

The legal policy in fostering the use of alternative dispute resolution procedures

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Abstract: The complications of social relations contribute to the growth of the number of disputes that result from conflict situations. In these conditions, the role of the state's legal policy, aimed at stimulating the participants of social relations to choose economical, efficient, and prompt methods of conflict resolution, is significantly increasing. Improving the quality of dispute resolution directly correlates with a drop in the number of cases pending before a judge. This is achievable only through the development of the mechanisms of pre-trial dispute resolution and conciliation procedures. This paper aims to study legal issues and perspectives on the development of alternative dispute resolution based on the analysis of the legal policy of the Russian Federation. To achieve the mentioned goal, comparative legal analysis, a systemic approach, and formal-juridical methods were used to show the current developments of the legal policy of the Russian Federation in the sphere of stimulating and incentivizing alternative dispute resolution. Authors concluded that, unlike the domestic legal order, in foreign states, there is not only a formed normative basis for the procedures of alternative dispute resolution but also political acts of stimulating tone, designed to actively involved in these procedures more and more participants of social relations in a state of conflict. It has been established that the legal policy on introducing alternative dispute resolution procedures in foreign legal orders is characterized by a shifted emphasis on family law.

Keywords: Alternative dispute resolution. Mediation. Judicial mediation. Legal proceedings. Legal policy. Strategic acts.

Summary: **1** Introduction – **2** Evolution of the legal policy in the sphere of stimulating ADR: domestic and foreign experience – **3** The legal policy in the sphere of incentivizing ADR: modern state and prospects – **4** Conclusion – References

1 Introduction

The complication of social relations contributes to the growth in the number of disputes resulting from conflict situations.¹ In these conditions, the role of the legal policy of the state, aimed at stimulating the participants of social relations to choose cost-effective, efficient and prompt methods of conflict resolution, is significantly increasing. As V.O. Abolonin correctly noted, the right of everyone to judicial protection guaranteed by the Constitution of the Russian Federation is “a challenge for any judicial system, including the Russian one”.²

At the same time, recognizing the importance of judicial reforms carried out in Russia, it is important to note their narrow focus on the modernization of the process itself, including ensuring its efficiency, effectiveness and functionality. In this sense, it can be argued about the extensive character of improvement of the domestic judicial system.³ However, despite the positive results achieved, the modern judicial system of the Russian Federation is still experiencing an enormous load associated with a constant increase in the number of court proceedings.⁴ It is possible to overcome this difficulty effectively by stimulating the development of conciliation procedures, including judicial mediation.

The aim of this paper is to study legal issues and perspectives of the development of alternative dispute resolution based on the analysis of the legal policy of the Russian Federation. To achieve mentioned goal the methods of comparative legal analysis, systemic approach as well as formal-juridical method were used to show the current developments of the legal policy of Russian Federation in the sphere of stimulating and incentivizing alternative dispute resolution.

2 Evolution of the legal policy in the sphere of stimulating ADR: domestic and foreign experience

For a long time, the legislator together with the law enforcer have been solving the problem of increasing citizens' confidence in the domestic judicial system.⁵

¹ FERREIRA, D.B., SEVERO, L. Multiparty Mediation as Solution for Urban Conflicts: A Case Analysis from Brazil. *BRICS Law Journal*, 8 (3), 5, 2021; FERREIRA, D. B., GIOVANNINI, C., GROMOVA, E., SCHMIDT, G. R. Arbitration Chambers and trust in technology provider: Impacts of trust in technology intermediated dispute resolution proceedings”, *Technology in Society*, vol. 68, 101872, 2022; FERREIRA, D.B., GROMOVA, E.A, FARIAS, B.O., GIOVANNINI, C.J. Online Sports Betting in Brazil and conflict solution clauses, *Revista Brasileira de Alternative Dispute Resolution*, Vol. 4, nº 7, pp. 75-86, 2020.

² ABOLONIN V.O. Judicial Mediation: Theory, Practice, Prospects. (Infotropik Media, 2015).

³ YARKOV, A.A. Mediation in enforcement proceedings: foreign experience. *Court Administrator*, n 4, 51, 2023.

⁴ ANOKHIN, V.S. Judicial reform and the effectiveness of economic justice. *Vestnik VGU*, n. 1, 107, 2010.

⁵ VAN NAM, Tran; QUYNH, Nguyen Thi Nhu; CHUNG, Pham Duc; GIGLIONE, Thomas. Megatrends of E-commerce Online Dispute Resolution in Vietnam. *International Journal of Ecosystems and Ecology Science (IJES2022)*, v. 12/3, 2022; VAN NAM, Tran; MINH, Nguyen Binh; VAN HAI, Tran; G. GIGLIONE,

Citizens' distrust in the Russian judicial system was largely due to the low quality of court proceedings. At the same time, growth in the quality of dispute resolution directly correlates with a decrease in the number of cases pending before a judge. This is achievable only if mechanisms of pre-trial dispute resolution and conciliation procedures are developed. A.A. Ivanov repeatedly drew attention to this: "We need to develop conciliation procedures with all our might... If we cannot reduce the number of cases that end up in the courts, all our other actions will lose all meaning". It is not surprising that the development of mediation became part of the instruction of the President of the Russian Federation, formulated by him following the VII All-Russian Congress of Judges.

Since legal policy, which has recently aroused increased scientific interest, often expresses in strategic acts, it is interesting to start analyzing the current legal policy of the Russian Federation in the sphere of stimulating alternative dispute resolution procedures with such acts. Thus, the federal target program "Development of the judicial system of Russia" for 2007-2012 drew attention to the importance of the formation of conciliation procedures, extrajudicial and pre-trial methods of dispute settlement.⁶ It is noteworthy that the said strategic document spoke precisely about the introduction, i.e., the creation of restorative justice, which indicates that it has not formed. Among all conciliation procedures, the mentioned federal target program gave priority to mediation. Similar forecasts are set out in the Concept of the federal target program "Development of the judicial system of Russia" for 2007-2011.⁷

It is worth adding that the Russian President's Address to the Federal Assembly of December 22, 2011,⁸ also contains an indication of the importance of developing a system of alternative dispute resolution. As D.A. Medvedev correctly noted, the most important problem in this sense remains the lack of legal culture in terms of negotiating and achieving a mutually beneficial result of such negotiations. In addition, the President of the Russian Federation drew attention to the low efficiency of legal acts adopted in the field of mediation. He raised the issue of the possibility of making mediation procedures mandatory for certain types of disputes.

Thomas. The Development of New Technology Intergration in E-commerce Dispute Resolution in Vietnam. *Revista Brasileira de Alternative Dispute Resolution – RBADR*, Belo Horizonte, ano 04, n. 07, 215, 2022.

⁶ On the federal target program "Development of the judicial system of Russia" for 2007–2012: Decree of the Government of the Russian Federation of September 21, 2006 No. 583 (as amended on November 1, 2012) // Russian newspaper. No. 245. 01.11.2006.).

⁷ On the Concept of the federal target program "Development of the judicial system of Russia" for 2007–2011: Order of the Government of the Russian Federation of August 4, 2006 No. 1082-r // Collection of legislation of the Russian Federation. 08/14/2006. No. 33. Art. 3652).

⁸ Message of the President of the Russian Federation to the Federal Assembly: Message of the President of the Russian Federation to the Federal Assembly of December 22, 2011 // Russian newspaper. No. 290. December 23, 2011).

It is interesting to note that, in recent years, the UK government has increasingly encouraged the use of mediation in family law matters, especially in cases involving children, and the debate continues whether such procedures should be mandatory. Australian politicians took this step in 2006 with reforms that require parents in conflict to make a “sincere effort” to resolve their dispute through a “family dispute resolution” process before they are eligible to seek court orders. As a consequence of this policy change, there has been increasing interaction between legal practitioners and mediation professionals in Australia.⁹

The later Concept of the Federal target program “Development of the Judicial System of Russia for 2013-2020”¹⁰ pays attention to mediation, but does so through the prism of stating the fact of adoption of the Federal Law of July 27, 2010, No. 193-Φ3 “On the alternative procedure of dispute resolution with the participation of a mediator (mediation procedure)” (hereinafter also referred to as the Law on Mediation).¹¹ At the same time, the Concept further clarifies that the aim of adopting this law is to reduce the burden on judges and increase the quality of court proceedings. By the way, in the explanatory note to the draft Law on Mediation its developers very laconically limited themselves to pointing out that the adoption of this law aims at creating legal conditions in Russia for the development of non-jurisdictional methods of dispute resolution.¹²

Modern society owes the emergence of the institution of mediation to the United States of America, where people initially applied this institution in the field of resolving labor-law conflicts.¹³ The widespread use of mediation contributed to the adoption of a specific legal act in this country – the Uniform Mediation Act of 2001. Another clear example of active introduction of mediation as an alternative dispute resolution procedure emerged in the PRC, where the institution of mediation has been enshrined at the constitutional level, which testifies to the relevant targeted policy of the Chinese state.

When adopting the Law on Mediation, the domestic legislator did not have extensive empirical experience, so they proceeded from the theoretical model of

⁹ RHOADES, H. Mandatory mediation of family disputes: reflections from Australia, *Journal of Social Welfare and Family Law*, n. 32:2, 183, 2010.

¹⁰ On approval of the Concept of the federal target program “Development of the judicial system of Russia for 2013–2020”: Order of the Government of the Russian Federation of September 20, 2012 No. 1735-r // Collection of legislation of the Russian Federation. 01.10.2012. No. 40. Art. 5474.

¹¹ On an alternative procedure for resolving disputes with the participation of a mediator (mediation procedure): Federal Law of the Russian Federation of July 27, 2010 No. 193-Φ3 (as amended on July 26, 2019) // Russian newspaper. No. 168. 07/30/2010.

¹² Explanatory note “On the draft Federal Law “On an alternative procedure for resolving disputes with the participation of a mediator (mediation procedure)”. Access from “ConsultantPlus” (date of address: 03/12/2024).

¹³ ALLAKHVERDOVA, O.V. THE history of mediation development. *Bulletin of St. Petersburg University*, vol. 6, n 2, 73, 2007.

mediation that best suited the Russian justice system. The Law on Mediation proposed to understand the mediation procedure as “a method of dispute resolution with the assistance of a mediator based on the voluntary consent of the parties with the aim of reaching a mutually acceptable solution”.

A short time after the adoption of the Law on Mediation, the Supreme Court of the Russian Federation prepared an analytical brief note on the practice of application of this law.¹⁴ This brief outlined the results of the monitoring of conciliation procedures conducted by the Supreme Court of the Russian Federation. Thus, one of the results of this monitoring was the clarification of the number of constituent entities of the Russian Federation in which, at the time of the preparation of the relevant note, organizations providing relevant mediation services had been established. In addition, the analyzed reference lists the categories of cases in resolution of which contained mediation procedures. These include consumer, housing, family, land, contractual and other disputes. The brief makes a general conclusion that mediation procedures have not gained much popularity in Russian society, which, in the opinion of the Supreme Court of the Russian Federation, happens because of the following reasons: relative novelty of the relevant procedures, complex relationships between the parties to the dispute, underdeveloped traditions of negotiation.

It seems that the underdevelopment of the system of alternative dispute resolution procedures in our country is largely due to the underdevelopment of socio-economic, cultural-psychological and political prerequisites necessary for this.

Scientific literature often draws attention to the fact that the reason alternative dispute resolution is underdeveloped in Russia is that the legislator has not developed a specific model of such dispute resolution.¹⁵ Thus, foreign legal systems know two models of mediation: associated and integrated. The first model consists of a partnership between a judge and a private mediator, whose services the participants use in the process with the aim of concluding a mediation agreement, which is subsequently approved by the judge. This is the model that has been tacitly adopted in the domestic legal order. It is noteworthy that such an alternative method of dispute resolution as mediation typically applies after the

¹⁴ Supreme Court of the Russian Federation “Information on the practice of applying the Federal Law “On an alternative procedure for resolving disputes with the participation of a mediator (mediation procedure)” // Bulletin of the Supreme Court of the Russian Federation. 2012. No. 8.

¹⁵ MINIKINA, N.I. Mediation as an institution of modern Russian society. *Journal of Russian Law*, n 10, 55, 2023; GROMOVA, E.A. & FERREIRA, D.B. Tools To Stimulate Blockchain: Application Of Regulatory Sandboxes, Special Economic Zones, And Public Private Partnerships,” *International Journal Of Law In Changing World*, 2(1),16, 2023; GROMOVA E.A., PETRENKO S.A Quantum Law: The Beginning, *Journal Of Digital Technologies And Law*, 1(1), 62, 2023.

parties have gone to court. Popularization of this conciliation procedure and its advantages will actually burden the judge.

The second model of mediation, called integrated mediation, means that people offer alternative dispute resolution procedures directly to the court.¹⁶ This model is characterized by the coincidence of the judge and the mediator in one person, as well as the consideration of the conflict in the courthouse, in the framework of sessions, on a pro bono basis. In addition, other persons, including court staff, may act as mediators in the integrated model.¹⁷ However, Russia does not have sufficient prerequisites, including regulatory ones, for such a model, which is popular in foreign legal orders.

3 The legal policy in the sphere of incentivizing ADR: modern state and prospects

It seems that the legal policy of the Russian Federation in the sphere of stimulating alternative dispute resolution procedures should have two main aims: the professional community of mediators and the participants of social relations who intend to appeal to the court. It is obvious that the legislation in this subject area should form an associated model of alternative dispute resolution, in which the parties to a conflict situation themselves, rather than a judge, will be the initiators of an appeal to a professional mediator. In the future, to achieve the aim of stimulating relevant procedures, this model should assume the absence of a judge altogether. The judicial system can be unloaded only when the parties to a conflict situation manage without recourse to the judicial justice system.

Interestingly, unlike in foreign legal orders, the emergence of judicial mediation in Russia was a consequence of the adoption of the already mentioned Law on Mediation. At the same time, in many foreign countries, including Germany and the Netherlands, the situation was opposite: first, the mediation procedures themselves appeared, involving the participants of social relations, and only then these procedures gain an objective form of normative prescriptions. This circumstance predetermined the criticism of the Law on Mediation adopted in Russia: its theoretical basis in the absence of an empirical one was noted.

In his scientific research, Hazel Jenn describes the development of alternative dispute resolution in the UK: Mediation legal policy in the UK has made enormous strides over the last 15 years in gaining a firm foothold in the dispute resolution system, particularly in civil and family law. The mediation movement has challenged

¹⁶ WEITZ, D.M. Renovations to the Multidoor Courthouse. *Dispute Resolution Magazine*, 21, 2007.

¹⁷ LOER, L. Richterliche Mediation. Möglichkeiten einer Einbindung von Mediation in das Gerichtsverfahren am Beispiel des Zivilprozesses. *ZZP*, n. 2. 202, 2006.

the aims of the civil and family justice systems, the value of state courts, the relevance of adjudication to modern disputes and the commitment of lawyers to representative advocacy. We have witnessed a revolution in the discourse of dispute resolution. In the early twenty-first century, political arguments, court speeches, and policy statements about how civil and family justice should work focused on how to encourage more people to mediate, on concerns about why more people do not mediate, and on promoting the value of mediation to the justice system and society.¹⁸

On January 20, 2010, the UK Ministry of Justice (MoJ) published an announcement of a “Fundamental review of the family justice system” in England and Wales. Even the most cursory reading of this brief document reminds those of us who work in family law and policy what the point of our efforts might be. It repeats familiar mantras about the complex and adversarial character of the legal system in combating family breakdown, the virtues of mediation, and the desirability of forcing all users of the system through a mediator-controlled portal before they encounter the legal system.¹⁹

It is worth emphasizing that the policy of introducing alternative dispute resolution procedures in foreign jurisdictions focuses on family law.²⁰ Family mediation was first introduced to France from Quebec in the late 1980s and had established itself as a profession by the beginning of the 21st century. Throughout this period, it has been possible to watch this group of professionals go through various stages of development, from the emergence of a new mediation practice to its recognition as a profession through a national diploma in family mediation. The creation of a profession, in this case family mediation, can be seen from different perspectives: it reflects the general development of alternative dispute resolution mechanisms and the diversity of ways of responding to the difficulties encountered in the family sphere.²¹

Interestingly, alternative dispute resolution procedures have not reached a high level of development in all countries. For example, in the Irish family justice system, mediation currently plays a minor role, but there is a political consensus that more couples should be encouraged to mediate and that an increase in

¹⁸ GENN, H. Civil mediation: a measured approach?, *Journal of Social Welfare and Family Law*, n. 32:2, 195, 2010.

¹⁹ DINGWALL, R. Divorce mediation: should we change our mind?, *Journal of Social Welfare and Family Law*, 2010, n. 32:2, pp. 107–117, DOI: 10.1080/09649069.2010.506307.

²⁰ CARL, L. TISHLER, LAURA, LANDRY-MEYER & SUZANNE, BARTHOLOMAE Mediation and Child Support, *Journal of Divorce & Remarriage*, n. 38:3-4, 129, 2003; MORRIS, P. Mediation, the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 and the Mediation Information Assessment Meeting, *Journal of Social Welfare and Family Law*, 2013, n. 35:4, 445, 2013.

²¹ BASTARD, B. Family mediation in France: a new profession has been established, but where are the clients? *Journal of Social Welfare and Family Law*, n. 32:2, 135, 2010.

mediation will reduce the number of applications for redress through the courts. The Irish Mediation Act 2017 takes this position, suggesting that providing information about mediation will enhance coverage and that mediation offers an alternative to litigation for most civil disputes. In the opinion of Deirdre McGowan, the policy focus should shift from promoting mediation as an alternative to litigation to a more nuanced understanding of mediation as supporting judicial resolution of disputes.²²

It is obvious that the state should pursue a legal policy of stimulating alternative dispute resolution procedures both in the sphere of general jurisdiction and in arbitration. As is known, Chapter 15 of the Arbitration Procedure Code of the Russian Federation entitled “Conciliation Procedures. Settlement Agreement”, for a long time remained without norms devoted to conciliation procedures, due to their absence from the draft of the current Arbitration Procedure Code of the Russian Federation.²³ The situation has partially changed after the adoption of the Law on Mediation. However, unlike general jurisdiction, arbitration widely uses, not only mediation, but also various conciliation procedures. For example, the “Alternative dispute resolution” system, which includes several types of conciliation procedures, is widely known.²⁴

Interestingly, in accordance with Paragraph 2 of Part 1 of Article 135 of the Arbitration Procedure Code of the Russian Federation, when preparing the case for trial, the judge “shall explain to the parties their right to hear the case with the participation of arbitration assessors, the right to refer the dispute to the arbitral tribunal, the right to apply at any stage of the arbitration process with the aim of settling the dispute for assistance to a mediator, including mediator, judicial conciliator, to use other conciliation procedures, shall explain the conditions and procedure for the realization of this right”. It follows from this rule of law that alternative dispute resolution includes such procedures as mediation, judicial conciliation with the participation of a judicial conciliator, as well as other procedures. Speaking of the analysis of judicial conciliation, it is noteworthy that the Resolution of the Plenum of the Supreme Court of the Russian Federation of October 31, 2019, No. 41 approves the regulations of such procedure.²⁵

²² MCGOWAN, D. Reframing the mediation debate in Irish all-issues divorce disputes: from mediation vs. litigation to mediation and litigation, *Journal of Social Welfare and Family Law*, 2018, n. 40:2, 181, 2018.

²³ BOLSHOVA, A.K. On the conciliation procedure with the participation of a mediator. *Journal of Russian Law*, n. 5, pp. 98, 2008.

²⁴ TIKHONOVA, E.A. Some issues of integration of conciliation procedures into civil and arbitration proceedings. *Almanac of modern science and education*, n. 4. pp. 185, 2013.

²⁵ On approval of the Rules for conducting judicial conciliation: Resolution of the Plenum of the Supreme Court of the Russian Federation dated October 31, 2019 No. 41 // Russian newspaper. No. 254. 11/12/2019.

Despite the fact that the Russian mediation system has undergone significant changes in connection with the relevant mediation reform carried out in 2019,²⁶ which allowed including a notary in this procedure of alternative dispute resolution with the aim of notarizing the mediation agreement, thus acquiring the status of a writ of execution.²⁷

Foreign scientific literature correctly points out that mediators increase the chances of the parties in “civil wars” to sign a peace agreement by exerting pressure or influence, called leverage.²⁸ As Helena Nadal Sanchez correctly emphasizes, in practical terms, mediation is a process by which a third party helps change their attitude from hostile to cooperative, allowing them to work together to find and create solutions to their conflict. Mediation looks at conflict from its own perspective and has its own status as a dispute resolution process in justice systems where it is recognized.²⁹

4 Conclusion

The legal policy of the Russian Federation in the sphere of stimulating alternative dispute resolution procedures should be recognized as unformed: this is evidenced both by the absence of a separate strategic document specifically dedicated to these procedures and by the insufficient elaboration of the main normative legal act in this sphere – the Law on Mediation.

Unlike the domestic legal order, in foreign legal orders there is not only an established normative basis for the procedures of alternative dispute resolution, but also political acts of an incentive character, designed to an increasing number of participants in social relations in a state of conflict actively involved in these procedures. It has been established that the legal policy on the introduction of alternative dispute resolution procedures in foreign legal orders is characterized by a shifted emphasis in the area of family law.

Reflecting on the mandatory character of alternative dispute resolution procedures, we concluded that their introduction in an imperative manner is premature. This is predetermined by the unpreparedness of Russian society for such cooperation. Unlike foreign countries, where mediation and other alternative procedures have existed since the end of the 20th century, Russian mediation

²⁶ On amendments to certain legislative acts of the Russian Federation: Federal Law of July 26, 2019 No. 197-ФЗ. Official Internet portal of legal information <http://www.pravo.gov.ru>.

²⁷ BORISOVA, E.A. Mediation and notarial system: experience of France and Russia. Law, n 9, 191, 2023.

²⁸ MENNINGA, E. Complementary mediation: Exploring mediator composition in civil wars, *International Interactions*, n. 46:6, 893, 2020.

²⁹ SÁNCHEZ, H. What can María Zambrano contribute to mediation and to the philosophy of mediation?, *History of European Ideas*, n. 44:7, 925, 2018.

cannot boast such a rich history: the youth of domestic mediation predetermines a significant amount of time needed for the widespread introduction of mediation and other similar alternative procedures. However, the role of legal policy in encouraging alternative dispute resolution procedures is more important than ever.

References

ABOLONIN, V.O. Judicial Mediation: Theory, Practice, Prospects. Moscow: Infotropik Media, 2015, 408 p.

ALLAKHVERDOVA, O.V. The history of mediation development. Bulletin of St. Petersburg University, vol. 6, n 2, 73–77, 2007.

ANOKHIN, V.S. Judicial reform and the effectiveness of economic justice. Vestnik VGU, n. 1, pp. 107–118, 2010.

BASTARD, B. Family mediation in France: a new profession has been established, but where are the clients? Journal of Social Welfare and Family Law, n. 32:2, 135–142, 2010 DOI: 10.1080/09649069.2010.506309.

BOLSHOVA, A.K. On the conciliation procedure with the participation of a mediator. Journal of Russian Law, n. 5, 98–103, 2008.

BORISOVA, E.A. Mediation and notarial system: experience of France and Russia. Law, n 9, pp. 191–204, 2023.

CARL, L. TISHLER, LAURA, LANDRY-MEYER & SUZANNE, BARTHOLOMAE. Mediation and Child Support, Journal of Divorce & Remarriage, n. 38:3-4, 129–145, 2023DOI: 10.1300/J087v38n03_07.

DINGWALL, R. Divorce mediation: should we change our mind?, Journal of Social Welfare and Family Law, n. 32:2, pp. 107–117, 2010 DOI: 10.1080/09649069.2010.506307.

FERREIRA, D. B., GIOVANNINI, C., GROMOVA, E., SCHMIDT, G. R. Arbitration Chambers and trust in technology provider: Impacts of trust in technology intermediated dispute resolution proceedings”, *Technology in Society*, 68, 101872, 2022.

FERREIRA, D.B., GROMOVA, E.A, FARIAS, B.O., GIOVANNINI C.J. Online Sports Betting in Brazil and conflict solution clauses, *Revista Brasileira de Alternative Dispute Resolution*, Vol. 4, nº 7, 75-86, 2020.

FERREIRA D.B., SEVERO L. Multiparty Mediation as Solution for Urban Conflicts: A Case Analysis from Brazil. *BRICS Law Journal*. 8(3), 5-26, 2021. <https://doi.org/10.21684/2412-2343-2021-8-3-5-29>

GENN, H. Civil mediation: a measured approach?, Journal of Social Welfare and Family Law, n. 32:2, 195–205, 2010, DOI: 10.1080/09649069.2010.506314.

GROMOVA, E.A., PETRENKO, S.A Quantum Law: The Beginning, *Journal Of Digital Technologies And Law*, 1(1), 62-88, 2023. <https://doi.org/10.21202/Jdtl.2023.3>

GROMOVA, E.A & FERREIRA, D.B. Tools To Stimulate Blockchain: Application Of Regulatory Sandboxes, Special Economic Zones, And Public Private Partnerships,” *International Journal Of Law In Changing World*, 2(1), 16-36, 2023. <https://doi.org/10.54934/Ijlcw.V2i1.48>

LOER, L. Richterliche Mediation. Möglichkeiten einer Einbindung von Mediation in das Gerichtsverfahren am Beispiel des Zivilprozesses. ZJP, n. 2, 202-220, 2020.

- MENNINGA, E. Complementary mediation: Exploring mediator composition in civil wars, *International Interactions*, n. 46:6, 893-840, 2022, DOI: 10.1080/03050629.2020.1814759.
- MINIKINA, N.I. Mediation as an institution of modern Russian society. *Journal of Russian Law*, n 10, 55-61, 2023.
- MORRIS, P. Mediation, the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 and the Mediation Information Assessment Meeting, *Journal of Social Welfare and Family Law*, n. 35:4, 445-449, 2013 DOI: 10.1080/09649069.2013.851206.
- MCGOWAN, D. Reframing the mediation debate in Irish all-issues divorce disputes: from mediation vs. litigation to mediation and litigation, *Journal of Social Welfare and Family Law*, n. 40:2, 181-192, 2018 DOI: 10.1080/09649069.2018.1444445.
- RHOADES, H. Mandatory mediation of family disputes: reflections from Australia, *Journal of Social Welfare and Family Law*, n. 32:2, 183-189, 2010, DOI: 10.1080/09649069.2010.506313.
- SÁNCHEZ, H. What can María Zambrano contribute to mediation and to the philosophy of mediation?, *History of European Ideas*, n. 44:7, 925-930, 2018 DOI: 10.1080/01916599.2018.1516994.
- TIKHONOVA, E.A. Some issues of integration of conciliation procedures into civil and arbitration proceedings. *Almanac of modern science and education*, n. 4, 185-188, 2013.
- VAN NAM, Tran; QUYNH, Nguyen Thi Nhu; CHUNG, Pham Duc; GIGLIONE, Thomas. Megatrends of E-commerce Online Dispute Resolution in Vietnam. *International Journal of Ecosystems and Ecology Science (IJEES2022)*, v. 12/3, 2022.
- VAN NAM, Tran; MINH, Nguyen Binh; VAN HAI, Tran; G. GIGLIONE, Thomas. The Development of New Technology Intergration in E-commerce Dispute Resolution in Vietnam. *Revista Brasileira de Alternative Dispute Resolution – RBADR*, Belo Horizonte, ano 04, n. 07, p. 215-229, jan./jun. 2022. DOI: 10.52028/rbadr.v4i7.13.MIOLO_RBADR_07.indd 22919/07/2022 15:36:23
- WEITZ, D.M. Renovations to the Multidoor Courthouse. *Dispute Resolution Magazine*, 21-30, 2007.
- YARKOV, A.A. Mediation in enforcement proceedings: foreign experience. *Court Administrator*, n 4, 51-59, 2023.

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