

# AN ALTERNATIVE DISPUTE RESOLUTION METHOD

## Legal Foundations for Resolving Land Disputes Through Mediation as An Alternative Dispute Resolution Method

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*The relevance of this topic lies in the fact that land disputes are a widespread phenomenon that can arise in any country or region. The article examines the legal foundations of resolving land disputes using mediation as a non-judicial mechanism for preventing and resolving conflicts through negotiations. It discusses the essence of mediation and its use in land disputes, particularly as an effective tool for achieving mutually beneficial agreements between parties.*

*The article considers the procedure and stages of mediation in land disputes, including preparation for the mediation process, the actual mediation process, and the formation of a mediation agreement. The aim is to investigate the nature of mediation as a conflict resolution mechanism and promote the use of mediation in resolving land disputes while emphasizing the necessity for further development of legal mechanisms that support and popularize mediation as an extrajudicial means of conflict resolution within the realm of land relations. Furthermore, the article explores international experiences of mediation in land disputes, highlighting successful examples from countries like the Netherlands, the United Kingdom, Sweden, and France. Conclusions can contribute to improving international relations and the development of sustainable land management.*

**Keywords:** mediation, alternative dispute resolution, land disputes, directive, international experience of countries and organizations

### 1. Introduction

Land disputes are among the most challenging and widespread problems in the world. Land disputes have occurred in every century, taking on different scales and positions in the pursuit of territory. They arise from disagreements over

ownership, usage, and land utilization. These conflicts can have significant consequences for individuals, communities, and socio-economic development. Traditional methods of resolving land disputes, such as court processes, often fail to fully resolve the problem or are not sufficiently effective. They can be lengthy, expensive, and may lead to further escalation of the conflict. Therefore, increasing attention is being paid to alternative dispute resolution methods, including mediation.

Mediation is an extrajudicial method of resolving disputes that is based on voluntariness, neutrality, and active participation of the parties in finding a mutually beneficial solution (Mediation Defined: What is Mediation 2023). This process promotes dialogue, reduces conflicts, and ensures a sustainable and peaceful resolution of the dispute. International experience shows that the use of mediation in land disputes has many advantages. International organizations such as the United Nations, the European Union, and United Nations Educational, Scientific and Cultural Organization (UNESCO) actively promote the use of mediation as a conflict resolution tool. We also explore the experiences of countries that have achieved success in this area, such as Netherlands, the United Kingdom, Sweden and France. For example, mediation is widely employed in Netherlands for resolving land disputes, particularly when it comes to issues related to real estate and development. Mediation is also used in land matters in the UK, especially in disputes regarding urban planning and land rights. Mediation in land disputes is employed in Sweden to address conflicts related to the environment and nature conservation. In France it is often utilized in land disputes, particularly in matters of agricultural law and property law (Hrekova & Zozulia 2020).

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Therefore, the international community is increasingly recognizing the importance of mediation as a tool for resolving land disputes and is supporting the development of legal foundations aimed at its utilization.

Construction activities often heavily depend on land and agricultural matters. As a result, numerous conflicts arise among parties claiming property rights or experiencing losses as a result of actions related to these rights. Conflicts that cannot be resolved peacefully often end up in courts or arbitration tribunals, leading to unnecessary time, money, and energy expenses (Sobakar & Opatskyi 2023). This study will present the legal principles for using mediation as an extrajudicial method for resolving land disputes. The application of a mediation approach to resolving land conflicts has the potential to address complex issues, ensure agreement between parties, and promote sustainable development. This research may help facilitate a more peaceful, stable, and just development of land relations and contribute to sustainable societal development. In the context of the modern world, where land is a valuable resource and a source of conflicts, the topic of the legal principles for resolving land disputes through mediation is particularly important. The application of a mediation approach to land conflict resolution has the potential to solve complex problems, ensure agreement between parties, and promote sustainable development (Kirdan 2019). Therefore, peaceful conflict resolution and achieving peaceful resolutions are always desirable options and have several advantages: efficient use of time, cost reduction (avoidance of expenses related to legal proceedings and lawyer fees), quick resolution, relatively fair and mutually beneficial outcome for all parties involved.

The primary objective is to investigate the nature of mediation as a conflict resolution mechanism and determine its role in resolving land disputes. This will involve examining theoretical approaches to mediation and its practical application in the legal domain.

The first aspect to consider is the prevalence of disagreements in land rights and land use is an actual problem in many countries. The resolution of these disputes is necessary to support socio-economic development, ensure the rights of subjects and preserve natural resources. The second aspect revolves around the awareness of the need to use alternative dispute resolution methods. Litigation can be costly, time-consuming, and often unsatisfactory for all parties. Mediation, as an out-of-court approach, enables the parties to independently resolve the conflict through negotiations, with the help of a neutral mediator. The third aspect involves drawing from international experience and exchange of the best practices. Studying the experiences of different countries in the use of mediation in land disputes can help identify effective strategies, legal standards and procedures that can be applied in different contexts. The fourth aspect focuses on changing the conflict resolution paradigm. Awareness of the potential of mediation and promotion of its use can lead to a rethinking of approaches to the

resolution of land disputes and contribute to the construction of a peaceful and just society.

Therefore, the study of the legal basis of land dispute resolution using mediation is an urgent task that contributes to ensuring justice, agreement of the parties and sustainable development.

## 2. Methodological Framework

Resolving land disputes through mediation and settling conflicts through negotiations are highly relevant for the advancement of mediation as a whole. Extensive research on this subject is conducted by international organizations, experts, and professors. Notable scholars in this field include Roger Smith (2010), Michael Brown, Andriy Petrov, Marlina Tarigan (2021) and Silvia Constain.

Analysing the effectiveness of mediation in land disputes, the main part of the study will be establishing the effectiveness of mediation as a tool for resolving land disputes. This will include an analysis of country experiences and encouraging the development of the use of mediation in land disputes. Elucidating the benefits and limitations of mediation in this context will help determine its potential role in conflict prevention and land dispute resolution. The research will be based on the analysis of the relevant laws and regulations related to the content and procedures for resolving land disputes. These can be land laws, civil process, mediation, etc.

The main method of our article is the comparative method, which we employ to distinguish the use of mediation in resolving land conflicts across different countries. This approach enables us to assess the effectiveness of mediation as a method and emphasizes the significance of its implementation in practice. By analysing the experiences of various nations, we can make well-informed decisions regarding the adoption and utilization of mediation in land dispute resolution.

## 3. Results and Discussion

Land conflict is an extraordinarily intricate phenomenon that arises from the interaction of various societal entities and incites clashes related to land rights and other property-related rights. This type of conflict can lead to land disputes that require specialized legal regulation. Analysing the causes of such land disputes demands a thorough examination of social conflicts in general, as they serve as the foundation for legal contradictions, originating from divergent perspectives, interests, and needs. Essentially, a legal conflict can be viewed as a subtype of a social conflict, originating from subconscious conflicts between individual beliefs, differing viewpoints, interests, and needs. In essence, these are internal contradictions in how individuals perceive the surrounding world and their own identity as part of society, leading to conflicts with others and the emergence of disagreements.

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As land law has evolved, the doctrinal understanding of land disputes has acquired diverse meanings. In the realm of land law doctrine, the term ‘land disputes’ refers to conflicts that arise between citizens, enterprises, institutions, and organizations regarding issues of land ownership, use, and disposal (Smith 2010). Depending on the subject matter of the dispute, three groups of disputes can be identified:

1. land disputes,
2. property disputes related to land,
3. disputes related to the appeal of decisions and actions of authorities in the field of land relations regulation.

When examining land jurisdictional legal relations as a component of land rights guarantees, scholars indicate that judicial protection of land rights is the most sophisticated and comprehensive means of safeguarding the rights and freedoms of individuals, despite its drawbacks. However, we consider such judgments to be outdated as mediation is now a relevant and effective method of dispute resolution. In our opinion, the biased practice of directly directing parties involved in land disputes to judicial bodies requires re-evaluation. Instead, alternative legal pathways for resolving legal issues should be implemented, which can be more efficient and effective (Krestovska & Romanadze 2019, Land disputes 2023).

Land conflicts arise when two opposing parties are convinced that they have a lawful right to a specific piece of land. This can involve disputes over property boundaries, bank foreclosures, or even errors in documents that have led to two legitimate owners. If a civil avenue for resolving the dispute is not possible, the case is referred to the court for final resolution. Both sides will present their arguments in the judicial process regarding the land dispute, and ultimately, a decision will be rendered. If neither party can convincingly demonstrate their exclusive ownership right to the land, there is a possibility of the state confiscating the land (Batyhina et al. 2020).

Land disputes can be explained by at least three main factors that require comprehensive understanding and resolution:

The first factor that leads to land disputes is land ownership. This problem arises when the land registration process is not transparent or properly implemented. As a result, several persons may have ownership rights to the same plot of land. This ambiguity in land registration can lead to conflicting claims and disputes between interested parties. This may also include disputes about the boundaries of land plots, non-compliance with the terms of the agreement or violation of land use rules.

The second factor is the uneven distribution of land ownership, both for agricultural and non-agricultural lands. This inequality in land distribution has a wide spectrum of economic, political, and sociological consequences. It particularly burdens the public, especially farmers and land cultivators. This uneven distribution of land can be explained, albeit not entirely, by economic

policies that promote capitalist and liberal approaches. In the development of land for agricultural purposes or the utilization of land by indigenous peoples, investors often acquire land at low prices, which further exacerbates the inequality in land ownership.

The third factor is the legality of land ownership. In some cases, large companies or investors may have legal ownership rights to large land plots, as they have acquired them from farmers or landowners. However, due to negligence or other factors, the land may remain idle or unused for a prolonged period. This discrepancy between legal ownership and land productivity can create problems as it creates a gap between the actual land use and its formal ownership status. It is important not to underestimate the significance of this issue, as land disputes have the potential to escalate into conflicts related to race, ethnicity, and religion (Bruce 2013).

Besides, adding here more reasons for controversy.

1. Unlawful actions of government authorities:

Land disputes can arise when clients believe that the actions of government agencies responsible for determining land allocation rules, land agreement negotiations, land confiscation, land allocation, and land inheritance are unlawful.

2. Improper land survey documentation:

Insufficient quality or incorrect preparation of documentation that establishes ownership rights to a land parcel can result in land disputes. For instance, if a client acquires a land parcel without proper documentation confirming their rights to it, this can lead to the loss of ownership rights and protracted legal conflicts.

3. Incorrect documentation preparation:

The quality and accuracy of documentation that verifies land ownership rights are highly important. Incorrect preparation or the absence of such documents can lead to the loss of land rights and investments made in the land. This often becomes a trigger for land disputes that require judicial resolution.

4. Lack of agreements and permits:

Failing to adhere to the process of obtaining necessary agreements and permits for land transactions and projects can trigger land disputes. Clients who are unwilling or unable to navigate through complex approval procedures may lose their land rights and encounter disputes.

The common factor is that land disputes arise due to conflicts and disagreements regarding ownership, use, and utilization of land. Insufficient documentation quality, unlawful actions by government authorities, and improper document processing are frequent factors contributing to the emergence of such disputes.

Given the intricate nature of these factors, resolving land disputes requires timely and efficient solutions. This involves implementing transparent and effective land certification processes, promoting fair land distribution policies, and considering productive land usage in determining property rights. By addressing these core issues, it is possible to reduce conflicts associated with land disputes and facilitate the establishment of a more harmonious and inclusive society.



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Alternative Dispute Resolution (ADR) practices are widely used in global practice to address various conflicts. Analysing recent events in the field of mediation suggests that the continuous growth in the number of court disputes adversely affects the entire judicial system, leading to prolonged case proceedings and increased costs, thereby complicating access to justice. The European Union's Directive 'On certain aspects of mediation in civil and commercial matters' 2008/52/EC recommends the introduction and establishment of mediation at the legislative level as one of the primary methods of alternative dispute resolution during pre-litigation and court appeals (Directive 2008/52/EC 2008).

Concerning the implementation of Directive 2008/52/EC, the following conclusions can be made. Some countries managed to adopt national measures in a timely manner, while others missed the deadline and became subject to infringement procedures.

Infringement procedures were initiated against nine countries that failed to transpose the Directive on time. Finland, Slovakia, and the United Kingdom informed the Commission about their national measures regarding transposition, and the infringement procedures were subsequently closed.

Only Austria, Estonia, France, Greece, Italy, and Portugal notified the Commission that they have successfully implemented the Directive. Lithuania and Slovakia reported competent courts for enforcing international mediation decisions.

Each country implemented the Directive by adopting internal regulations or legislative changes aimed at introducing mediation in civil and commercial cases.

In other countries such as the Czech Republic, France, Luxembourg, Spain, and the Netherlands, legislative changes or acts were adopted to implement mediation as a form of alternative dispute resolution outside the court system.

In some countries, notably Italy, there were attempts to make mediation mandatory in some cases, but this was deemed unconstitutional at the time and replaced by new legislation that provided for a system with a beneficial option for the parties. To date, EU Member States have successfully implemented the Directive on mediation in civil and commercial matters, although some countries have delayed transposition and certain problems and challenges have arisen in the implementation process (Esplugues & Marquis 2015; The Association for International Arbitration (AIA) European Network of Mediation Centres 2023).

International organizations such as the United Nations, the European Union and UNESCO also actively support the use of mediation as a means of conflict resolution. They facilitate the exchange of experience and support countries in developing and implementing effective mediation systems.

The United Nations actively promotes the use of alternative dispute resolution methods, including mediation, within its resolutions and programs. For instance, the UN General Assembly adopted the resolution 'Strengthening the role of mediation in the peaceful settlement of

disputes, conflict prevention and resolution' with the aim of supporting and promoting the use of mediation as an effective tool for resolving conflicts worldwide. The resolution was adopted to emphasize the significance of mediation as a peaceful and constructive method for resolving disputes that arise between states, organizations, and other interested parties (Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution 2011).

The resolution acknowledges mediation as an effective way to facilitate dialogue, reach compromises, and seek peaceful resolutions to disputes. It urges UN Member States to promote the development of mediation mechanisms, including supporting training and preparation of mediation professionals, as well as establishing national infrastructures for conducting mediation processes. The resolution also suggests considering mediation as a method for resolving conflicts that could threaten international security and stability. It highlights the importance of using diplomatic efforts and partnerships between countries to support mediation processes in such conflicts. Moreover, the resolution calls for support for scientific research and knowledge exchange in the field of mediation, including collecting and analysing data on the effectiveness of mediation processes and developing best practices. The overall goal of the resolution is to raise awareness about the advantages of mediation as a means of achieving peaceful conflict resolution and developing the necessary human resources and institutional capabilities for implementing mediation. This recognition is important for ensuring sustainable peace and stability in the international community.

The European Union (EU) also actively supports land mediation as a mechanism for resolving disputes related to land, property, land use, and other land-related issues within its member countries. The focus is on seeking peaceful and voluntary resolutions to such disputes by promoting dialogue, mutual understanding, and finding compromise solutions among the parties involved. Therefore, the EU promotes the development of land mediation through various initiatives and programs.

One such initiative is the European Network of Mediation Centres (ENMC). ENMC is a network that brings together national land mediation bodies and other stakeholders from EU Member States. It facilitates the exchange of experience, training, and cooperation among national land mediation bodies, contributing to the development and improvement of the quality of land mediation in the EU (AIA European Network of Mediation Centres 2023).

Within the framework of these initiatives, the EU contributes to such factors as:

- Development of mediation mechanisms.

The EU provides support for the creation and strengthening of national mediation services, organizations and networks that specialize in land disputes. This may include providing financial support, training mediators, developing standards and establishing ethical norms:

- Education and training of professionals.

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The EU supports education and training programs for mediators to ensure proper qualifications and professional standards. This helps to improve the quality and efficiency of land mediation:

- Exchange of experience and cooperation.

The EU promotes the exchange of experience and transfer of best practices between member countries. This provides mutual training and development in the field of land mediation, contributes to the creation of a network of experts and specialists:

- Legislative support.

The EU can contribute to the creation or improvement of the legislative environment for the development of land mediation. This may include the development of regulations that support the use of mediation in the resolution of land disputes and the recognition of its results (Busuioak 2020):

- Financial support

The EU can provide financial support for land mediation projects that contribute to the resolution of specific land disputes or the development of mediation services.

The aim of EU land mediation support is to ensure a peaceful, effective and sustainable resolution of land disputes, promote the conservation of land resources, protect property rights, support the sustainable development of agriculture and ensure harmony between various stakeholders in land issues.

The UNESCO recognizes the importance of mediation as an alternative means of resolving land disputes and promotes the use of this method for preventing and resolving conflicts through negotiations. UNESCO develops and supports legal frameworks that facilitate the use of mediation in the realm of land disputes (Derevyanko et al. 2022).

One of UNESCO's key initiatives is the development of 'Mediation and conciliation procedures under the aegis of the Committee'. This document provides a set of principles and recommendations related to the use of mediation in land-related cases. Its purpose is to provide a legal framework and guidelines for utilizing mediation as an effective tool for resolving land disputes (Mediation and conciliation procedures under the aegis of the Committee 2022).

Basic principles and recommendations:

- Participation in the mediation process should be voluntary for all parties. Each party has the right to independently decide whether to participate in mediation.
- The mediator must be neutral and dispassionate in his role. He does not take any side and does not advocate the interests of one side, but helps the parties to find mutually acceptable solutions.
- All information exchanged during mediation is confidential and cannot be disclosed without the written consent of the parties and the mediator. This ensures an open and trusting atmosphere for negotiations.
- Mediation provides flexibility and the ability of the parties to independently determine decisions that take into account their interests and needs. The

parties must be properly informed about the mediation process, their rights and obligations.

- Mediation in land matters must respect and take into account the diversity of cultures, traditions and ways of life of the parties. The mediator must be sensitive to this and contribute to the development of culturally acceptable solutions.
- Agreements reached as a result of mediation must be implemented by the parties. The document also emphasizes the importance of establishing mechanisms for monitoring and enforcing agreements to ensure their implementation (General Principles for mediators and mediation 2023).

The legal framework developed by UNESCO provides a basis for the development of mediation as an effective tool for resolving land disputes and contributes to the creation of a peaceful and sustainable environment in the field of land tenure and land use.

Regarding the experiences of international countries, it is evident that the use of mediation in land disputes offers numerous advantages. Below are examples from different countries where the application of mediation has proven effective.

In the United States, mediation programs for land disputes are widely utilized. In certain states such as California, Florida, New York, and others, there are laws that regulate mediation in general, including land-related cases. For instance, California has the Civil Procedure Code (CPC) containing provisions for mediation in civil cases, including land disputes. Additionally, there are mediation programs that allow parties involved in a land conflict to engage a mediator in the joint search for a resolution. This helps alleviate the burden on courts and effectively resolves disputes (Report of the Secretary-General on Strengthening the role of mediation ... 2012).

In Canada, there are also various pieces of legislation that regulate mediation in land matters. For example, Ontario has an Alternative Dispute Resolution Act that includes mediation as one of the ways to resolve land disputes (Alternative Dispute Resolution Act 1998).

In Norway, which has a complex land ownership and land use system, mediation is extensively employed to address land disputes. Norwegian courts actively promote the use of mediation as a predictable and effective means of resolving conflicts related to land ownership and usage (Act relating to mediation and procedure in civil disputes 2008).

In the Netherlands, mediation is widely adopted for resolving land disputes. There are specialized mediation centres that facilitate contract negotiations, conflict resolution, and the establishment of sustainable and peaceful land use. Moreover, significant national associations of mediators have been formed, including the Dutch Association of Mediators, the Dutch Institute of Psychology – Mediation Section, the Association of Mediators in Family Law Divorce Cases, the Dutch Association of Lawyer-Mediators, the Association of Mediators in Notarial Practice, and the Association of Mediators in

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Government (Commercial mediation in The Netherlands 2022).

In the United Kingdom, there are several legislative acts pertaining to mediation, including the Alternative Dispute Resolution Act (ADRA) and the Texas Arbitration Act (TAA). These laws can be utilized to regulate mediation in land-related cases.

In Ukraine, the Verkhovna Rada has passed a legislative act titled 'On Mediation', which aims to enhance uniqueness and introduce innovations in this field in Ukraine. The use of mediation in Ukrainian business was a rare occurrence until now, unlike in European countries where it is considered one of the fastest and most cost-effective means of conflict resolution. The absence of a legislative framework regulating the mediation procedure and its consequences was the main reason for the lack of trust in its effectiveness among Ukrainian businesses. Furthermore, the role of a mediator and their status remained undefined in the context of conflict resolution due to the absence of appropriate legislation. However, the new law is a step forward in creating a clear regulatory environment for mediation in Ukraine (Kolesnikova & Shapovalova 2017; On Mediation 2021).

In some European Union countries, mediation is regulated by national legislation. For example, in Italy, there is the Law on Mediation, which includes mediation in land disputes (Italian legislation on mediation 2011).

These examples confirm that mediation is an effective tool for resolving land disputes. It contributes to the reduction of conflicts, ensures quick and effective resolution of disputes and helps to preserve relations between the parties. After conducting a country-by-country analysis of land disputes, mediation can be an effective tool for resolving various types of land disputes. The most popular disputes:

- Resolving disputes related to land ownership rights can involve complex legal procedures. Mediation allows the parties to jointly discuss their positions, interests, and find a compromise solution.
- In cases where parties cannot reach a mutual agreement on land lease conditions, mediation can help them reach a beneficial agreement for both sides.
- Mediation can be useful in resolving disputes regarding land use, such as conflicts between different types of land use (agriculture, industry, residential development, etc.).
- Mediation can assist in resolving disputes related to the establishment of land boundaries and borders. This may involve discussions on land maps, survey data, and other factors.
- In cases of land conflicts involving property deprivation, unlawful land use, or other damages, mediation can help find a compensation solution that satisfies both parties.

These examples demonstrate the broad spectrum of land disputes that can be resolved through mediation. Mediation allows the parties to make decisions

independently and achieve mutually beneficial agreements, promoting the development of long-term relationships and conflict resolution.

In the stages of land mediation, the process may include a number of the following actions:

1. The parties choose a neutral and independent person as a mediator. It can be a professional mediator or a lawyer with experience in resolving land disputes.
2. The mediator communicates with each party individually to understand their interests, needs, arguments and expectations. The parties may request documents, evidence or other materials related to the land dispute.
3. The mediator arranges a meeting with both parties to explain the mediation process, establish rules and discuss confidentiality. Determined for the purpose of mediation and discuss the issues to be resolved.
4. The parties have the opportunity to express their views, interests and proposals in turn. The mediator creates a supportive atmosphere for open discussion, listens to the parties, encourages their active participation and helps to eliminate conflicting points of view.
5. The mediator directs the parties to find common interests that can be the basis of mutually acceptable agreements. This helps the parties to understand each other's positions and find mutually beneficial solutions.
6. The mediator helps the parties to create and discuss various options for resolving the dispute. Can apply creative thinking techniques, looking for alternative ways to solve a problem.
7. If the parties find a mutually acceptable solution, the mediator helps to agree on the terms of the agreement. An agreement is drawn up that takes into account the interests and needs of both parties.
8. After agreeing on the agreement, the parties may invite lawyers or notaries to formalize the agreement and ensure its legal effect.
9. After signing the agreement, the parties implement it in accordance with the conditions established by the agreement. The mediator can monitor the implementation of the agreement and resolve any disputes that may arise during the implementation process.

Summarizing the stages of land mediation, the process includes steps such as selecting a mediator, individual consultations with the parties, organizing meetings and conducting negotiations, facilitating the search for common interests, discussing resolution options, and reaching an agreement. After the agreement is signed, the parties proceed with its implementation with the assistance of the mediator, who can provide support in resolving any disputes that may arise.

The land mediation is capable of addressing complex land disputes and fostering harmonious relationships between parties, ensuring peaceful and mutually beneficial conflict resolution in the field of land.



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In highlighting the advantages and challenges of using mediation in land disputes, attention should also be paid to the psychological aspect. Regardless of the reasons for the dispute, each party has its unique perspective on the problematic situation. The judicial system, although it can help resolve the dispute within the framework of legal norms, is unable to resolve the moral conflict between the parties. This factor is of great significance, especially in land disputes that often arise between individuals who have personal connections or are neighbours.

Mediation acts as a tool that works in two directions: legal and psychological. It gives the parties the opportunity to independently reach a settlement of the conflict. Mediation allows the parties to interact, communicate and seek common solutions, not only considering the legal aspects, but also solving the emotional and moral aspects of the dispute. This allows the parties to resolve the issue more humanely and preserve mutual relations (Tarigan 2021).

In general, in order to improve the mediation process in the resolution of land disputes, it is necessary to take a number of measures. Among them are strict regulation of the role of representatives in the mediation process, an increase in the number of experienced mediators of land disputes, training of judge-mediators with expertise in the field of land/agrarian law, as well as consideration of the creation of a specialized court to consider land and agrarian issues. These measures will contribute to achieving more effective, objective and quick settlement of land disputes, reducing the burden on the judicial system and ensuring trust in public institutions responsible for resolving such disputes.

Mediation in land disputes has significant advantages, but it is important to consider the context of the particular dispute and ensure that key principles are followed in order to achieve a successful and sustainable resolution.

## 4. Conclusions

Land conflicts arise due to conflicting interests and rights over land among different societal actors. These conflicts can lead to land disputes that require legal regulation. Analysing the causes of such disputes necessitates the study of social conflicts as they form the basis for legal contradictions. A land dispute can be seen as a subtype of a social conflict that arises from differences in perspectives, interests, and needs. Land disputes can be examined within the framework of land jurisprudence, which defines them as conflicts regarding the ownership, use, and disposition of land parcels. Legal protection of land rights is typically pursued through judicial procedures, but alternative methods of dispute resolution such as mediation should also be considered.

Land disputes arise from causes that require comprehensive understanding and resolution.

The first cause – issues with land ownership rights, which can be caused by unclear or incorrect property registration processes, leading to conflicts and disputes.

The second cause – the uneven distribution of land ownership, creating economic and social inequalities.

The third cause – the disconnect between legal land ownership and its actual use, which can lead to conflicts.

Additionally, illegal actions by state authorities, improper preparation and documentation, as well as the lack of agreements and permits, can also contribute to land disputes. Resolving such disputes requires transparent land certification processes, equitable distribution policies, and consideration of productive land use in determining property rights. This will contribute to the establishment of a harmonious and inclusive society.

Mediation is a process in which the parties meet with an objective and neutral person of their mutual choice who assists them in negotiations to resolve their differences. Ukrainian researchers have different approaches to defining mediation, and there is no single approach to understanding its content. However, the general understanding of this phenomenon is to facilitate negotiations to reach consensual solutions and resolve disputes. The main principles of mediation are voluntariness, confidentiality, neutrality, impartiality and independence of the mediator, independent decision-making by the parties and equality of the parties. These principles form the basis of the mediation process of conflict resolution and can be used to develop effective legal frameworks and policies aimed at supporting the use of mediation in various areas, including land disputes.

The use of mediation in land disputes has a broad international experience. International organizations such as the United Nations (UN), the European Union (EU), and The United Nations Educational, Scientific and Cultural Organization (UNESCO) support the use of mediation as an effective tool for conflict resolution and promote the development of mediation systems in different countries. International experience also confirms the advantages of mediation in land disputes. For example, in the United States, Canada, Norway, the Netherlands, Australia, and the United Kingdom, the use of mediation in these cases is widespread and has yielded positive results. Recently, Ukraine adopted a law on mediation, which creates a legislative framework for the use of mediation in Ukrainian business. Overall, the use of mediation in land disputes is a promising direction that contributes to effective and peaceful conflict resolution.

In land disputes, the mediation process involves several stages. Initially, the parties select a neutral and independent person as a mediator, who separately engages with each party to clarify their interests, needs, and arguments. Then, a meeting takes place where the mediator explains the mediation process, establishes rules, and discusses confidentiality issues. The parties have the opportunity to express their views and proposals, while the mediator creates a favourable atmosphere for open discussion. The mediator then guides the parties in exploring common interests and helps them understand each other's positions. They also assist the parties in generating and discussing various resolution options. If the parties reach a mutually acceptable decision, the mediator helps

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finalize the agreement, which can be formally documented. After the agreement is signed, the parties implement it, and the mediator may oversee the process and resolve any disputes that may arise.

Mediation in land disputes turns out to be an effective tool that contributes to the resolution of conflicts, providing legal and psychological support to the parties. The advantages of using mediation include saving time and money, returning control to the parties, a favourable atmosphere for discussions, flexibility in determining the rules of negotiations, and the possibility of achieving a settlement of the conflict within the limits of justice. However, mediation may be ineffective if the parties do not want to resolve the conflict or do not trust each other. To improve the mediation process in land disputes, it is recommended to regulate the role of representatives, increase the number of experienced mediators, and consider the creation of a specialized court for land and agrarian issues. The application of mediation requires a careful analysis of the context of the dispute and adherence to key principles to achieve a successful and sustainable solution.

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