<sup>29</sup> considers such alternative ways of dispute resolution as the mediation and the negotiation, in particular, the aspects in which these procedures may differ and be similar to each other. M. Arakelian, O. Ivanchenko, O. Todoshchak<sup>30</sup> indicate that the world is increasingly resorting

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<sup>15</sup> JOHNSON, 1993.

<sup>16</sup> CONA, 1997.

<sup>17</sup> MCMANUS; SILVERSTEIN, 2011, p. 100-105.

<sup>18</sup> SILVESTRI, 2017, p. 77-90.

<sup>19</sup> RECHBERGER, 2015, p. 61-70.

<sup>20</sup> PALAIKÉ, 2014.

<sup>21</sup> GÁBRIŠ, 2018, p. 74-94.

<sup>22</sup> ERVASTI, 2018, p. 20-30.

<sup>23</sup> KARPENKO, 2020, p. 28-36.

<sup>24</sup> KOTVYAKOVSKY, 2021.

<sup>25</sup> NOVOSELSKA; DOBKINA, 2020, p. 9-15.

<sup>26</sup> SHEVCHUK; TESLYUK, 2018, p. 77-81.

<sup>27</sup> MINYUK; SOKOL, 2021, p. 195-200.

<sup>28</sup> SHISHKA, 2021, p. 297-301.

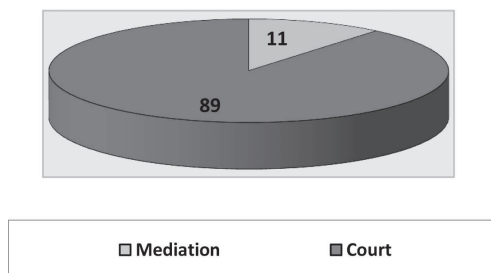
<sup>29</sup> KARMAZA, 2020, p. 13-18.

<sup>30</sup> ARAKELIAN; IVANCHENKO; TODOSHCHAK, 2020, p. 60-67.

to dispute resolution through alternative means, using the Internet. Disputes are settled through alternative procedures online in the shortest terms. Accordingly, the parties do not need to spend extra time resolving inconsistencies that arise, the procedure takes place promptly.

O.Th. Johnson<sup>31</sup> notes that the parties apply to the court if there is no general agreement to resolve disputes using alternative methods. This agreement is mandatory for the settlement of disputes in a pre-trial procedure. Both parties must provide their agreement to resolve the dispute using one of the alternative methods. Moreover, the consent of the parties is required to resolve an international dispute in court. The researcher specifies that if a certain category of cases does not require consent to resolve the dispute in court, the parties do not always seek to resolve the dispute in this way. F. A. Cona<sup>32</sup> considers the Internet to be one of the most important achievements in the world because it allows not only communicating with other people but also resolving disputes despite borders. In particular, disputes can be resolved using alternative online settlement methods. This is extremely important for international disputes and in cases where it is necessary to travel a long distance to get to the place of dispute resolution. Worldwide, the Internet is often used to resolve disputes by alternative methods, since it is extremely convenient to resolve disputes online. M. McManus and B. Silverstein<sup>33</sup> investigated alternative dispute resolution methods in the United States. Researchers established that in the United States such methods are mediation and arbitration. These procedures are widely used. They are being resorted to more often because the results of dispute resolution are positive and the procedure itself has been improved and is constantly evolving. In particular, these alternative methods are used to resolve international cases that must be resolved in the shortest possible time (Figures 1-3).

Fig. 1 – Dispute resolution in California in 2011



<sup>31</sup> JOHNSON, 1993.

<sup>32</sup> CONA, 1997.

<sup>33</sup> MCMANUS; SILVERSTEIN, 2011, p. 100-105.

Fig. 2 – Dispute resolution in New York in 2011

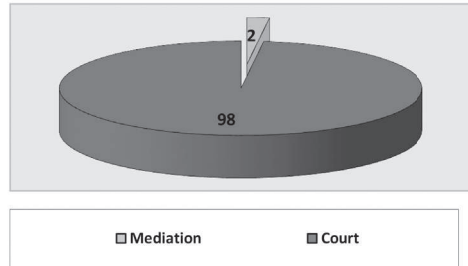
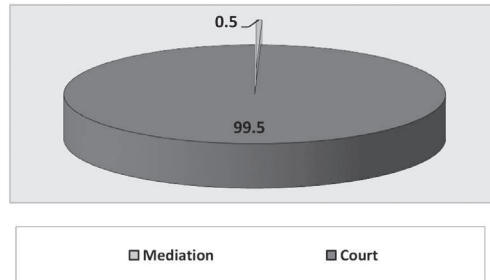


Fig. 3 – Dispute resolution in Europe in 2011



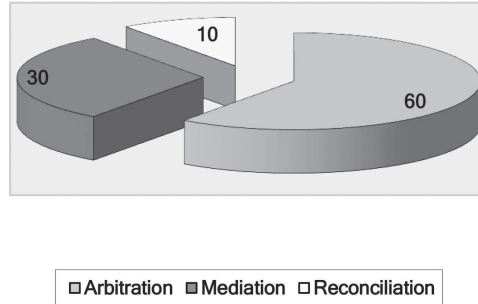
E. Silvestri<sup>34</sup> explores alternative dispute resolution in Italy and notes that the parties to the dispute choose the method they trust the most. However, in Italy, a small part of enterprises uses alternative methods to resolve disputes, since most of them simply do not understand these dispute resolution procedures and have a negative attitude towards them. The author determines the following procedures for the settlement of disputes in Italy: mediation, negotiations, and reconciliation. These dispute resolution procedures can be either compulsory or applied with the consent of the parties. W. H. Rechberger<sup>35</sup> explores alternative dispute resolution methods in Austria, such as mediation, arbitration, and reconciliation. In Austria, preference for dispute resolution is given to arbitration, which is most often applied. The mediation procedure takes the second place. The reconciliation procedure is the least popular. The mediation procedure is approved at the legislative level. To resolve the dispute, the parties must provide their consent to the settlement of the dispute using the specified method. The mediation procedure is managed by a mediator who must be impartial. There are lists that contain data about mediators. The Austrian Ministry of Justice has this information about mediators.

<sup>34</sup> SILVESTRI, 2017, p. 77-90.

<sup>35</sup> RECHBERGER, 2015, p. 61-70.

For international disputes between EU countries, a mediator from the specified list can be chosen and the dispute can be resolved using the mediation procedure (Figure 4).

Fig. 4 – Dispute resolution in Austria in 2015



In Lithuania, judicial proceedings are lengthy. Therefore, the parties do not always have the desire to settle disputes in the courts. Lithuania has introduced alternative methods of dispute resolution to consider the dispute as soon as possible. I. Palaikė<sup>36</sup> explores the specific features of applying alternative dispute settlement methods in Lithuania. In particular, the settlement of disputes through mediation is considered. The researcher explains that mediation allows the parties to settle the dispute as soon as possible through a mediator, without going to court and spending money on court fees and lawyers. However, Lithuania does not sufficiently spread the information about the possibility of resolving disputes through mediation to the parties. Moreover, the author considers the application of arbitration in economic and other disputes. The above-listed methods of alternative dispute resolution are popular in Lithuania.

T. Gábriš<sup>37</sup> investigates dispute resolution in Slovakia. The author considers such alternative ways of dispute resolution as arbitration and mediation. The researcher notes that the introduction of new ideas to technological progress and the improvement of all processes in it necessitate new opportunities in dispute resolution involving alternative methods. The digitalisation of many processes necessitated the consideration of disputes using alternative methods online. Arbitration of commercial disputes and others can be settled online on the Internet. However, the researcher notes that even though arbitration can take place online, the adoption of an appropriate decision, which was made by the parties, must be formalised only in writing. The possibility of dispute resolution through mediation

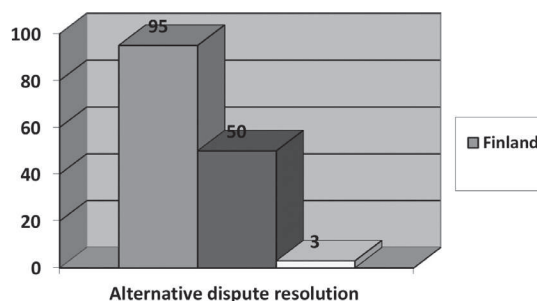
<sup>36</sup> PALAIKĖ, 2014.

<sup>37</sup> GÁBRIŠ, 2018, p. 74-94.

was legally established in Slovakia in 2016. Thus, international disputes can be considered through an appropriate platform, using the mediation procedure, and online.

K. Ervasti<sup>38</sup> indicates that in Finland, disputes are resolved through mediation. Mediation is common because the settlement of any dispute requires parties to negotiate, listen to each side, and make a decision that satisfies the interests of all parties to the conflict. In Sweden, disputes are mostly not resolved through mediation. However, other alternative ways to resolve disputes are present there. In Denmark, disputes are resolved both by alternative means and by other means. Finland has been working for a long time to find a way to resolve the dispute so that the parties are satisfied with this decision. In this regard, it is important to achieve a state in which the interests of each party are properly protected. One of these pre-trial alternative methods of dispute resolution is mediation (Figure 5).

Figure 5 – Dispute resolution using alternative methods



### 3 Features of Dispute Resolution Within Joint-Stock Companies at the Legislative Level in Ukraine and the EU

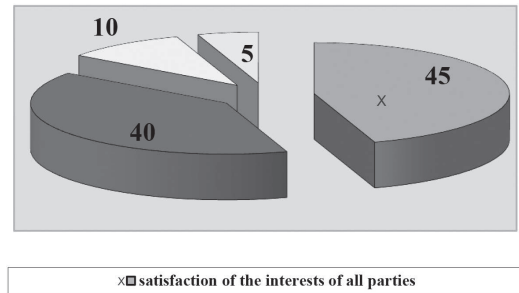
To join the EU, Ukraine is required to harmonise the legislation in accordance with the legislation of the EU and some member states. Legislation needs to be improved by bringing it into line with EU standards or adopting laws to properly regulate relations in various sectors of the economy. Dispute resolution within joint-stock companies through alternative means has been applied in the EU for a long time. In Ukraine, there are separate regulations, based on the provisions of which disputes are settled in a pre-trial manner. However, there is no single regulation in Ukraine that would combine all possible alternative ways of resolving disputes. Notably, the positive aspects of resolving disputes through alternative means in Ukraine and the EU are the full satisfaction of the interests of all parties,

<sup>38</sup> ERVASTI, 2018, p. 20-30.



saving time and money, etc. The ratio of aspects as a percentage in accordance with the demand for the use of alternative dispute resolution methods can be viewed in the diagram (Figure 6).

Fig. 6 – The reasons for which alternative dispute resolution methods are used in Ukraine and the EU



Alternative ways of resolving disputes are the consideration and resolution of disagreements in the case with the involvement of a mediator, non-governmental bodies, or without them.<sup>39</sup> The parties fully coordinate their interests, making a decision that is mutually beneficial for everyone and saving time and money. Alternative ways to resolve disputes between shareholders in property relations in Ukraine are reconciliation, negotiations, mediation, arbitration, etc.<sup>40</sup> Similar alternative dispute resolution methods are available in EU member states, in particular in such countries as Austria, Denmark, Spain, Italy, Lithuania, Slovakia, France, Sweden, etc.<sup>41</sup> In the EU member states, alternative methods of protection have been used for a long time, as these methods are better than litigation. These methods are considered positive, since the consideration of disputes and their settlement is conducted in the shortest terms, the parties achieve mutual benefits and thus everyone remains satisfied, there is no need to spend extra money on a lawyer and court fees, etc.

V. P. Kozyreva and A. P. Gavrilishin<sup>42</sup> note that the parties to the dispute can choose the appropriate procedure among alternative dispute resolution methods. In addition, various contracts may specify the procedure using which the dispute must be resolved. Such an alternative method of dispute resolution as reconciliation does not involve state institutions. The reconciliation procedure is relevant for companies since it is used by the parties to resolve disputes promptly, without

<sup>39</sup> BALASSIANO, 2021, p. 201-237.

<sup>40</sup> ILKIV, 2021.

<sup>41</sup> KRAUSOVÁ; LÁNIKOVÁ, 2021, p. 203-229.

<sup>42</sup> KOZYREVA; GAVRILISHIN, 2018, p. 129-133.

wasting extra time. A. Sgubini, A. Marighetto, M. Prieditis<sup>43</sup> indicate that during reconciliation the parties must reach a mutual agreement and settle the dispute by discussing all issues. The person in charge of the reconciliation can provide some advice, help the parties to find the best solution that would settle the dispute in full, and consider and satisfy the interests of the parties. The reconciliation procedure does not have a specific structure, that is, it is not conducted in certain stages. The authors specify that the reconciliation process is preventive. It does not allow a dispute to arise, that is, if there are misunderstandings, the specified procedure is used immediately.

The reconciliation procedure is similar to the mediation, so it is possible to settle the disputable questions by means of Law of Ukraine No. 1875-IX “On Mediation”.<sup>44</sup> To regulate the reconciliation procedure at the legislative level, so that there are no questions about the inconsistency of this procedure in the legislation, it is necessary to prescribe provisions for reconciliation of the parties in the Law of Ukraine No. 1875-IX “On Mediation”.<sup>45</sup> Negotiations are a procedure by which the parties resolve disputes in a pre-trial manner, discussing solutions and coming to a mutually beneficial solution. Negotiations in Ukraine are a pre-trial settlement of a dispute, during which the parties can meet, discuss the situation, and ensure the interests of each party by reaching an appropriate compromise solution.

The world is developing every day. Dispute settlement procedures are also being improved, contrasting pre-trial settlement methods with court decisions. In particular, such methods are the settlement of disputes through negotiations. Thus, in France, such a pre-trial procedure as negotiations allows a dispute to be resolved in the shortest time and the parties to discuss all the issues that interest them and ensure the interests of everyone. In other words, the interests of the parties are better protected in a pre-trial procedure than in a judicial one. The parties to the negotiations can understand each other’s problems and find a way to resolve the dispute by making an appropriate solutio.<sup>46</sup>

The procedure for negotiations is not defined at the legislative level in Ukraine. There is no law that regulates the procedure for conducting negotiations. An option to eliminate gaps in the legal regulation of the negotiation procedure is to develop and adopt the Law of Ukraine “On the Procedure for Negotiations” and make appropriate amendments to the Commercial Procedural Code of Ukraine.<sup>47</sup> The legislation defines the principles of mediation. Before choosing mediation as an alternative means of resolving disputes, the parties must agree to the selection

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<sup>43</sup> SGUBINI; MARIGHETTO; PRIEDITIS, 2004.

<sup>44</sup> Law of Ukraine ..., 2021.

<sup>45</sup> Law of Ukraine ..., 2021.

<sup>46</sup> LEMPEREUR, 1998, p. 129-133.

<sup>47</sup> Commercial Procedural Code of Ukraine, 1991.

and consideration of the dispute through this procedure.<sup>48</sup> Neither party can be forced to choose mediation as a way to resolve the dispute. Information that became known to the parties or the mediator during mediation may not be disclosed in any way. Various bodies, enterprises, etc. are prohibited from influencing the mediator. A mediator has no right to depend on a certain party and side with anyone. Mediation parties can choose a mediator who is suitable for them and has relevant experience in solving certain issues. Participants have the same rights during the mediation procedure.

Mediation has a certain structure of conduct, which is prescribed at the legislative level. In particular, when choosing mediation as a way to resolve a dispute, the parties must sign an appropriate agreement. The mediator can act as an intermediary in the dispute only based on a contract. The law defines the provisions that must be set in the contract, such as information about the parties and the mediator, the timing and address of the mediation, the rights, duties, and responsibilities of the participants, etc. When finding ways to resolve the dispute, the parties must enter into an agreement in writing, which defines the conditions that were discussed and agreed upon. The legislation also defines the provisions that should be specified in the agreement: information about the participants, conditions that the parties must comply with, the consequences of non-compliance with them, etc.

A. Sgubini, A. Marighetto, M. Prieditis<sup>49</sup> note that during mediation, the parties reach a settlement of the dispute with the help of an independent mediator. Such a person can use the appropriate skills to discuss the problem and to help make the decision desired by the parties. During the mediation, the parties must go through all the stages of this procedure. The parties shall discuss in detail the issues of interest to them and agree on each other's interests to reach a settlement of the dispute by a mutually agreed decision. Disputes can be settled through mediation only if the parties reach a mutual agreement. F. J. Aranda-Serna<sup>50</sup> notes that during the COVID-19 pandemic, mediation became a relevant and necessary way of alternative dispute resolution in Spain, as the courts suspended their activities and did not hear disputes. Dispute resolution through mediation was conducted online, which allowed considering cases in a short time. Dispute resolution through arbitration courts is a pre-trial settlement of disputes by a non-governmental body with judges. The parties to the dispute shall apply to the specified body in case of indication in the relevant contractual (binding) documents of the provisions on dispute resolution in arbitration courts (Figures 7; 8).

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<sup>48</sup> CHYZHOV, 2021.

<sup>49</sup> SGUBINI; MARIGHETTO; PRIEDITIS, 2004.

<sup>50</sup> ARANDA-SERNA, 2021, p. 6-10.

Fig. 7 – Cases in American Arbitration Association in 2022

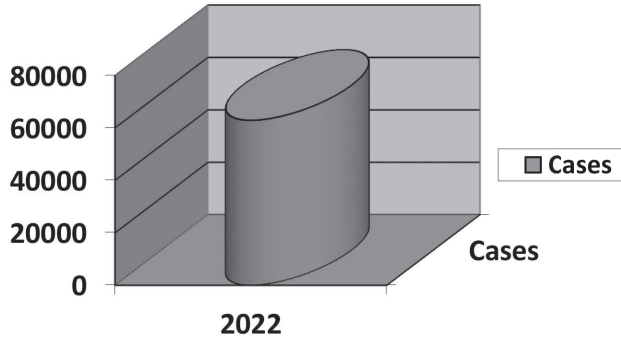
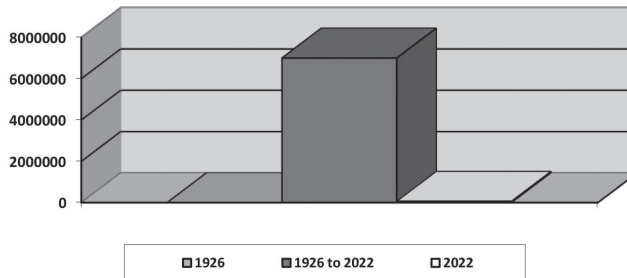


Fig. 8 – Cases in American Arbitration Association



A. Sgubini, A. Marighetto, M. Prieditis<sup>51</sup> note that dispute resolution through arbitration is the consideration of a case using an arbitrator (s) and without the involvement of the parties. The arbitration process is much cheaper for the parties since there is no need to spend additional funds on paying court costs. The arbitrator (s) makes the decision. The parties are not asked about their views on how to resolve the case, so they cannot influence the decision of the arbitrator. There are also no established rules that would prescribe the procedure for arbitration and the procedure for submission and acceptance of relevant documents and other matters to confirm the position of each party to the dispute. Negotiation is a procedure by which the parties settle disputes by making an appropriate decision that is mutually beneficial to all and by discussing possible ways to resolve the dispute. Negotiations do not take long to discuss and adopt appropriate ways to resolve disputes. Mediation is conducted by involving a mediator in reaching a mutual agreement on the dispute. The parties discuss the problems that have

<sup>51</sup> SGUBINI; MARIGHETTO; PRIEDITIS, 2004.

arisen and look for ways to resolve disputes. After the discussion, the parties enter into an agreement that regulates the terms discussed by the parties. The procedure is conducted in a much shorter period than the trial. The parties can discuss the dispute and make a mutually beneficial decision.

Arbitration is an alternative method of dispute resolution used by non-governmental judges. Arbitration of disputes ends with the adoption of a decision. The main alternative ways to resolve disputes in Ukraine and the EU are reconciliation, negotiations, mediation, dispute resolution in arbitration courts, etc. Arbitration of disputes is conducted in the arbitral tribunal by the relevant judge (s), with the prior conclusion of the arbitration agreement on the settlement of disputes through arbitration. It should be noted that in case of amendments to the Law of Ukraine No. 1875-IX “On Mediation”<sup>52</sup> to introduce conciliation, adoption of the Law of Ukraine “On the Procedure for Negotiations”, and amendments to the Commercial Procedural Code of Ukraine,<sup>53</sup> the parties will be able to use alternative dispute resolution much more often since such settlement takes place at the legislative level. It is advisable to adopt the Law of Ukraine “On Alternative Methods of Dispute Resolution” with prescribing methods that can be used to resolve disputes. The Commercial Procedural Code of Ukraine<sup>54</sup> and other procedural codes should identify alternative ways of resolving disputes.

## 4 Conclusions

Thus, during the war period and in subsequent periods of Ukraine’s revival, it is necessary to accumulate funds and increase revenues from economic activities by business entities, and not waste time on saving and resolving disputes through judicial procedures. If disputes arise, they should be resolved through alternative methods. For a long time, the world has been considering disputes using alternative methods of conflict resolution, since they are convenient, fast, and inexpensive. Alternative methods for resolving disputes allow business entities to save money and time and protect the interests of all participants in the dispute, since the parties can consider the wishes of each other. Alternative ways of resolving disputes are the consideration and resolution of disagreements in the case with the involvement of a mediator, non-governmental bodies, or without them. The parties fully coordinate their interests, making a decision that is mutually beneficial for everyone while saving time and money. Reconciliation is an alternative way to resolve disputes, through which the parties can resolve disputes that arise

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<sup>52</sup> Law of Ukraine ..., 2021.

<sup>53</sup> Commercial Procedural Code of Ukraine, 1991.

<sup>54</sup> Commercial Procedural Code of Ukraine, 1991.

immediately. This procedure does not take much time and is conducted in the shortest possible time.

Today, it is advisable to expand the list of alternative ways to resolve economic disputes. For that purpose, it is necessary to propose legitimising reconciliation of the parties by amending the Law of Ukraine No. 1875-IX “On Mediation”, developing and adopting the Law of Ukraine “On the Procedure for Negotiations”, and making appropriate amendments to the Commercial Procedural Code of Ukraine, which would allow the parties to use alternative means of dispute resolution much more often. The need to develop and adopt the Law of Ukraine “On Alternative Methods of Dispute Resolution”, which should prescribe ways that can be used by the parties, is equally important for legitimising alternative dispute resolution methods. Appropriate amendments should also be made to the Commercial Procedural Code of Ukraine and other sectoral procedural codes to identify alternative dispute resolution methods that allow the parties to settle disputes more quickly and cheaply. Further studies should be aimed at the development of potential provisions of the legislation.

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### **Órgãos extrajudiciais de resolução de conflitos trabalhistas**

**Resumo:** O Nas condições de uma guerra causada pela invasão de tropas russas no território da Ucrânia em fevereiro de 2022, uma taxa de câmbio instável do dólar e do euro, a suspensão de várias estruturas. Após uma invasão em grande escala, a Ucrânia precisará de mais de uma década para restaurar a economia. Todas as entidades empresariais devem trabalhar e garantir a recuperação econômica. Para o bom funcionamento das sociedades anônimas, é necessário que suas atividades não sejam prejudicadas pela demora na resolução de litígios em juízo. É necessário resolver disputas que surgem em sociedades anônimas usando métodos alternativos. O objetivo deste estudo é determinar a relevância de formas alternativas de resolução de disputas de acionistas nas relações de propriedade na Ucrânia e na União Europeia, introduzir na Ucrânia uma prática positiva da União Europeia de resolver disputas por métodos alternativos e apresentar propostas para a regulamentação desta instituição a nível legislativo, adotando a lei pertinente. O estudo utiliza os seguintes métodos de cognição científica em um complexo: histórico, jurídico, hermenêutico-semântico, sistema-estrutural, estrutural-funcional, análise complexa, modelagem. Em particular, as formas alternativas de resolver disputas são a reconciliação, as negociações, a mediação, a arbitragem. O estudo de formas alternativas de resolução de litígios de acionistas nas relações de propriedade na Ucrânia e na União Europeia está relacionado economicamente, pois a resolução de litígios sem recurso aos tribunais pouparia as finanças da empresa e permitiria que o litígio fosse resolvido mais rapidamente. Isso permitiria que as sociedades anônimas funcionassem adequadamente e investissem na economia ucraniana.

**Palavras-chave:** Formas alternativas de resolução de conflitos; conciliação; negociações; mediação; arbitragem

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